M.R.O. 1—[illegible]—16-10-22.

MADRAS RECORD OFFICE.

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Judicial DEPARTMENT.

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2½-21

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Proceedings of the Madras Government, Judicial Department.
7th August 1865.

Read the following papers:—

No. 58. From V. H. LEVINGE, Esq., Magistrate of Madura, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Madura, 9th June 1865, No. 284.

I am reluctantly obliged to submit the accompanying enclosures for the orders of Government, as in them Mr. Nelson, my Acting Head Assistant, accuses Dr. Rule, the Zillah Surgeon, of falsehood and neglect of an important part of his public duty.

2. I have the honor to give the following brief account of the matter as it at present stands. On the 11th May, the corpse of a woman was brought to Madura, from a distance, for medical examination. The Police Head Quarter Inspector took the Tamil Report regarding the death of the woman, and reason for sending the corpse into Madura, to Mr. Nelson, who, to prevent delay, endorsed with his own hand an official Memorandum* on the Report in English, requesting the Zillah Surgeon to examine the corpse without delay, which endorsement Mr. Nelson says was received by the Zillah Surgeon at 3½ P. M. the same evening.

* Numbered I.

3. If the Zillah Surgeon received the endorsement at that hour, he could have, and, I submit, should have examined the corpse that same evening, or the Zillah Surgeon could have had the examination made by the Native Surgeon.

4. The corpse was not examined till the morning of the 12th, when it was too much decomposed to allow of any useful examination being made.

5. The Zillah Surgeon addressed me the enclosure numbered II, and under the same cover, sent me Mr. Nelson's original official Memorandum, objecting to put it on his record owing to its style, and requesting me to direct Mr. Nelson to, in future, address him in the usual official manner. Being on Jummabundy Circuit, I had to make a reference to Mr. Nelson, which has caused a delay in bringing this matter to the notice of Government.

6. Mr. Nelson, in his letter No. III, explains that the official Memorandum was written not with the view of showing disrespect to Dr. Rule, but in order to facilitate the despatch of very urgent business. I am of opinion Mr. Nelson acted rightly; that the Surgeon's immediate attendance was urgent, and that it was no time to stand on formality; and I fail to see any want of courtesy to Dr. Rule in the wording of Mr. Nelson's Memorandum, or any thing in it for him to take offence at. It is prompt certainly, but that was exactly what was required, and I know enough of Mr. Nelson to feel confident he would not act discourteously.

7. Had the above been the whole of the case, I should not have troubled Government with this communication, and should have informed Dr. Rule my view of it, and that Mr. Nelson meant no discourtesy to him; but Mr. Nelson, in his letter numbered IV, accuses Dr. Rule of falsehood in having denied having received the official Memorandum, on the evening of the 11th, whilst he had so received it, and of having spent the evening in playing croquet instead of attending to his duty, viz., examining the corpse, which can be proved by witnesses, by Dr. Rule's own handwriting, by alteration of dates, and by Dr. Rule's own letters.

death

8. Being under the expression that I have no authority to officially call upon Dr. Rule for an explanation, I am under the necessity of referring the matter, with a request that Government will direct an inquiry to be made into the charges brought against Dr. Rule by Mr. Nelson.

9. Dr. Rule has been furnished with a copy of this letter.

I.

Tamil Report from the Head Constable, to the Police Head Quarter Inspector, Madura. } (Here enter 9th May 1865).

MEMORANDUM.

(At foot of the above report).

The undersigned requests the Zillah Surgeon to inspect, without delay, the body herein alluded to, and to report on the probable cause of death.

(Signed) J. H. NELSON,
Acting Head Assistant Magistrate.

11*th May* 1865.

(True Copy).

(Signed) V. H. LEVINGE,
Magistrate.

II.

From Assistant Surgeon S. RULE, M. D., Zillah Surgeon of Madura, to V. H. LEVINGE, Esq., Magistrate of Madura; dated Madura, 13th May 1865, No. 26.

I have the honor to forward the enclosed document received yesterday, under official cover, from the Acting Head Assistant Magistrate, with a view to drawing your attention to its irregularity.

2. I beg to be excused from putting the Official Memorandum therein contained on record, inasmuch as, I respectfully beg to submit, the Acting Head Assistant Magistrate, not being a superior officer of mine, is not justified in addressing me in a manner so curt, or in a tone so peremptory; and I hope that you will request this officer to address me in future in the usual official manner.

3. I also wish to observe that a Vernacular document is but of little use to me, as I have no one upon whom I can depend for a faithful translation. Hitherto it has been the custom to give me a short description of those matters which it is deemed necessary for me to know in English.

(True Copy).

(Signed) V. H. LEVINGE,
Magistrate.

III.

From J. H. NELSON, Esq., Acting Head Assistant Magistrate of Madura, to V. H. LEVINGE, Esq., Magistrate of Madura; dated Madura, 30th May 1865, No. 30.

With reference to your letter, No. 269, dated 26th May 1865, calling on me to make any remarks that I might wish to make on a letter* from the Zillah Surgeon to the Magistrate of the District, under date the 13th May 1865, I have the honor to inform you that the official Memorandum therein alluded to was written, not with the view of showing disrespect to Dr. Rule, but in order to facilitate the dispatch of very pressing business; and I have the honor also to bring to your notice the following circumstances.

* Herewith returned.

2. On the 11th instant, at about 3 P. M., a Police Report was put into my hands by the Head Quarter Office Inspector, from which it appeared that one Suppakal, of Rajendrapuram, had died early on the morning of the 9th, under very suspicious circumstances, and that her corpse had been forwarded to Madura for inspection. Feeling that not a moment was to be lost (for the woman had died about 60 hours previously, and the weather was very hot), I thought it my duty

to dispense with the drafting and writing of a letter, and the writing of a copy, and to endorse on the Report a short official Memorandum. I accordingly did so, and gave it to the Inspector, with particular directions to get it delivered to the Zillah Surgeon without a moment's delay; and I am informed by the abovementioned Inspector that the document was put into Dr. Rule's hand at about ½ past 3 P. M. But, notwithstanding the obvious urgency of the case, the Zillah Surgeon thought proper to ignore my order (on the ground, apparently, that I am not his departmental superior), insomuch that no examination of the corpse was made by the Zillah Surgeon, or by any of his subordinates, until the following day. By that time, however, the body had decomposed to such an extent as to preclude all hopes of the ends of justice being furthered by its professional inspection.

3. Such being the case, I would respectfully urge that the question—is, or is not, a Civil Surgeon legally bound to obey a legal Magisterial order, issued under Section 161 of the Criminal Procedure Code, and duly served on him?—is of great importance, and should be at once set at rest.

4. Apart from this consideration, it appears to me, and possibly you will concur in my view, that when the very possibility of making a judicial inquiry into a supposed case of murder depends wholly upon the amount of expedition with which the corpse can be examined by the Civil Surgeon, it is then no time for a Magistrate to stand upon the order of his writing, but it rather becomes him to see, that his orders be brief, to the point, and immediately made known.

5. I rely altogether on this position; and I trust that the course adopted by me in this case will not be pronounced improper, or, if improper, then deserving of considerable censure.

(True Copy).

(Signed) V. H. LEVINGE,
Magistrate.

IV.

From J. H. NELSON, Esq., Acting Head Assistant Magistrate of Madura, to V. H. LEVINGE, Esq., Magistrate of Madura; dated Madura, 31st May 1865, No. 31.

In continuation of my letter of yesterday, No. 30, dated 30th May 1865, I have the honor to inform you that I have this day taken Statements* (enclosed) from the Assistant, Mr. Crole, the Native Surgeon, the Dresser of the Civil Hospital, and the Head Quarter Office Inspector, with the view of substantiating certain assertions made in my letter of yesterday.

* A. B. C. D.

2. There can be no doubt whatever, it appears to me, but that the corpse was taken to the Civil Hospital about 4 P. M., on the 11th; that my memorandum was put into the Zillah Surgeon's hands at half past 3 P. M., on the same date; that Dr. Rule intentionally omitted to examine, or to order the Native Surgeon to examine, the body on that day, although perfectly able to do so (for he was able to play at croquet in the afternoon), and that the body, in however bad a state it may have been when first taken to the Hospital, grew far worse during the day and night previous to its examination.

3. Lest you should feel surprised at me taking these depositions, and think that I have shown overmuch zeal in the matter, I beg to call your attention to these facts.

1*st.*—Dr. Rule denied to Mr. Crole the receipt of a letter from me touching the necessity of examining a certain corpse, whereas it is certain that Dr. Rule had received the said communication.

2*ndly.*—Although I was in the company of Dr. Rule on the evening of the 11th, and after he had received my memorandum, he never alluded to his receipt of the same.

3*rdly.*—The pencil writing* made by Dr. Rule under my memorandum, and sent off before he spoke to Mr. Crole, was obliterated before the memorandum was returned to me, and I can presume before it reached you.

* See Native Surgeon's Statement.

death

4thly.—In Dr. Rule's letter to me (herewith enclosed) of the 13th,* he speaks of the body as having been sent to him on the previous day, whereas it was sent together with my Memorandum on the 11th.

* No. 27, E.

5thly.—In Dr. Rule's letter to you of the 13th, the date 13th May has obviously been changed from 12th May, and thus the previous day alluded to therein becomes the 12th, whereas it ought to be the 11th.

6thly.—In his letter to me of the 15th May (enclosed) Dr. Rule states that he received my Memorandum on the 12th, whereas he received it on the 11th.

No. 28, F.

4. Under these circumstances, I have the honor to request that you will call upon Dr. Rule for an explanation of the reasons of his omissions to examine or get examined the corpse; of his denying to Mr. Crole that he had received any communication from me touching the examination of the corpse; of his substituting the date 13th May for 12th May in his letters to yourself and me; and of his having obliterated the pencil writing made by him and addressed to the Native Surgeon.

(True Copy).

(Signed) V. H. LEVINGE,
Magistrate.

A.

Deposition given by Mr. CROLE, Assistant Collector and Magistrate, Madura, before J. H. NELSON, Esq., Acting Head Assistant Magistrate of Madura; dated 31st May 1865, duly sworn.

I was sitting in the Acting Head Assistant Magistrate's room on the 11th instant. An Inspector brought in report touching the death of some person. I think this was about 3 o'clock. It was either just before or just after tiffin, which I partook with the Acting Head Assistant Magistrate; I think it was after. Immediately on the receipt of that report, the Acting Head Assistant Magistrate endorsed something on it, and gave it to the Inspector, with particular directions to get it delivered immediately to Dr. Rule. I left the Cutcherry about 4 o'clock. Between 4½ and 5 o'clock I reached Mr. Levinge's house; there I saw Dr. Rule on my arrival. In the course of conversation, I asked Dr. Rule if he had got a letter from the Acting Head Assistant Magistrate, touching a certain dead body about which a report had been received. Dr. Rule said he had not received any such letter. I remarked upon the strangeness of his not having received it. I cannot remember any further remarks made by Dr. Rule on the subject. Dr. Rule and I stayed together playing at croquet, and chatting with the Acting Head Assistant Magistrate and others until I should say 7½ o'clock. This was the Inspector I alluded to.

(Signed) C. S. CROLE,

Taken before me.

(Signed) J. H. NELSON,
Actg. Head Asst. Magistrate.

(True Copy).

(Signed) V. H. LEVINGE,
Magistrate.

B.

Deposition given by Y. ANTHONY, Native Surgeon, Madura, before J. H. NELSON, Esq., Acting Head Assistant Magistrate of Madura; dated 31st May 1865, duly sworn.

I remember examining, on the morning of the 12th instant, the body of a woman. The body was very highly decomposed, and it was impossible from its appearance to say what was the probable cause of the death. I examined with Dr. Rule. On the previous evening I had ordered the Dresser to sprinkle chloride of calcium over the corpse, in order to keep off the smell. It was between 7 and 8 P. M., when I gave that order. It was too late then to examine the

body. A Police man came from the Hospital, and asked me whether he should give over the body to the Hospital servants or not. Just at this time, my wife informed me that during my absence a paper had been brought for me and gave it to me. I looked at it. It was a Tamil Police Report, with an English Memorandum from the Acting Head Assistant Magistrate endorsed on it. Underneath the endorsed Memorandum was a message written in pencil by Dr. Rule, requesting me to read the Police Report and explain to him its meaning. I did not write to Dr. Rule, because it was so late. I thought it was useless to do so. I waited till Dr. Rule should come on the following morning. I had been absent from my house from about 2 o'clock. I did not ascertain at what hour the document was brought to my house, because my wife was ill, and no one else was in my house likely to know the hour. I did not go to the Hospital that night.

(Signed) Y. ANTHONY,
Native Surgeon.

Taken before me.

(Signed) J. H. NELSON,
Acting Head Assistant Magistrate.

(True Copy).

(Signed) V. H. LEVINGE,
Magistrate.

C.

Deposition given by V. Nummiah, 2nd Dresser, before J. H. Nelson, Esq., Acting Head Assistant Magistrate; dated 31st May 1865, *duly sworn.*

I remember a dead body of a woman was brought to the Hospital between 3 and 4 P. M., on the 11th instant. I was at that time in the charge of the Hospital. The corpse was covered with cloth. I did not examine it. Neither the Civil Surgeon nor the Native Surgeon examined the corpse that night. Soon after I received the body, I sprinkled it with Chloride of Lime. The toty did this. When he lifted the cloth, I observed putrid, fluid issuing from the corpse. It, the body, was too far advanced in decomposition to admit of successful examination. The face, trunk, and extremities were much swollen. The belly was not burst. Fluids ware issuing from the nose, eyes, arms, &c. The legs were stretched out, the arms were folded over the chest. The features were puffed up, and of a very blue colour. The body changed in appearance between then and next morning. In the morning, there was more putrid fluid oozing from it, and it stunk more.

(Signed) V. NUMMIAH,
2nd Dresser.

Taken before me.

(Signed) J. H. NELSON,
Ag. Head Asst. Magistrate.

(True Copy).

(Signed) V. H. LEVINGE,
Magistrate.

D.

Deposition given by Kanakasabi Moodelly, Head Quarter Inspector, before J. H. Nelson, Esq., Acting Head Assistant Magistrate, Madura; dated 31st May 1865, *duly sworn.*

I remember bringing on the 11th instant a report of the death of a female at Chinnamanoor Division before the Acting Head Assistant Magistrate. I brought it at about 3 P. M. The Acting Head Assistant Magistrate immediately endorsed a Memorandum on the report, and gave it to me, with directions to forward it without a minute's delay to Dr. Rule. I went direct to my office, and gave it to a Constable to take to Dr. Rule. I told him to run with it. I cannot remember that Constable's name at present; but I have means of ascertaining it and will do so. On the evening of that day, I should say about 4 o'clock, the Constable reported to me in my office that he had

death

delivered the letter to Dr. Rule. I understood him to mean that he gave the document into Dr. Rule's own hand, for he informed me that, when he went, Dr. Rule was reading with his Moonshee. When I went to my office from the presence of the Acting Head Assistant Magistrate, I found the corpse had been brought there. I ordered it to be taken to the Civil Hospital at once. That was done. I told the Constables who took it there to guard it, until it was examined by the Civil Surgeon or the Native Doctor. I said "or the Native Doctor", because I knew that he was in the habit of examining corpses. I can ascertain the names of the two Constables. About 6½, one of the two Constables came to my house, and reported that as yet no examination had taken place. I told him they must continue on guard, until the body was examined. I also told the Constable to go and ask the Native Surgeon if he had received any instructions on the subject. I cannot remember whether he returned and made any report or not. Next morning about 8 o'clock, one of the two Constables reported to me that the body had been examined; I cannot remember by whom. He added that the belly of the corpse had burst during the night. I cannot remember whether he reported that any thing had been done to the corpse previous to its examination.

(Signed) T. KANAKASABI, MOODELLY,
Head Quarter Inspector, Madura.

Taken before me.

(Signed) J. H. NELSON,
Ag. Head Asst. Magistrate.

(True Copy).

(Signed) V. H. LEVINGE,
Magistrate.

E.

From Assistant Surgeon S. RULE, M. D., Zillah Surgeon of Madura, to the Acting Head Assistant Magistrate of Madura, dated Madura; 13th May 1865, No. 27.

I have the honor to inform you that I have examined the body sent to me by you yesterday.

2. It was found to have reached such an advanced stage of decomposition that very little could be done with it. I examined the stomach and intestines, but observed nothing to enable me to say whether the individual had died from cholera or otherwise.

3. Cholera does not generally leave any very strongly marked signs in the dead body.

4. I have, however, retained the stomach and intestines, in case any analyses of their contents is required, and shall feel obliged if you will let me know whether this will be necessary.

(True Copy).

(Signed) V. H. LEVINGE,
Magistrate.

F.

From Assistant Surgeon S. RULE, M. D., Zillah Surgeon of Madura, to the Acting Head Assistant Magistrate, Madura; dated 15th May 1865, No. 28.

In reply to your letter, No. 32, dated 13th May 1865, I have the honor to inform you that I did not receive any letter with enclosure on the 12th from you, but only a paper in Tamil, and a Memorandum in English at the end. It was not stated that the document would be required again. I sent it on immediately on receipt to the Magistrate, with a view to drawing his attention to its official irregularity, with whom it still remains.

(True Copy).

(Signed) V. H. LEVINGE,
Magistrate.

Referred to the Principal Inspector General, Medical Department, who will call upon Dr. Rule for any explanation he may wish to offer.

FORT SAINT GEORGE,
23*rd June* 1865.

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

No. 59. From R. COLE, Esq., Principal Inspector General, Medical Department, Fort Saint George, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated 14th July 1865, No. 209.

Referring to the letter* from the Magistrate of Madura and its accompanying documents (herewith returned), preferring complaints against the Zillah Surgeon of that station, referred to me with your docket, dated 23rd June 1865, I have the honor to forward a letter,† with accompanying papers, from Dr. Rule, in explanation of his conduct.

* No. 284, dated 9th June 1865.

† No. 42, dated Madura 7th July 1865.

2. From the whole tenor of these papers, and from Dr. Rule's own admission, it is evident that a point of duty was not properly attended to by the Zillah Surgeon. It was his own proper duty to make the examination called for by the Magistrate, and though deputing its performance to a subordinate may not be forbidden, yet it specially behoves the officer to whom the order is issued to see it properly carried out, and Dr. Rule was not justified in contenting himself with sending the Magistrate's order to the Native Surgeon, and waiting till the next morning to hear the result, especially when the natural effects on the body were considered, which would render any postponement of the examination most objectionable. Dr. Rule is deserving of censure for not himself seeing that the corpse was immediately examined and reported on.

3. The charge of falsehood against Dr. Rule clearly falls to the ground under the explanation given, and it seems to me was somewhat inconsiderately made.

From Assistant Surgeon S. RULE, M. D., Zillah Surgeon of Madura, to the Deputy Inspector General of Hospitals, Southern Division; dated Madura, 7th July 1865, No. 42.

I have the honor to acknowledge the receipt of your Memorandum, No. 937, dated 29th June, with its enclosures.

2. In furnishing the explanation therein required of me, I think it will best contribute to a clear view of the case if I give a narrative of the events connected with the matter under notice, in the order of their occurrence, and I beg most respectfully to submit the same for the favorable consideration of the Principal Inspector General and Government.

3. On the 11th May 1865, I received a paper in Tamil, under official cover, from the Acting Head Assistant Magistrate, with a Memorandum in his own hand-writing, to the effect that the Zillah Surgeon was requested to examine the body referred to in the Tamil Memorandum, and report on the cause of death without delay. This was received by me at about 4 o'clock P. M. I immediately sent off this paper to the Native Surgeon, with a request that he would investigate the matter at once. I then went to Mr. Levinge's house, in whose compound I have been in the habit of playing croquet with the other residents of Madura. Mr. Crole, an Assistant Collector recently arrived in Madura, was then staying in the Collector's house. I went into his room; he commenced inquiring about a corpse. I dont remember exactly what he said; but I gathered from his conversation that he was aware of there being a corpse for examination, from having been in Cutcherry that day. I could give him little information, as I knew no more than he did, viz., that there was a corpse for examination. I am quite certain that I could have said nothing of any kind to lead him to believe that I had not received the notice before mentioned; on the contrary, I remember perfectly his saying to me "I was with Nelson when he wrote to you, he told the peon to take it off sharp to you, that was about—o'clock," to which I replied "then the fellow must have loitered, for I have only just received it," or words to that effect.

death

4. Captain Payne came into the room whilst I was there. He came intending to play croquet, as I did. He remembers that we were talking of a corpse, but not what was said, there being, he says, nothing which attracted his attention in what we said.

After croquet on the same evening, Captain Payne and I went by ourselves to the swimming bath. While dressing, I mentioned to him the fact of my having received a Tamil paper with the Memorandum from the Acting Head Assistant Magistrate, and asked his opinion on its official style; this Captain Payne well remembers.

5. Next morning at my usual visit to Hospital, the Native Surgeon told me that he did not receive my communication concerning the corpse until after dark on the previous day, he having been absent from his house all the afternoon. I then proceeded to the examination of the corpse, which was very much decomposed, and the result is recorded in my Official letter, No. 27, to the Head Assistant Magistrate. At the same time I wrote two other letters, Nos. 25 and 26, to the Collector, in one of which I drew attention to the official irregularity of the Acting Head Assistant Magistrate's communication to me, and in the other this corpse was also referred to.

Enclosed.

Enclosed.

6. These letters were drafted at home by me on the 12th, I being unable to stay in the Hospital for that purpose on account of the stench which pervaded the place. I sent the drafts to 2nd Dresser V. Nummiah, No. 346, who made fair copies on the same day, which he sent to me. These did not reach me until 7 P. M., of the 12th. Next morning I carried them to the Hospital in my pocket, and having pointed out some slight errors, I signed them and handed them to the Dresser to be put in covers and forwarded. In each of these letters was an allusion to the corpse, or paper concerning it, as having been received "yesterday," as it was my intention that the letters should be dated on the day they were written, the 12th. Inasmuch as these letters were fair copied and sent for signature on the 12th, the idea that they would have any other date than that (12th) put on them never occurred to me.

7. I afterwards was informed by the Dresser that on the first of the three letters which he copied he wrote 12th as the date; but that in the other two he wrote 13th, as he thought it was getting too late for their dispatch on that day. He subsequently altered 12th to 13th in the first letter, as he thought they should bear the date of their dispatch, forgetting entirely the allusion to "yesterday." This is the account he gives himself. My attention was never attracted to or given to the dates of these letters.

8. Shortly after I received a letter, No. 32, from the Acting Head Assistant Magistrate. It is dated 13th, and he asks me to return the enclosure of his letter (referring to the Tamil document) of *yesterday* thus making the same error in dates himself. In replying to this letter, I referred to it to see on what date the letter whose enclosure was required was said to have been sent. I found that it was the 12th. Assuming this to be correct, I also wrote 12th in my reply, although the real date was 11th. At that time, I was ignorant of what the Dresser had done in the matter of the dates of the three former letters.

Enclosed.

9. On the 23rd, I received the official letter, No. 38, from the Acting Head Assistant Magistrate, stating that there was no necessity for further examination of the Alimentary Canal which I had preserved, and I heard nothing more about the matter until I received a copy of the Collector's letter to the Chief Secretary to Government.

10. This is a simple and exact statement of what really happened. I shall now consider the letters in which the Acting Head Assistant Magistrate reports the matter to the Magistrate, and the enclosed depositions.

11. In the first letter, Mr. Nelson gives the reasons of his having sent me the original Tamil report with its endorsement. As this question is beside the main one under notice, viz., my alleged misconduct, I shall simply say that I respectfully submit the proper course would have been to have given me an account in English of what was necessary for me to know, instead of sending me the Vernacular report, and that this would most have tendered to facilitate the dispatch of business.

12. Mr. Nelson then proceeds to accuse me of having "ignored his order, on the ground apparently that I am not his departmental superior." On what ground this accusation is made does not appear, but that it was unfounded is plain, inasmuch as the sole reason why the body was not examined on the 11th was, as I have before shown, the temporary absence of the Native Surgeon, and my ignorance of the same.

13. Corpses are continually being sent for examination both by the Police and the Native Sub-Magistrates without any order whatever, and they are always examined with as little delay as possible. The fact of the matter having been immediately referred by me to the Native Surgeon, I respectfully submit, shows that I had no intention of ignoring the order.

14. In Mr. Nelson's second letter to the Magistrate, he begins by saying that he has taken certain depositions on oath, and that he thinks these prove that I intentionally neglected to examine the body on the 11th, or to order the Native Surgeon to do so. The first of these depositions is that of Mr. Crole, the Assistant Collector, and is to the effect that on the 11th, *i. e.*, 20 days before, in a private conversation, which took place in Mr. Crole's room of the house in which he was staying, I had told him that I had not received a letter, which I had received a few minutes before, and had just sent to the Native Surgeon.

15. I need scarcely remark that a portion of a short private conversation, sworn to on oath some 20 days subsequent to its taking place, is evidence that could scarcely be considered very satisfactory, or grave enough to warrant its being made the grounds of so serious a charge as falsehood. It is no uncommon thing for a person in the course of a desultory conversation to labor under a misconception as to a reply that may have been given to him; and I think I may feel confident in the assurance that it will be seen from my explanation that Mr. Crole unfortunately quite misquoted my reply to him about a corpse, when he repeated the private conversation to Mr. Nelson.

16. I have already said that I told Mr. Crole nothing of the kind which he imputes to me, but on the contrary I said that I had received the Memorandum; this I also am ready to swear to.

17. I would ask whether it is likely I should deny the receipt of the Tamil Memorandum to Mr. Crole immediately after having made the Native Surgeon aware of it, who must necessarily make others so; that on the same evening I should tell Captain Payne I had received it, as I did; and that I should draw special attention to the Tamil Memorandum and its subject in two letters to the Magistrate which I need not have written. Having sent the Tamil Memorandum immediately to the Native Surgeon, with a view to his examining the body, which is allowed to be what I ought to have done, I respectfully submit there could have been no object in my denying its receipt to any one, much less to Mr. Crole, who had no concern in the matter.

18. Mr. Nelson says that I did not allude to the Tamil Memorandum when in his company that evening. This I think need not be considered remarkable, especially as the subject was hardly adapted for conversation amongst ladies. If Mr. Nelson thought I ought to have been occupied with the duty of examining the body, it would have been more natural for him to have asked me whether I had received the Tamil Memorandum.

19. I do not clearly see what is intended by the third fact mentioned in paragraph 3. It is thus stated:—"The pencil writing made by Dr. Rule under my Memorandum, and sent off before "he spoke to Mr. Cole, was obliterated before the Memorandum was returned to me, and I can "presume before it reached you."

20. This was simply a short direction about the corpse addressed to the Native Surgeon. I believe it is a common practice for officials to make notes on public documents in pencil, for the guidance of their subordinates, and if these documents are to be passed on to others to obliterate the same. I rubbed out the pencil marks, because the communication was private and informal, and if I had allowed it to remain, I might reasonably have been asked why I had defaced public documents in that manner. It is true that the pencil writing was made by me and sent off before I saw Mr. Crole, but it does not appear how Mr. Nelson became aware of this fact.

21. I have already fully explained the error made by the Dresser in the dates of the letters, and a statement made by the Dresser himself concerning the same is attached.

22. To recur to the charge Mr. Nelson makes in paragraph 2 of the second letter to the Magistrate, viz., that I intentionally omitted to examine, or to order the Native Surgeon to examine, the body on the 11th:—The Native Surgeon says in his deposition that "underneath the endorsed Memorandum was a message written in pencil by Dr. Rule, requesting me to read the Police Report, and explain to him its meaning." Mr. Nelson does not ask him whether there was no direction to examine the corpse, or whether if he had been at home, he would have considered the receipt of this document sufficient to cause him to examine the body forthwith, but simply leaves it be supposed that all I had done was to write for an explanation of the Tamil. I do not now remember the precise words of my pencilled direction, but I know that it contained an injunction that the Native Surgeon should immediately investigate the matter referred to in the paper sent. To supplement Mr. Nelson's apparently incomplete examination on this point, I submitted a question to the Native Surgeon in writing (vide copy attached), and to which he has replied that he considered what I wrote a sufficient direction to examine the body at once, and besides this he had been up to this time constantly in the habit of examining corpses as soon as brought in, without any orders from me.

23. The first time the Native Surgeon examined a body during the tenure of my present office, he did so without my orders or knowledge, merely mentioning the fact to me next day. He also gave the required certificate and evidence. This has occurred many times since, and I was informed that it was customary to do so. I mention this to prove that even if I had sent on the Report and Memorandum to the Native Surgeon without remark, it would have been sufficient to indicate to him what was required.

24. I may also mention that the Court Prosecutor has on more than one occasion expressed his surprise that I should undertake certain medico legal duties of this nature, and so put myself under the necessity of appearing in Court as a witness, when I might properly have delegated the duty to the Native Surgeon. As this advice came from the officer whose duity it is to take charge of the prosecution of criminal cases, it will, I think, be allowed that I did not err in permitting the abovementioned practice to continue.

25. It is worthy of remark that although the body was sent for examination on the 11th, and the case apparently finally disposed of by the 23rd May (vide Mr. Nelson's letter to me, No. 38, dated 23rd), yet Mr. Nelson does not take any notice of the fact of the body not having been examined on the day it was sent, until he got my letter of complaint to the Magistrate, but in his reply to the same, mentions this fact, at the same time, and asserts that I was guilty of intentional neglect, from an unworthy motive, and this he does without any apparent grounds.

26. If Mr. Nelson had asked me, before doing this, why I had not examined the body, I should readily have answered that I had immediately referred the matter to the Native Surgeon, who happened to be from home; that I did not know of this, or I should have gone myself; and there the matter would have ended. As it was competent to Mr. Nelson, as a Magistrate, to order me to examine a body, so it must have been equally competent to him to inquire why the order was not carried out, if he thought it had not been.

27. But instead of taking this simple course, Mr. Nelson used the report of a private conversation, the wrong dates of letters, and the partial examinations of two of my subordinates as to my public conduct, and on such frail materials, framed charges of so grave a nature that, if they could be proved against me, they would cause me to be driven with ignominy from the Service, and my prospects to be ruined for ever.

28. The reason why I say that the examination of my subordinates was partial, is because, although Mr. Nelson declares that I did not direct the Native Surgeon to examine the body on the 11th, yet the Native Surgeon's deposition is quite silent on this vital point.

29. They were not examined at all about the dates. The Native Surgeon informs me that at the time he explained this point to Mr. Nelson, immediately after the examination he went to the Hospital, and examined the records, to be sure that what he had said was correct; finding it to be so, he returned again to Mr. Nelson to tell him so, (this was done without my knowledge and even before I was aware that any thing was wrong with the dates)—but Mr. Nelson does not record this.

30. These remarks are made in no vindictive spirit, but as the charges have been passed on to Government by an officer in the high position of Collector, the mere accusation cannot be without prejudice to me, and I am therefore desirous to shed as much light as possible on the question.

31. Shortly to sum up:—

The most important accusation is that I have been guilty of falsehood, the evidence being Mr. Crole's repetition of a private conversation, and the error in dates of three letters. The former I have shewn to be erroneous, and that the denial Mr. Crole asserts to have been made by me is unmeaning and objectless; the latter I have shewn not to have been committed by me, and that I was quite ignorant of the same for many days. The second accusation is that of neglect of duty, inasmuch as I did not examine a corpse, when required to do so, or get the Native Surgeon to do it. I have shewn that I did immediately send to the Native Surgeon to do so, and had no reason to believe that he would not do it that day, and that it was the mere accident of his temporary absence from home which caused the delay that took place, and that only.

32. Already a month has nearly elapsed since I first received intimation of this matter, by a copy of the Magistrate's letter to the Chief Secretary to Government, and I cannot hope, under the most favorable circumstances, to hear the result until another month has elapsed. It cannot be doubted that such accusations as these must cause acute pain and harrass of mind, and that two months or more of most anxious suspense is no slight affliction, and I hope that this fact will receive all the consideration it merits at the hands of Government, with a view to the prevention of such grave complaints being sent to them without a preliminary impartial investigation.

Question submitted to Native Surgeon Y. Anthony, by S. Rule, M. D., Zillah Surgeon of Madura.	*Answers from Native Surgeon Y. Anthony.*
1. When did you last receive any communication concerning a corpse from me?	1. In the month of May last. I received from you a Police Report, with an endorsement on it from the Acting Head Assistant Magistrate, requesting you to examine a corpse.
2. Do you know the exact date and time of day?	2. It was on the 11th May 1865, I do not know at what hour of the day it was received in my house, as I was absent between 2 and 7½ that evening. My daughter, who received the Report from your Orderly, is too young to state, and my wife, who was inside the house when my daughter delivered it to her, was too unwell (being the fourth day after her confinement) to remember the exact hour at which it was received, and besides there was no one else in the house at the time who could give me any information on the subject.
3. State why you did not examine the body on the day you received the document?	3. When I returned home it was 7½ P. M., and as it would be difficult in that late hour to find out exactly the different appearances presented by the corpse, I did not examine it then. But having heard that it was in a high state of decomposition, I ordered a solution of calx chlorinata to be sprinkled on it, to prevent a bad smell, and the Police Constable who came in charge of it to take care of it till the following morning.

death

4. Do you remember my bringing three official letters in my pocket to Hospital on the morning of the 13th, and, if so, say all you know about them ?

4. I remember distinctly your bringing on the morning of the 13th May three official letters, two of which to the address of the Magistrate and the third to the Acting Head Assistant Magistrate. You complained of certain errors committed by the Dresser in the docketing of those letters, and when I asked you if you would like to have them copied again, you said that it would be too late do so then, and that they might for the present be sent on without any correction, but that in future you would docket the letters yourself.

5. Did you see me take any notice of, or hear me make any allusion to, their dates ?

5. I did not see you take any notice of, or hear you make any allusion to, their dates, and I do not think that there was any necessity for it, as there was no doubt then in our minds of the Dresser's ability to date the letters correctly.

6. Do you know what date they bore, by whom it was written, and why ?

6. I did not notice on the morning of the 13th what date they bore, for, if I had, I would not have omitted to correct the word *yesterday*, which would mean the 12th, into the proper day, the 11th, on which the corpse was sent to the Civil Dispensary, or I would nave altered the "13th" into "12th," and retained the word *yesterday* which would have been easier. When I went that morning to the Dispensary a little before I met you there, I heard that drafts of three letters were sent by you on the previous evening at about five to the Dresser, who copied them fair and sent them on to you at 7 P. M. It has generally been a practice for the Zillah Surgeon and myself (as I presume it is the case with Heads of other Departments also), when writing official letters, to leave the insertion of numbers, dates, and headings to the Dressers, who invariably performed that duty to our satisfaction, and gave us no occasion to find fault with them for any inaccuracy. In the present instance there was no deviation from the long standing general practice, it being the Dresser that dated the letters, and his reason for dating them 13th is that they were despatched on that day.

7. Have you been in the habit of occasionally examining corpses both in Dr. Wilson's time and my own, and giving evidence if required on the same solely ?

7. Not only in the time of Dr. Wilson and yourself, but also in that of Dr. Colebrook, under whom I was placed as a Probationer when I first entered the Service in 1858, I examined several corpses and gave evidence on the same in Subordinate and Session Courts.

8. Has any objection been ever raised to this course by any one ?

8. No Magistrate or Judge has ever raised any objection to my examining corpses and giving evidence on the same.

9. Did you consider that what was pencilled on the Tamil Police Report would be a direction to you to examine the body at once, if you had been at home ?

9. What was written by you with a pencil on the Tamil Police Report I considered a sufficient direction to me to examine the body at once, and even if you had simply sent me the Report without any direction, I would have considered it a sufficient hint to examine the body, and report upon it at once. Besides, whenever a corpse was brought to the Civil Dispensary by Police Constables for post mortem examination, I was never accustomed to wait for orders from the Magistrate or the Zillah Surgeon to do what was necessary.

(Signed) Y. ANTHONY,
Native Surgeon.

MADURA, 6*th July* 1865.

Questions given by Dr. Rule, to 2nd Dresser V. Nummiah, No. 346

Answers.

1st. Do you remember on what day a corpse was sent to the Hospital last, and when it was examined ?

1st. The body was sent between 3 and 4 P. M., on the 11th May 1865, and it was examined on the morning of the 12th.

2nd. Did you (on the 12th) hear me say any thing to the Native Surgeon about any letter being sent by me to him on the day previous, if so, say all you heard ?

2nd. I heard you say that you sent a Tamil letter to the Native Surgeon, as you could not understand the contents of it. Native Surgeon answered "I was not present when the letter was brought to my house, as I was out and returned late."

3rd. On what day did you get my drafts of three letters concerning this corpse ?

[Sic.]

3rd. At about ½ past 5 in the evening of the 12th, while I was attending on one Police Inspector Mr. Taylor's child, about ½ mile from the Civil Dispensary, a Police Constable gave me two sheets of letter papers written three letters in them; in the same directing me to write out fair copies of these three letters, and send them back for signature soon.

4th. When did you make fair copies and send them to me ?

4th. Immediately after the receipt of these letters, I hastened to the Hospital, wrote the fair copies, and sent by the same Police Constable to you, at 7 o'clock P. M.

5th. When did I sign them and give them to you for dispatch ?

5th. You brought them to the Hospital next moring, (13th), signed and dispatched on the same day.

6th. Who wrote the dates on them, what dates were written, state all you know about this ?

6th. Out of the three letters I wrote one first, which was numbered 25 and dated 12th, and which was addressed to the Magistrate. The other two letters I dated the 13th, as I thought that it being so late as 7 P. M. they could not be sent on till next morning; for the same reason I altered the date of the 1st letter from 12th to 13th at the same time. All the dockets having deen written after the letters were copied, I think there is no alteration in their dates. All this I did myself.

(Signed) V. NUMMIAH, No. 346,
2nd Dresser, Civil Dispensary, Madura.

death

From Assistant Surgeon S. RULE, M. D., Zillah Surgeon, Madura, to the Magistrate of Madura dated Madura, 13th May 1865, No. 25.

I have the honor to inquire whether you can give me any room, shed, or small building in which dead bodies sent to me for examination may be kept and the *post mortem* made.

2. At present these bodies are brought to the Civil Dispensary. I think this proceeding is highly objectionable for the three following reasons :—

1*st.*—Because these bodies are always more or less decomposed and evolve a most horrible effluvium, which penetrates every part of the building. This is, I think, very likely to prove injurious to patients, in most of whom the vital powers are already low.

2*nd.*—Because there is no private place in the Dispensary for this purpose. Consequently it has to be done immediately under the observation of such patients as may choose to notice it.

3*rd.*—The proceeding cannot but be revolting to the feelings of most people, and is likely to deter persons from coming to Hospital, and to cause a general prejudice against the Institution. Even if there were a secluded place for the purpose, then it would be well known what is going on.

3. I therefore feel bound strongly to advocate the provision of a separate place for the reception and examination of these bodies.

4. Yesterday a body was brought in a very advanced state of decomposition. Immediately the whole place was permeated by a most powerful and disgusting effluvium, and at the time of examination every patient must have known what was being done.

(True Copy).

(Signed) S. RULE, M. D.,
Zillah Surgeon.

From J. H. NELSON, Esq., Acting Head Assistant Magistrate, to Assistant Surgeon S. RULE, M. D., Zillah Surgeon, Madura; dated Madura, 13th May 1865, No. 32.

In acknowledging the receipt of your letter, No. 27, of to-day's date, I have the honor to request that you will be good enough to return me the enclosures of my letter of yesterday's date.

(True Copy).

(Signed) S. RULE, M. D.,
Zillah Surgeon.

MADURA, 6*th July* 1865.

MY DEAR RULE,

Some afternoon about the middle of May last (I cannot fix the date), when over at Levinge's, and just before croquet commenced, I recollect perfectly well hearing Crole and yourself mention something with reference to a body sent in for examination. I do not remember anything particular of the conversation.

2. After croquet was over, I recollect you and I went to Levinge's swimming bath, and that whilst dressing you spoke to me about having received a tamil document with an endorsement in Nelson's hand-writing, directing you to examine a corpse, which endorsement you said you thought curt and objectionable, or something to that effect.

3. You asked me for my opinion, and I recollect telling you that I thought the Magistrate should have given you a precis in English of the contents of the tamil report, considering that he might have known you could not read the report in the vernacular. Such (though perhaps not the exact words I used) was, I remember, the substance of my reply.

Yours sincerely,

(Signed) G. M. PAYNE.

No. 986.

MEMORANDUM.

Submitted with reference to Memorandum, No. 2272 of 26th ultimo.

2. The enclosures, viz :—Letter from the Magistrate of Madura, with accompaniments I. to IV, and A to F, with docket from Chief Secretary to Government, under date the 23rd June 1865, are herewith returned.

(Signed) J. A. REYNOLDS,
Dy. Inspr. Genl. of Hospitals, Southern Division.

TRICHINOPOLY,
10*th July* 1865.

To the Secretary Principal Inspector General, Medical Department, Fort Saint George.

No. 60. ORDER THEREON, 7th August 1865, No. 1098.

The Governor in Council concurs in the view which the Principal Inspector General, Medical Department, has taken of the matter referred to in the foregoing letters.

2. Dr. Rule was clearly in error in not at once seeing that the body sent to him was duly examined, but in other respects the Government see no reason for taking exception to his conduct in the case.

(True Extract).

Chief Secretary.

To the Principal Inspector General, Medical Department.
„ Magistrate of Madura.

Exd. J. H. Burns.

No 42

From Surgeon Rule Esqr
Tellah Surgeon
Madura

To The Deputy Inspector General of Hospitals
Southern Division

Sir

I have the honor to acknowledge the receipt of your Memo No 937 Date 24 June with its enclosures

2 In furnishing the explanation therein required of me, I think it will best contribute to a clear view of the Case if I give a narrative of the events, connected with the matter under notice, in the order of their occurrence, & I beg most respectfully to submit the same for the favourable Consideration of the Principal Inspr General and Government.

3 On the 11th May 1865 I received a letter in Tamil under official Cover from the Asst Assist Magistrate with a Memo in his own hand writing to the effect that the Tellah Surgeon was requested to examine the body referred to in the Tamil Memo and report on the Cause of death

death without delay. This was received by me at about 4 o'clock P.M. I immediately sent off this paper to the Native Surgeon with a request that he would investigate the matter at once. I then went to Mr. Levinges' house in whose Compound I have been in the habit of playing Croquet with the other residents of Madura. Mr. Crole an Assistant Collector recently arrived in Madura was then staying in the Collectors' house. I went into his room he commenced enquiring about a Corpse, I don't remember exactly what he said but I gathered from his conversation that he was aware of there being a Corpse for examination, from having been in Cutcherry that day. I could give him little information as I knew no more than he did except that there was a Corpse for examination, I am quite certain that I could have said nothing of any kind to lead him to believe that I had not received the notice before mentioned, on the Contrary I remember perfectly his saying to me "I was with Nelson when he wrote to you, he told the Peon to take it off sharp to you, that was about - o'Clock", to which I replyed "Then the fellow must have loitered, for

I put on them never occurred to me

7 I afterwards was informed by the Draper, that on the first of the three letters which he Copied he wrote 12th as the date, but that in the other two he wrote 13th as he thought it was getting too late for their despatch on that day, he subsequently altered 12th to 13th in the first letter as he thought they should bear the date of their despatch, forgetting entirely the allusion to "Yesterday" thus in the account he gives himself my attention was neither attracted to nor given to the dates of these letters.

8 Shortly after I received a letter No 32 from the A.G. Head Assistant in which it is dated 13th and he asks me to return the enclosure of his letter (referring to the Tamil document) of Yesterday, thus making the same error in date himself. In replying to this letter I referred to it to see on what date the letter whose enclosure was required was said to have been sent, I found that it was the 12th assuming this to be correct, I also wrote 12th in my reply, although the real date was 11th, at that time I was ignorant of what the Draper had done in the matter of the dates of the three former letters

9 On

9th On the 28th I received the official letter No 58 from the acting Asst Secretary stating that there was no necessity for further examination of the Alimentary Canal which I had preserved and I never heard nothing more about the matter until I received a Copy of the Collector's letter to the Chief Secretary to Govern.t

10 This is a simple and exact statement of what really happened, I shall now consider the letters in which the Actg Asst Mag.te reports the matter to the magistrate and the enclosed Depositions.

11 In the first letter Mr Nelson gives the reasons of his having sent me the original Tamil report with its endorsement as this Question is become the main one under notice by me any alleged misconduct, I shall simply say that I respectfully submit, the proper course would have been to have given me on account in English of what was necessary for me to know, instead of sending me the Vernacular Report and that this would most have tendered to facilitate the despatch of business

12 Mr Nelson then proceeds to accuse me of having ignored his order, on the ground apparently that I am not his departmental superior". On what ground

ground this accusation is made does not appear, but that it was unfounded is plain, in as much as the sole reason why the body was not examined on the 11th was as I have before shewn the temporary absence of the Native Surgeon and my ignorance of the Native

13th Corpses are continually being sent for examination both by the Police and the Native Submagistrates without any order whatever and they are always examined with as little delay as possible. The fact of the matter having been immediately referred by me to the Native Surgeon I most respectfully submit that I had no intention of ignoring the order

14 In Mr Nelsons' 2d letter to the Magistrate he begins by saying that he had taken certain depositions on oath and that he thinks these prove that I intentionally neglected to examine the body on the 11th or to order the Native Surgeon to do so. The first of these depositions is that of Mr Cole the Assistant Collector, and is to the effect that on the 11th ult. 20 days before, in a private conversation, which took place in Mr Cole's room of the house

in which he was staying, I had told him that I had not received a letter which I had received a few minutes before, and had just sent to the Native Surgeon

15 I need scarcely remark that a portion of a short private conversation sworn to on oath some twenty days subsequent to its taking place in evidence that could scarcely be considered very satisfactory or grave enough to warrant its being made the grounds of so serious a charge as falsehood. It is no uncommon thing for a person in the course of a desultory conversation to labour under a misconception as to a reply that may have been given to him, and I think I may feel confident in the assurance that it will be seen from my explanation that Mr Crole unfortunately quite misquoted my reply to him about a corpse when he repeated the private conversation to Mr Nelson

16 I have already said that I told Mr Crole nothing of the kind which he imputes to me, but on the contrary I said that I had received the memo, this I also am ready to swear to

17 I would ask whether it is likely I should deny the receipt of the Tamil memo to Mr Crole immediately after having made the Native Surgeon aware of it who must necessarily make others so, that on the same evening I should tell Captain Payne I had received it, as I did, and that I should draw special attention to the Tamil memo and its subject in two letters to the Magistrate which I need not have written. Having sent the Tamil memo immediately to the Native Surgeon with a view to his scanning the body which is allowed to be what I ought to have done. I respectfully submit there could have been no object in my denying its receipt to any one much less to Mr Crole who had no concern in the matter

18 Mr Nelson says that I did not allude to the Tamil memo when in his Company that evening This I think need not be considered remarkable especially as the subject was hardly adapted for conversation amongst ladies If Mr Nelson thought I ought to have been occupied with the duty of scanning the body it would have been more natural for him to have asked me

whether

whether I had received the Tamil hems

19 I do not clearly see what is intended by the third fact mentioned in para 3 it is "thus stated" The pencil writing made by Dr Rule under my memo and sent off before he spoke to Mr Crole, was obliterated before the hems was returned Bme and I can presume before it reached him"

20 This was simply a short direction about the Corpse addressed to the Native Surgeon I believe it is a common practice for officials to make notes on public documents in pencil for the guidance of their subordinates, and if these documents are to be passed on to others to obliterate the same, I rubbed out the pencil marks because the Communication was private and informal and if I had allowed it to remain I might reasonably have been asked why I had deface public documents in that manner. It is true that the pencil writing was made by me and sent off before I saw Mr. Crole, but it does not appear how Mr. Nelson became aware of this fact

21 I have already fully explained the error made by the Depser in the date

No 443/65. Madura — Dr. Paul's case

Under Mr Cavaignac's instructions
I visited Pallapatti, three coss from Dindigul
the Taluk adjoining Travancore Territory.

(1) Whether Mr Macnamara
or Mr Cavaignac
committed any breach
of the Criminal Procedure Code
in the manner of
holding the Inquest
on the body of
Mr Nelson, who
died suddenly
under the roof of Dr Paul;
and if so, whether
such breach vitiates
the proceedings
subsequently instituted.

(2) Whether Mr Macnamara
or Mr Cavaignac
ought to be
prosecuted
for the breach
of the Penal Code
alleged against them
in the first
charge.

(3) Whether, as it appears
to Mr Cavaignac,
Mr Paul has
encouraged
the Palaverkaran.

Salient Facts briefly
stated
Mr Paul's Examination
Mr Macnamara's
Mr Cavaignac's
Dr Paul's Examination
Mr Cavaignac's
Mr Macnamara's
Dr Paul's Examination

No I 165
Enclosure
No 443
in a letter,
From The Magte of
Madura
To. The Chief Secy to
Govt Madras.
Dated 9th June 1865
No. 284.

Copy of a Famil
report from the
Head Constable to
the Police Asst Quarter
Inspector of Madura.
together with Supt
Nelson's Memo thereon
Recd 6th 12 82

who considers, that, under the explanation given by Dr Rule, the charge of falsehood falls to the ground.

The charge, [illegible] stated in addition, appears to have been made by Mr Nelson on incompetent grounds, & on grounds which would never, [illegible] have been taken, had a full opportunity been afforded to Dr Rule of [illegible] originally explaining or explanation of what appeared to be derogatory.

Mr Nelson had, was wholly out of order in requiring the attendance in this Masterial Court, of persons officially subordinate to Dr Rule, without, as appears, that Gentleman's consent or knowledge, and at a time when, in respect of what they were summoned as witnesses about, there was no cause formally or judicially under enquiry in Mr Nelson's Magisterial Court.

Similarly, in my opinion, the conduct of Mr Cole of the C.S., Assistant Commissioner Madras, in refusing to answer Mr Nelson's summons to appear at Nellore, was correct & proper.

Mr Cole was not bound to submit to an examination in the Court of the M.A. Magistrate in regard to a matter not under judicial enquiry & requiring judicial determination, — which arose out of some casual conversation during a social gathering at the house of a mutual friend. In respect to what there entailed nothing in the papers upon the subject the M.A. Magistrate in accepting from Mr Cole a declaration formally recorded, although it was not, as Dr Rule even knew, upon oath, taken under an oath.

As regards the question incidentally raised by the M.A. Magistrate, there can be no doubt that a Assistant or a subordinate Magistrate may be called on to explain to the Examination of the Court under notice, seeing that according to Section 161 Cr. Proc. Code, Procedure such power may be exercised, on a matter under enquiry, by any one of Police; but it is [illegible] hardly necessary to explain

Memorandum

Should there appear to
me to be a Dr Rule through
the imperfect Examination
of Dr. Rule's Body, for this explanation
to obtain the Leave to
Withdraw from holding an inquiry
commencing the Board of Ex.
Examn. for this explanation
have been sent up in
Dr Rule's presence &
time to bring any statements
from Dr Rule that he
may choose to put in?

A.

I think that
this would
be right
A.D.H.

Memorandum

As it will be sufficient if Dr Rule is told that he
incurred the risk of fatal consequences from
his duty as an officer, and that
consequently no blame can be attached

On the Medical opinion in the
point, since Dr Rule does not seem to
dispute the application, his objection
is substantially, that it was exercised
in this instance under remark, in disagreeable
terms.

The second point for determination is decided
by the P. J. Gen: above in the 2nd para of
his letter concerning Dr Rule. The P. J. Gs
view is unfavorable to Dr Rule and I
must admit that I see the fullest
reason for agreeing in that opinion.

As respects the first point, — the terms
of the Memo by which the Q. M. G. in
directed Dr Rule to inspect the corpse
in question, I find no fair ground for
disputing the courtesy to this officer
who has explained that owing to the
pressure of business at a late hour in
the day and the advanced stage of decom-
position of the corpse, he abstained
from causing a communication of the
ordinary formal kind to be transmitted
addressed to Dr Rule.

27 Dec 65.

A.D.H.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following Papers

from the Magte of Madura — Here, enter 9th June 1865 No. 284.

— " — Princpl. Inspr. Genl. Med. Dept. — " — 14th July 1865 No. 209

Order thereon. 7 August 1865 No. 1098

The Governor in Council con-
curs in the view which the Principal
Inspr. Genl. Med. Dept. has
taken of the matter referred to in
the foregoing letters.

2 Dr. Rule was clearly
in error in not at once acting that
the body sent to him was duly
examined, but in other respects
the Govt. see no reason for taking
exception to his conduct in the
case.—

To the Princpl. Inspr. Genl. Med. Dept.
— Magistrate of Madura — for info 10/8