

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	~~4887~~ 485	Press Mis-3
Dated	29. 3. 1864 27/11/19	1864 1864

Not to be folded or roughly handled

29th Jan 1865

the following papers :

dated Trinomalay, 21st January 1

I have had bills submitted to me by the Native Surgeon of Old Town, bearing the countersignature of the Joint and with the Zillah Surgeon that payment be made, under the Medical Department, No. 1745, of the 6th December last.

2. The services rendered by the Native Surgeon, and he claims remuneration, under the orders quoted, relate to the examination of wounds connected with become the subject of judicial inquiry and doubtful whether the Government intended all Medical Officers of every class and grade of Medical Subordination can hardly myself think so, because in that case the fees allowed might, in the course of a month, frequently exceed the entire monthly salary of the Officer, and especially would this be the case if Apothecaries or Dressers were employed on the occasion referred to; but at present I find that the term "Medical Officers" is held to apply to all grades indiscriminately every one who is in the Medical Service of Government. The Dresser attached to my own office considers that he is entitled to be paid as the Zillah Surgeon might be.

3. It seems to me that the use of Subordination in the Medical Department is a scale of remuneration. I do not think that it is their right to some remuneration for similar duties performed, equally with their superiors, and it rests with Government to determine what that scale shall be; but meanwhile, I have interpreted the intention of Government in the orders quoted, as applying to all grades in the Medical service, and, therefore, I have issued instructions for my guidance, before paying the bills which have been submitted to me; and, as the question will doubtless arise in other Districts, I would suggest that any modified ruling or orders, which the Government may resolve upon, be made as public as those which have been already issued, and which, I take it, contemplated European Medical Officers only, and of the rank not below that of an Assistant Surgeon. If I am in error, Government will of course set me right, and I will at once authorize payment of the claim which has evoked this remark.

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

2 It is not intended to apply the rule in question to other than European Medical Officers.

FORT SAINT GEORGE,
26th January 1865.

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

No. 229. 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 9th February 1865, No. 36.

I have the honor to acknowledge receipt of a letter* marginally noted, referred to me for remarks, with your docket of the 26th ultimo, and to state, in reply,

* From Collector of South Arcot, No. 4, dated 21st ultimo, herewith returned.

Proceedings of the Madras Government, Judicial Department,
29th Mar.

that, in submitting for the approval of Government the Draft Rule regarding the fee to be disbursed for examining corpses, &c., likely to be the subject of examination, by Medical Officers, I meant those bearing Her Majesty's Commission, as is always understood by the term, and as Government no doubt intended in passing the rule.

2. It will be observed that the limits of his charge, whose special duty it is to perform, is declared to be excluded from drawing the fee; and if, from his subordinates, whether Surgeon or Dressers, perform the duty, they should, *a fortiori*, be excluded also.

3. I consider, however, that the Military Warrant or Non-Commissioned Medical Officer should, like his superior, but on a lower scale, be remunerated for extra work done in a civil matter; and I, therefore, would respectfully suggest that, when a Member of the Subordinate Department is called upon to perform the said duty, a fee of 5 Rupees should be paid, with mileage.

No. 230. ORDER THEREON, 29th March 1865, No. 486.

Native Surgeons employed under the Zillah Surgeons are not entitled to a fee for examining corpses.

The Governor in Council approves of the recommendation made by the Principal Inspector General of the Medical Department, that Medical Officers employed in the Military Department should receive a fee for this duty, at the rate of Rupees 5 for each examination, with the mileage allowance of 4 Annas a mile.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

To the Collector of South Arcot.

- „ Principal Inspector General, Medical Department
- „ Military Department.
- „ Inspector General of Police.
- „ Magistrate of
- „ Civil Paymaster.
- „ Accountant General.

Ed. J. H. Burns.

Proceedings of the Madras Government, Judicial Department,
6th December 1864.

No. 52. Read the following letter from R. COLE, Esq., Principal Inspector General, Medical Department, Fort Saint George; to the Chief Secretary to Government, Judicial Department, Fort Saint George, dated 23rd November 1864, No. 399.

In obedience to paragraph 2 of the order of Government as per margin, I have the honor to submit, for approval, a Draft Rule relative to the duty of Medical Officers to examine corpses and wounds likely to become the subject of judicial inquiry.

No. 1589 of 2nd November 1864, Judicial Department.

DRAFT RULE.

All Medical Officers shall be held liable to attend, when required by officers in charge of the Police and other competent authority, to examine corpses and wounds likely to become the subject of judicial inquiry, for which duty Medical Officers not holding the office of Civil Surgeon of the District shall receive a fee of Rupees 15, and travelling allowance of 8 Annas a mile, if the distance exceed five miles. Corpses and wounded persons shall, as a rule, be taken to the Medical Officer's station in all possible cases, in order that he may not be withdrawn from his regular duties except on a very pressing emergency.

No. 53. ORDER THEREON, 6th December 1864, No. 1745:

The Governor in Council sanctions the adoption of the Draft Rule submitted with the foregoing letter.

(True Extract.)

A. J. ARBUTHNOT,
Chief Secretary.

To the Principal Inspector General, Medical Department.

- „ Inspector General of Police.
- „ Magistrate of

Ed. J. Tulloch.

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

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.

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.

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?

The law is clear. "Civil Surgeon" is the Medical officer who 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 to become the subject of judicial inquiry.

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

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 provision 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 you such notice as you may deem fit to take of it.

A case of murder was reported one morning to me. 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 decomposed. (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 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 of 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 in cases of emergency.

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 furtherance of the ends of justice.

Chief Secretary.

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

Exd. T. Cartledge.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Following letter
from the Principal Inspector General, Medical Department, dated 7 January 1865 No. 14
Order the 22 March 1865 No. 286
Persons employed under the present system as a fee for examining corpses.
The Governor in Council approves of the recommendation of the Principal Inspector General, Medical Department, that all persons employed in the Military Department should receive a fee for such duty at the rate of Rs. 5 for each examination.

examination, with the
mileage allowance of
4 annas a mile.

The Collector of South Arcot
The Principal Magistrate, Madras
The Military Dept
The Inspector General of Police
The Magistrate of
The Civil Paymaster -
The Asst. General C -

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Indian, 1865 Department.

No. 486

PROCEEDINGS OF GOVERNMENT.

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Dated 29 March 1865