

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1440

Press
Mis.

47-48

Dated 9. 10. 1865 19

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
9th October 1865.*

No. 47. Read the following letter from H. E. SULLIVAN, Esq., Acting Civil and Session Judge of Salem, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George ; dated Salem, 23rd September 1865, No. 8.

I have the honor to submit, for the consideration and orders of Government, copies of correspondence between myself and the Zillah Surgeon, relative to his visits to the Shervaroys.

2. In the 2nd paragraph of his letter, dated 15th instant, No. 102, Dr. Roberts denies that I had any right to remonstrate with him on the frequency and duration of his visits to the Hills, as "they were a portion of his Zillah duties." This is just the point I am anxious should be settled. If the medical charge of the Shervaroy Hills forms a part of the duties of the Zillah Surgeon, it must be left to him to determine how much of his time should be spent on the Hills, and how much below ; but if, as would appear from the Proceedings of Government, dated 17th June 1861, No. 785, his professional services are available for the Residents on the Hills only when requisition is made for them, I submit that, as one of the principal Civil Officers in the Zillah and as Officer in charge of the Jail (I had not then been relieved), I was justified in remonstrating, when, as shewn by the record to which he himself appeals (the Jail visitor's book), Dr. Roberts was absent from the Zillah station for 12 days out of 24.

3. I wish to make this letter as brief as possible, as the enclosures will explain themselves ; but there are one or two points in Dr. Roberts' letters on which I am compelled to offer a few remarks. In his first letter the Zillah Surgeon appeals to the Jail visitor's book, to prove that his visits to the Hills were not frequent and protracted, and in his second letter resents the "strict scrutiny" to which I subjected this record, and my specifying the number of "hours" during which he was absent from the Zillah station. I did this because the Order of Government referred to above requires that full explanation should be given of any absence exceeding 24 hours at a time. In both his letters, Dr. Roberts insinuates that I am "prejudiced." What his grounds are for this, I have not the remotest idea. In adopting the course I did, I merely followed what appeared to me to be my duty ; and I think the tone of my letters to the Zillah Surgeon will satisfy the Government that I endeavoured to perform it in as courteous a manner as possible. I had previously addressed a letter on the same subject to Dr. Roberts, but, hoping that the necessity for a remonstrance would pass away, I did not send it.

4. In conclusion, I beg emphatically to deny that Dr. Roberts was ever detained in attendance on my family during the three or four months they were resident on the Hills. On the only occasion when a protracted attendance was likely to be required, he (as will be seen from my letter enclosed) did not extend his visit beyond the usual period of two days, nor was there any reason that he should do so.

From H. E. SULLIVAN, Esq., Acting Session Judge of Salem, to W. H. ROBERTS, Esq., M. D., Zillah Surgeon, Salem ; dated 11th September 1865, No. 244.

I have, as you are aware, hitherto offered no objection to your weekly visits to the Shervaroys, nor should I do so now if your absence from the Zillah Station was limited to two days in the week ; but, as latterly it has on several occasions been extended considerably over that period, I feel compelled to point out to you that your duties below suffer from such protracted absence.

6. In paragraph 5 of your communication under reply, you say "when you resided on the Hills, with your family, I think I made it convenient to you to remain over a day, on more than one occasion." I presume you refer to the occurrence of a domestic event in my family on the 22nd March last. A reference to the Jail book will show that on the 21st you were at Salem; you were on the Hills on the 22nd; and at 8-30 A. M. on the 23rd, about six hours after my child was born, you were at the Jail at Salem; you did not return to the Hills till the 28th; you stayed over the 29th, and wrote your name in the Jail book at 7-30 A. M., on the 30th; so that I cannot admit that you ever absented yourself from your duties on the Plains to suit the convenience of my family on the Hills. The case, as you are aware, was a perfectly simple one, and did not require any professional assistance beyond that which a skilful nurse, who was in attendance, was competent to afford.

7. I should be the very last person to grudge you a little relaxation occasionally, or the benefit of your professional advice to the residents on the Hills; and it was only because I considered that recently the frequency and duration of your visits were likely to interfere with your duties on the Plains that I ventured to remonstrate. Of course, if your view is correct, and the Shervaroy Hills constitute a part of your medical charge, I had no business to address you on the subject, and must apologise to you for having done so. With a view to have the matter finally set at rest, I propose to submit the correspondence which has passed for the consideration and orders of Government, but will delay doing so till I get your reply.

(True Copy).

(Signed) H. E. SULLIVAN,
Acting Civil and Session Judge.

From W. H. ROBERTS, Esq., M. D., Zillah Surgeon Salem, to H. E. SULLIVAN, Esq.,
Acting Session Judge of Salem; dated Salem, 22nd September 1865, No. 103.

I have the honor to acknowledge the receipt of your letter, No. 257, of the 16th instant.

2. The careful scrutiny you have bestowed on the "Jail visitor's book" has resulted in your being able to shew the number of "hours" that elapsed between certain visits to the Jail on certain dates, and though I protest against the way in which this book has been handled, yet, even by your own showing, you will fail to impress an impartial mind with the idea that I had been culpably negligent in visiting the Jail. You may with equal propriety state that 24 or more hours daily elapse between each visit; for I may be at the Jail at 7 A. M. one morning, and at 8 or 9 the next.

3. My reference to the Jail visitor's book was not intended to occasion the ferreting out of the number of "hours" I was absent from the station, but to impress upon you the fact that, taking those entries in the abstract (nor is every visit entered), the Jail cannot be said to be left neglectfully unvisited by its Medical officer; nor did I ask you to specify the occasions, simply, on which I was so many hours absent, but to specify the occasions on which I was absent, and the duties that suffered therefrom. It is the proof of the latter that will make the former a real offence; for I may be at home, indisposed or otherwise, during all these "hours," as well as being only nine miles away professionally employed. If absence of a necessity occasions neglect of duty, I deny that mine has ever done so. I have always provided for such absence, and hitherto no duty has been neglected. The Jail you say was not visited for two days there was no occasion. The Jail Dresser is quite competent to manage an ordinary sick list for that time, and I was expected on Monday. Should any emergency occur, he is ordered to send for assistance, and also to send for me. My absence can in no way be connected with that poor man's death. He had been on my sick list for a very long time, suffering from diseases of a very severe nature, and my presence could not have prolonged his life.

3. The occasions you have instanced of my absence only show the occasions on which I have been detained professionally. "August 19th, Saturday, from 7 A. M. to Monday 21st, 5 P. M." I came down in the afternoon instead of the forenoon, having some cases to visit. "September 1st, Friday to Monday afternoon."—Was sent for on Thursday night to come up at once, and detained till Monday afternoon.

"September 9th, Saturday, 7 A. M., to Tuesday, 3 P. M.—This was the occasion of your letter. I had made every arrangement to start on Monday morning, when the sudden indisposition of my wife prevented me from leaving. I brought her down with me on Tuesday morning. My visit to the Jail was in the afternoon, but I was at my post in the morning.

"In addition to the above" (you go on to state) "you were absent from the 28th to 30th August"—a mistake, occasioned by my neglecting to enter my name in the Visitor's Book, having had visitors with me. I visited the Jail on Saturday; again on Sunday afternoon, having been to Yercaud and back meanwhile; again on Monday morning, with a friend whom I accompanied to Yercaud, returning with him and Dr. Cornish on Tuesday morning—the usual 24 hours only elapsing between each visit.

5. Your not having received orders for the transfer of those prisoners till late on Friday evening fully explains the reason of your not acquainting me of it, and I acquit you of all absence in the matter. Had I but known, I should have endeavoured to have arranged it so as to have been at my post when wanted for their examination; but, as already explained, I was suddenly and unexpectedly obliged to defer my return till Tuesday morning.

6. Reference to your letter of the 11th, as requested in paragraph 3 of your letter under reply, does not "intimate" that my duties are "likely" to suffer, and that on this account you "venture to remonstrate," but states plainly, that you "feel compelled to point out" "that your duties below suffer from such protracted absence." This you have failed to prove. Rightly or wrongly, you take upon yourself the supervision of my work. You are "compelled" to take notice of it, but when asked what duty has been neglected, you fail to make good your charge—serious charge to be made, either hastily, or in so vague and general a manner. On you rests the onus of proving it. If proved your zeal will indicate what further steps should be taken to bring about its merited punishment; if not proved, then I consider your letter as wholly uncalled for.

As Officer in charge of the Jail, and now as ex-officio visitor, official connection did, and does, exist between us in Jail matters, but to the best of my knowledge this does not extend to the Civil Dispensary or other portions of my Zillah duties, for the proper performance of which, I believe I am individually responsible to Government, through my Departmental superiors, except indeed in any glaring dereliction of duty, when any officer may report another through the proper channels.

7. It was not to the "domestic event", &c., as mentioned in your paragraph 6 that I specially referred to in my letter. It referred to a general impression on my part of having, on more than one occasion, been the means of allaying anxiety, &c., by being at hand, whilst your family resided at Yercaud; and on the occasion to which you so pointedly refer, my attendance was bespoken and desired, and, if you remember, I was sent for, and did attend. But if you repudiate ever having had the misfortune to detain me, I shall not insist upon it—others have been less fortunate, and that I have been so detained there is no manner of doubt.

8. With reference to my having Medical charge of the Shervaroys I personally have no doubt on the subject. More than one Acting Judge (if I am rightly informed) has referred this matter to Government, and I have no wish whatever to trouble Government any further on the subject;—that the position is officially recognized vide Mr. Rohde's letter in the Proceedings of Government, 16th June 1865, paragraph 17. I have for my purpose sufficiently clear and definite views on the question, and I have endeavoured to act up to these strictly and conscientiously without loss or detriment to any portion of my Medical charge.

No. 48. ORDER THEREON, 9th October 1865, No. 1440.

Ordered that the above papers be referred to the Principal Inspector General, Medical Department, for his opinion, and for information as to whether Dr. Roberts' absences were duly reported.

2. The Government observe that Dr. Roberts appears to be in the habit of paying regular weekly visits to the Shervaroys—leaving Salem on Saturday morning,

*Proceedings of the Madras Government, Judicial Department,
9th October 1865.*

after visiting the Jail, and returning on Monday morning, making a visit to the Jail the first thing—and they conclude, from the correspondence submitted to them with Dr. Cole's Memorandum of the 3rd August 1863, that this arrangement was sanctioned by him in Dr. Marrett's incumbency of the Salem charge; but it has never been sanctioned by Government, and is, in fact, opposed to their order, which directed a report to be made to the Principal Inspector General on each occasion of absence from Salem for more than 24 hours—while the practice seems to be that report is only made if more than 48 hours elapse between any two visits to the Jail.

3. The Government direct that all absences, whatever their duration, be reported, with the reasons for them, both to the Principal Inspector General, Medical Department, and to the Inspector General of Jails, and that they be restricted, as originally intended, to cases in which the services of the Zillah Surgeon are really required.

4. This is more necessary than ever since Dr. Roberts' temporary appointment as Jail Superintendent; and the fact of his absence, its duration, and the reasons for it, as reported to the Principal Inspector General, should be transcribed into the Jail Book, and be open to inspection by the Jail visitor, whether District Magistrate or Session Judge.

(True Extract).

Acting Secretary to Government.

To the Principal Inspector General, Medical Department,

„ Session Judge of Salem.

„ Magistrate of Salem.

„ Inspector General of Jails.

Exd. J. H. Burns.

N. 2049.

Judicial

*From The Acting Civil Session Judge
of Salem.*

9/23 September 1865

In Orders.

*I do not know what Dr Roberts means
by saying that the Surgeons are a por-
-tion of his J. M. duties. His J. M.
duties in at Salem after Mr Roberts
letter of 31 May in & 20th 17 June 1861/
he is a house to afford medical
aid to European residents on the
Presidency Hill -*

*He is to be justified in visiting
the Hill weekly as he must be in
the habit of doing -*

*He is to go there only for important
cases, which cannot be managed for
ordinary ones - is the resident*

Apokeany -

The papers have to be first
referred to the P.D. and then to his
opinion & to know whether all the R.
abuses are duly reported

Something more to do. It
cannot be permitted that the Jil.
-Sub. Magistrate should thus abscond
himself from his station for 12
days out of 24.

Under existing orders the
Surgeon has to report to the P.D. of
all abuses occurring 24 hours -
I think that he should report
all abuses long or short with
the reasons for them - JP

The proposal in the last para above is a

Inspector General of Jails.

Exd. J. H. Burns.

very necessary one in my opinion & I write from
much personal knowledge of the serious irregularities
of Rends &c. arise from the Salem Zillah Surgeon
being in a position to find or frame excuses for
absconding himself on the Theroorays. But, as
the Zillah Surgeon is now in sole charge of the Jail,
and that capacity is no longer under any control
of the Sepim Surgeon, (whose authority is only that of
visitator, I will add to the Syndicate's proposal that
the abuses & their causes, as reported to the P.D.
and Dept., should be transmitted in the Jail Book &
the Sepim Surgeon & the visitator, the then Dist.
Magistrate or Sepim Surgeon.

I concur as to the desirability of opening the correspondence
for the subject stated, to the W.D.

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Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Acting Civil and
Session Judge of Salem
(Here enter 23rd Sept/65- No 8)

Order thereon of October 1865 No 1440.

Ordered that the above paper
be referred to the Principal
Inspector General Medical
Department for his opinion,
and for information as to
whether Dr. Roberts' absences
were duly reported.

2. The Government observe
that Dr. Roberts appears
to be in the habit of paying
regular weekly visits to
the Thervarogs leaving
Salem on Saturday morning
after visiting the jail

JP
WDR

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First

Dr. Cole - I would
say

1. The Government are disposed to think that all absences, whatever their duration, should be reported with the reasons for them, and that they must be restricted as originally intended to cases in which the services of the Zillah Surgeon are ^{really required} called for.

2. This is more necessary than ever since Dr. Roberts' temporary appointment as Jail Superintendent, and the fact of his absence, its duration, and the reasons for it as reported to the Principal Inspector General, should be transcribed into the Jail Book and be open to inspection by the Jail Visitors whether District Magistrate or Session Judge.

To
The Principal Inspector General
Medical Department
The Session Judge of Salem
The Magistrate of Salem
Inspector General of Jails

Sept 14/60

1863 20.9.03

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Further Pub. No. 1338-
Jud. Ct. 22/5-

Dated 22 October 1878-

PROCEEDINGS OF GOVERNMENT.

No. 4440.

Legislative Department.

The Chief Secretary wishes
to see these papers if not
disposed of 3/00.
In margin
J. J. J.

23 Sep
123 00/00
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