

[A & M.]
100-4-5-06.

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 722 L

DATED 25th April 1895

[Despatch Abstract.]

Petition.

Passing orders on papers relating to the appeal of Civil Apothecary Jesudasan Pillai against the order of the President, District Board, Tanjore, suspending him for three months and removing him from independent charge.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

[G.]

[G.]

Lm.

DEPARTMENT.

Papers to be read in proceedings:—

Apⁿ G.O., dated

189 , No.

ain G.O., dated

189 , No.

Current No.s

of 189 , dated

from

3498.L and 3776.L. of 1894

207.L. and 578.L. of '95

Current No

of 189 , dated

from

ORDER.

of 25 4-95 112 722 Lm.

This is virtually a begging
to the S. G. to circulate

4/4/95

The S. G. has taken a
most extraordinary view.
I do not believe that there
is another man in the dept.
who would support him.

7/4

19 Apr.

A copy of the letter of the President
of the Tanjore Dist. Bd. in which the
case is ^{definitely & well} ~~adversely~~ stated, will be for-
warded to the Surgeon General and he
will be informed that the Govt. entirely
concurs with the view of the matter
therein expressed.

2. The Surg. General in his letter
supporting the apothecary's conduct refers
to statements in a mahagar from Manner-
gudi that the apothecary has hitherto done
good work & that his accuser is in
dist. & remarks that other medical
subordinates have recently been removed
from Tanjore District upon complaints
of their conduct. These matters
appear to the Govt. to be beside the
point.

3. The Surgeon Genl's statement that
the present District & Medical & Sanitary
Officer in reporting on the case "takes
no notice whatever of the fact that his
predecessor had enquired into the same
charges & had come to an exactly
opposite opinion" ^{[which is distinctly an} ~~is~~ ^{inaccurate}
~~misrepresentation~~ of the facts. That officer
merely sent to the apothecary for

entirely - say rather
appears to be based on a misapprehension
of the facts.

W

Remarks the petition complaining against him, & on his returning it with the assertion that it was false & the request that he might be allowed to prosecute its author, endorsed upon it that he could prosecute him if he thought fit. This cannot be held to constitute an inquiry into the case or a decision upon its merits. The apothecary moreover does not appear to have availed himself of the permission granted.

4. For the rest, the Govt. considers that the excuses which the Apothecary advances & the Surgeon General endorses for his conduct in declining to attend the case himself or to let the ^{doctor} ~~midwife~~ ^{do so} ~~for~~ ^{for} ~~him~~, do not in any way exonerate him. It was clearly his duty in a case where a life was in danger to have ^{attended to the} ~~attended to the~~ ^{saved} ~~saved~~ ^{that life first} ~~that life first~~ ^{and to help} ~~and to help~~ ^{fee after wards} ~~fee after wards~~, - the more so that he could have recovered through the Courts any reasonable fee ^{which} ~~that~~ he might have demanded been entitled. The Govt. ~~condemns~~ ^{disapproves} is entirely opposed to the Surgeon General's view that medical subordinates should be taught to think that they will be supported in refusing aid except on their own terms to those who have no "legal right" in to their services. Such teaching proceeds upon a misapprehension of the whole object of Govt. in establishing medical institutions throughout this country. No one in India has a "legal right" to a medical officer's services unless he is a Govt. servant, and it is expressly that they may attend upon those who have not this right that medical

[G
24]

DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No.

of 189 , dated

from

Current No

of 189 , dated

from

ORDER.

Subordinates are for the most part appointed and paid.

5. The Govt. considers that Civil Apothecary Tondasen Pillai has been most leniently treated, & dismisses his appeal.

6. With reference to para 11 of his letter of the 17th November 94 read above the Surgⁿ Genl. will be requested to submit the proposals sketched herein in a separate communication and in a fuller form. In doing so, it should be the authority upon which Dr. De Fabree issued the circular of July 1887, No 3674 should be reported.

M. 2. 2. 95 20 (from order)
3/4/95

To Surgeon General (with copy current 528)

To Pres. Dr. W. Panjore (except panjore
(purports of current only.)

Dist^l 8/5/95

change

Civil Apothecary

Jesudasan Pillai's appeal

HM. & C.

(Draft from orders)

Submitted to C.S. for final
approval

20-IV.

See. San. Ord.

20

23/4/95.

7222

c 17/4

20/4

LOCAL AND MUNICIPAL DEPARTMENT.

Current Nos 3498 L - 3776 L of 1894 - 207 L

and 548 L of 1895

From

Mr. Thomson has stated
the case in a way which
would be difficult to improve
upon and in which I en-
tirely concur. The apothecary
may think himself fortunate
in having been dealt with so
leniently as he was. He
was doing his duty, in a
case where life was at stake,
to have thought of saving that
life first & his fee afterwards;
he could not have lost money
by so doing, since any unsymp-
thetic he might have ~~the~~ thought
it right to charge could have
been recovered by him through a
Court of law. I cannot concur
in the S.J.'s ~~argument~~ ^{which are based on the fact} that
Sindhu Tavan had no legal
right to the apothecary's services.

Vide enclosure ^{nos.} 3498 L (M) and
3776 L (M) in the President's list of papers.

Some one has a legal right
to med. officer's services but not
servants, it is true. But med.
officers are posted to ^{Hospital} changes ~~expressly~~.

FOR ORDERS.

under G.O. 918 L
25.4.89 (which
says that in the case of ... subordi-
nates of the Medical Department
whose services have been lent to
Local Boards there shall be a
right of appeal to Government
through the ... Surgeon-General
... against any order of fines or
suspension inflicted or confirmed
by the President of the District
Board) the Surgeon-General
sends up an appeal petition
from Civil Apothecary Jesudasan.

V. Jesudasan of Tirumalaipundi
in

Chander

Tanjore against an order of
three months' suspension and
removal from independent
charge passed upon him by
the Tanjore District Board
President for unprofessional
conduct.

The charges upon which
this order was passed based
were made by one Sivalinga
Iyer, and were as follows (as
far as can be judged from the
and records of enquiry
papers, the original petition ^{not}
having been lost) :-
being for the following :-

(1) that on 14th February 1894
the apothecary refused to con-
duct the delivery of the com-
plainant's daughter whose
labour appeared to be dif-
ficult though he was offered
a fee of Rs. 75.

(2) that he objected to allow
the hospital midwife to attend
notwithstanding

that they may attend
on people who have no
legal right to their services -
The petition should be dismissed -

In passing order to the above
effect, please bring out the points
of the case fully and send the S.G.
a copy of Mr. Thomson's letter
that we may digest it.

As to the prescribing scales,
offer, the S.G. should come up
separately as suggested in
the note

AS
1/4/95

Vide enclosure No. 2, para 1 of No 2
in the President's list of papers.

notwithstanding that the station-
ary sub-magistrate sent a clerk
to plead on complainant's behalf

(3) that he refused to supply
medicines to the complainant
for the use of his daughter, and
that he was shooed out of the hospital
compound.

3. The complainant's petition
was referred to the President, Taluk
Board, Mannargudi, who re-
ported that the statements
made therein were all corrobo-
rated except that the com-
plainant was shooed out.

4. The District Surgeon who
was then asked
to enquire into the matter obtained
the apothecary's explanation
and submitted it with his
own remarks thereon.

5. With reference to charge (1)
in this explanation
the apothecary stated that he
demanded a fee of only Rs. 75 and

gave

charge

Vide enclosure No. 2, para 2
of No. 2 in the list

" " No. 1 in the list

" enclosure (d) of No. 9 "

are the complainant the option
of bringing his daughter to the
hospital, and that the man
offered him Rs 50 coupled
with the following conditions
to which he could not agree:-

(a) that he should be accom-
panied by the midwife

(b) that he should conduct
the delivery himself, if the females
of the house did not object to it

(c) that he should attend the
patient for 16 days and give
satisfaction in his treatment of
her.

6. As regards charge (2) the
apothecary stated that he ob-
jected to permit the midwife to
attend because she was not
competent to deal with such
a serious case (as presentation),
that she was eventually taken
in accordance with a contract
previously made with her

without

without his knowledge, and
that she was sent back on receipt
of intimation on the way that the
child had been extracted by an
"expert woman." He also states
that the Sub-Magistrate's clerk
never spoke to him on the subject.

7. The apothecary denied
charge (3) in toto, and made the
following representations:-

(a) that the complainant spoke
to him bluntly and that if he
had been more courteous and
or had not stood on his dignity
he would have met with
better treatment.

(b) that the ^{Tahsildar's} enquiry into his
case (apparently the one on which
the President, Taluk Board,
Mannargudi, based his report)
was conducted behind his back,
that some of the material wit-
nesses were not examined
and

and that such of them as were
narrated were the nearest
relations of the complainant.

In reporting on this the
District Surgeon remarked
that as the apothecary knew
that the woman was in a
dangerous condition his first
and evident duty was to go at
once and assist her in her
distress leaving the question
of fees for future consideration.

9 We considered the apothecary's
excuse for refusing to permit
the midwife to attend, to be
lame and inadequate, as he
must have known that if
the services of neither himself
nor of the midwife were pro-
curable recourse would be
had to some untrained woman
as was actually done.

10. In the District Surgeon's
opinion the plea of want of
courtesy

Vide Enclosure No. 1 in the list

Last para:
Vide enclosure No. 2 in the
list

courtesy on the complainant's
part clearly proved that the
apothecary
complainant was lamentably
wanting in the proper appre-
ciation of his duty as the life
of the woman might have
depended on his prompt attend-
ance.

11. For these reasons the District
Surgeon arrived at the conclusion
that the apothecary was, on his
own admission, clearly guilty
of gross negligence and neglect
of duty, and recommended
that he should be removed
from independent charge and
suspended from pay & allow-
ances for three months.

12. Thereupon the President, Dis-
trict Board, Tanjore, passed the
following order:—

"on his own showing the
apothecary has subordinated
the danger and distress of a woman
in difficult labor to his own
pence

sense of what was due to him
in point of courteousness from
the applicant for his service
and in point of money re-
ward. He also for no valid
reason refused the services
of a midwife

"The real reason evidently
was that the payment of a fee
or its amount was questionable

"Medical subordinates of
a Board cannot be allowed
to conduct themselves in this
fashion with impunity.

"Civil apothecary V.
Jesudassen Pillai is ordered
to be removed from inde-
pendent charge and to be
suspended from pay & allow-
ances for three months. It is
fortunate for him that the
particular case terminated
favorably."

13. In subsequent commun-
ications addressed to the
District

* For a confinement }
including subsequent } In large towns Rs 30
necessary visits } "small " Rs 15

Vide clause 2, para 7 of enclosure (c)
of No. 9 in the list

Vide enclosures Nos 8, 9 and 12 (a) and
(b) of No 7 and (c) of No 9 in the list

District Surgeon and the President
of the District Board the apothecary
made the following further repre-
sentations:-

(1) that he was at liberty to charge
what fee he liked in the case, as the
Surgeon-General had ruled that
the scale of fees sanctioned by
Government in G.O. dated 18th March
1880, No. 588, Financial, was only
intended to regulate the practice of
medical subordinates amongst
towns-people of moderate means,
and was not intended to interfere
with the practice among well-to-do
people, the question of remunerating
to be paid by the latter having
been left for adjustment between
them and their medical attendants
with the proviso that in cases of
dispute the Government reserved
to itself the right to determine
whether the fee demanded was
reasonable or extortionate.

(2) that he had witnesses to
prove

charge

more that the complainant ^{went away} annoyed
because he (the apothecary) would
not agree to the conditions attached
to the offer of 50 rupees.

(3) that as the complainant
lived in the Vedaramnigam Circle
he should have called the midwife
and hospital assistant of that
division

(4) that in reality the complainant
did not want a medical man
and if he did he would have
called a 2nd grade hospital
assistant who was then at the
station on leave and whose ser-
vices he had previously utilized

(5) that on the day the midwife
was required she was engaged
in the town with an instrumental
delivery case [But she managed to go
after all.]

(6) that he was told that an
"expert barber woman" had already
been

been engaged and he thought
the midwife ^{unnecessary} ~~one too many~~.
[That is, that the barber woman was as efficient as she was!]

(7) that the want of courtesy
on the complainant's part was
a cause and not the cause of
his (the apothecary's) refusal to
comply with the man's request.

(8) that he only followed the
precedents of District Surgeons
who refused to ~~visit~~ visit
patients if the fee demanded
was not paid

(9) that a petition had been
previously presented to Surgeon-
Major F. C. Smith who had ex-
onerated him and given him
sanction to prosecute the com-
plainant for preferring mali-
cious charges. [With reference to this
Statement, however, please see para 17. below.]

14 In the appeal now sub-
mitted the apothecary makes
the following further representa-
tions.

(1) that he had a serious
delivery case to attend in the
town

vide enclosure ~~no. 14~~ (M)
of no. 14 in the list.

2(a) and
list

town on the day he was called.

[This was not mentioned before.]

(2) That even if the allegations made against him were true he could not be held to have transgressed any rule of leave or of the Department or omitted any official duty

(3) that he is restricted by the District Surgeon's Circulars to stick to hospital hours, private practice being permitted only if it does not interfere with official duties. [This plea was not made before.]

(4) that in the present case if the conditions imposed by the complainant had been accepted it would have been necessary to close the hospital in the morning or evening for 16 days. [After breakfast.]

15. In submitting the appeal to Government the Surgeon-General remarks

(1) that the Surge District Surgeon in reporting on the case took no notice of the fact that his

x [With reference to this statement however please see para. 17. below.] Wrong

his predecessor had inquired into the matter and had come to an exactly opposite opinion

(2) that the ^{complainant} petitioner, not being

he says "no legal right" - a government servant had no right to the attendance of any medical man

(3) that the apothecary was justified in having refused to attend on the terms offered as he had his official duties which did not admit of his going he had to travel a distance of 10 miles, and other medical men were available. [He might, however, have let the midwife go.]

(4) that even granting that the apothecary was wanting in humanity or zeal a mere departure from what would be the action of the best members of the profession should not be officially punished

(5) that eventually the midwife did go. [But she went without the apothecary's permission or order.]

(6) that he has received a petition from some inhabitants of Mannargudi in which it is represented

Vide enclosure No 2 of No 19 in the list

i. and j. and k
vide enclosures No 3, 4, 5, 6 of No 19 in the list

represented that the apothecary
has done good work since his
appointment, and that the com-
plainant is a litigious character
and has most of his property in
the custody of the court.

(6) that within the last few
years no less than 3 medical
subordinates have been re-
moved from the Tanjore district
on somewhat similar com-
plaints.

16. For these reasons the surgeon-
general recommends that the
apothecary should be restored
to his appointment and granted
his pay & allowances.

17. From the correspondence
submitted it does not appear
that a regular enquiry was
made into the case. Surgeon-
major Smith seems to have
merely obtained the apothecary's
explanation and
accorded him sanction to
prosecute

All this is quite
beside the case.
W

And a good thing, too, if they
are people of the same sort
W

Last para of Mr.
Thomson's letter.

Mr. Thomson's reply to the Surgeon-
General's opinion requires to be
read in the original. It is the
last paper in the file.

17. It appears, therefore, that the
Apothecary in his various petitions and
explanations has practically admitted
the main facts of the charges made
against him. ^{Two successive} The Petⁿ Distⁿ No. 10. and
the present District Surgeon thought
these constituted breaches of conduct
which required punishment. The
Surgeon General differs. (The Surgeon-
General however makes an erroneous
statement when he says that Surgeon-
Major Clarence Smith engineered into
the charges and so created the petⁿ.
This officer merely sent Swalinge Roan's
petⁿ to the apothecary for explanation,
& when the apothecary wrote & denied
the truth of the statements in it, tasked
for leave to prosecute Swalinge Roan,
^{merely} endorsed upon this that he could
prosecute if he liked. The apothecary
never availed himself of this permission.
This endorsement is no decision on the
case & there was apparently no enquiry.
The only question for decision ^{seems to be} is whether

the Surg. General's view, that as the rules do not obligate the authorities to go to a case of this sort, and as the complainant did not pay what was demanded of him he could not expect to more than he got, should be adopted, or whether the opinion of the Post. D. is as given in the last part of para 4. of his letter should be endorsed.

It is submitted that the latter is the proper course, that Govt. may refuse to interfere in the case. The man is reported to have by this time returned to his post. (para. 11.)

18. In the latter part of his letter the Surgeon-General ~~also~~ suggests that Govt. should clearly define the relations that should exist between paying private patients who do not come to the Hospitals & the subordinate medical staff. He suggests that the Govt. should formally ratify the circular order of his predecessor in memo. No. 3674.

that "the scale of fees sanctioned by Govt. [vide G.O.s 1084 27.6.94]

1845. and 588 19.3.80.] was intended to regulate the practice of the medical subordinates amongst townsmen of moderate means, and was not intended

to interfere with the practice amongst planters, traders, landowners, or landlords, & well-to-do people. Here, as with Commissioned medical officers, the question of remuneration is left to adjustment between a patient & his medical attendant with the proviso that in cases of dispute the Govt. reserve to themselves the right to determine whether the fee demanded is reasonable or extortionate. He also suggests that the rules in G.O. 691 (Public) should be made applicable to the subordinate medical staff.

19. It will be seen that the scale of fees already laid down by Govt. in the G.O.s cited above was moderate, that the Surgeon-General proposes to formally approve of what ~~was~~ is practically an abolition of them, for the expression "well-to-do people" is capable of indefinite stretching. The G.O. 691 would also permit medical subordinates to demand what would be for them very large fees. It is not at all clear on what authority D. Orbach

4. I am sorry the order just quoted, which
explains away the intentions of
Govt. in its solicitor's order, or how
he came to appoint Govt. an arbitrator
in these matters apparently without its
knowledge. It is submitted that
the Surgeon General might be asked
to report upon this point, and to
send up his proposals on this
subject (which is a large one, &
judging from the hesitation with
which the former rules were laid down,
a difficult one) in a separate
communication in a fuller form.
It is submitted that with the stamp
of man that we now get for Apothecaries
& Hospital Assistants proposals for
widening their powers to demand
fees should be carefully considered.

11/15/95

I have gone through the case
and agree with the S.G. If I
had been President the Apothecary
would probably not have got it
so lightly as he did.
It is evident what the S.G. wants
and what is submitted that -
the best course is to refuse to interfere
with the existing state of things -
Matters are not in such a position
that as to town and country Apothecaries
& Hospital Assistants a free hand (which
is what the S.G. wants) is required to
these people's wishes. 11/15/95

Petition of Civil Apothecary
V. Jendasan against
his suspension.

Wm.

(for orders.)

Office of the District Surgeon
Jaipur 21st July 1894.

No. 2958.

From

Surgeon Major L. M. Thompson, M.B.,
District Surgeon,
Jaipur.

To The President
District Board

Jaipur.

Sir, I have the honor to return the papers
forwarded to me for report under your memo
No. 258 of 1894, dated 5th May 1894, and to say
that the petition of Sivalinga Inam with all the
papers connected with it were forwarded to
Civil Surgeon V. Jendasan on 15th May 1894,
and only received back from him, with his
explanation on the 18th Instant.

- (2) The important and serious charges against
the Apothecary contained in the petition are -
1st That he refused to afford professional
aid to a woman in labour.
2nd That he refused to permit the midwife
to attend the case.

As regards the first of these charges, I think
there can be no doubt from the evidence of
the

the witnesses examined by the Tahsildar, that application was made to the Apothecary to go and see a woman reported to be in labour, and that he refused to go - the serious nature of the case was told to the Apothecary - (that it was an *am pre-sentation* - this he acknowledges himself) In my opinion, the question of the fee to be paid him and the wrangling which apparently went on in respect to the amount, have little or no bearing on the case; I am of opinion that the Apothecary deserves most severe punishment, if it can be accepted as proved that he refused, not only to afford professional aid himself to a woman, who he must have known was in a very dangerous condition, but also refused to permit the midwife to attend her. Considering the social position of the patient I certainly think that he might have reasonably expected and claimed a fee for his attendance, but the question of the fee to be paid was a matter for future consideration, his first and evident duty was to go at once and assist the woman in her distress.

3. As regards charge No. 2, viz, that he refused to permit the midwife to attend the woman, he ~~virtually~~ admits in his explanation that he refused to allow her to attend, his grounds of refusal being that she was not capable of attending the case properly; but I certainly think this excuse an utterly lame and inadequate one; if a midwife who has received a certain amount of scientific training ~~was~~, considered incompetent to attend the case, this only proves that the case was considered a serious one ^{the} ~~by~~ ^{by} the Apothecary, who must have known that if the services of neither himself nor the midwife were procurable, recourse would undoubtedly be had to some ignorant untrained woman, and thus is apparent what happened. I am of opinion that this charge is clearly proved and that the Apothecary deserves most severe censure, for not allowing the midwife to attend the case.

4. As regards the explanation offered by the Apothecary, I may say that in my opinion, the excuses put forward (and chiefly, to bring home the charges against him;

in one part of his written explanation,
he says "treatment would have been
extended to the petitioner had he not stood
on his dignity and had he been more
courteous." Such a plea proves clearly
that the Apothecary was lamentably
wanting in the proper appreciation of his
duty - the life of the woman might have
depended on his prompt attendance, but
for his remissness in attending on the woman,
he pleads want of courtesy on the part of the
messengers who came to call him. **He**

further pleads as an excuse that the woman,
if brought to Hospital, would have been
properly attended to, but the reason
assigned by the petitioner for not bringing
the woman to Hospital "that she was the
daughter of a respectable and influential
Mirasidar and as such could not be brought
to Hospital" appears to me to be reasonable
and should have been sufficient.

On a demand being made for the
services of the Midwife, the Apothecary
admits that he informed the petitioner
"that the Midwife was not employed in the
Hospital"

Hospital for such purposes" - the duty of the
Midwife attached to a Hospital, in my opinion,
is to render assistance to all, irrespective
of class or caste, who may require her
assistance, and if ever there was a case
in which the assistance of some one possess-
ing professional training was required,
this was one -

5. I have not considered it necessary to go
beyond the Apothecary's own statements, nor
to analyse the evidence against him,
given by the witnesses - this has been done
by the Tehsildar who investigated the case,
and the full report of the evidence, on which
he based his report, is contained in the papers
attached, because I am of opinion, that,
the Apothecary, from his own statement
clearly convicted of gross negligence and
neglect of duty, and I recommend that
he be reported to the Surgeon General for such
notice of his professional conduct as he may
think fit. In my opinion an adequate
punishment for this serious offence would
be removal from independent charge, and
Suspension from pay and allowance
for

charge

for a period of three months.

I have the honor to be
Sir

Very most obedient servant

C. W. Thompson
Sergeant Major.

District Surgeon
Feb. 2

Proceedings of the
President District Board

From
The District Surgeon
Mysore.

To

The President
District Board
Mysore.

No 2958.

Dated 21st July 1894.
DCC packet " "
Recd. " }

Enclosures 15. Sent
by separate packet
per.

Subject

Recommending that the conduct
of certain Apothecary be reported
to the Surgeon General for his notice.

8/22/7

Please draft a
proceedings
26/7

Put up

Proceedings of the
President District Board
Mysore dated 21st Aug.
1894. No 258

Read petition
dated 21st July 1894
presented by one
Sivalinga Sivan of
Manakudi village
Sivuthurapudi Taluk
complaining that the
Civil Apothecary of
Sivuthurapudi
on 14-2-94 to conduct

the delivery of his
daughters whose
labour appears diffi-
cult though he
offered a fee of Rs 75
The
allow - to conduct
charge

that he ^{object} ~~refused~~
allowing the Hospital
midwife to attend
even though the sta-
tionary Sule Maf
sent a clerk to plead
on petitioner's be-
half, ^{that} ~~and~~ medicines
too were refused
him and that he
was shoved out &
praying for enquiry.

2. Read this office
endorsement no ²⁵⁸
14-3-94
forwarding the petition
to the President Saluk
and Mammajid
for

for enquiry and report.

Read letter from
the President Saluk
Board Mammajid
no ³⁵⁹
3-5-94 reporting
that the petitioners
statements have
all been corroborated
except that the pe-
titioner was shoved i-
out of the Hospital
Compound.

3. Read this office
endorsement no ^{258DB}
5-5-94
forwarding the same
to the District Surgeon
Bangalore for enquiry
and report

H. Radalso de
Trick Surgeon's letter

No 2959 reporting
21-7-94

that the case has
been well proved
that
and the Apothecary
should be reported

to the Surgeon General
for removal from
independent charge
and suspension from
pay and allowances

for a period of 3
months.

Order.

The records will be
forwarded to the
Surgeon Genl. with
an expression
of my disapproval
of the apothecary

23/8
29/8/94

in the opinion
of the District
Surgeon -
MS
3-8-94

MS
3-8-94 I am
competent to
suspend so as to
can not do it
no time MS
4-8-94

under Rule 72, notification
A embodied in G.O. No 9182
25/4/94
put up marked, a copy
of the President's order
has been communicated
to the Surgeon General.

MS
6-8-94

On his own showing,
the Apothecary has subor-
nated the charges and
dishonored a woman in
difficult labor to his
own sense of what was
due him in point of
courtesies for the
applicant for his servi-
ces and in point
of money reward. He
also for no valid
reason refused the
services of the midwife

The real reason
probably was that the
payment of a fee or
its amount was
questionable.
Medical subordinates
of a Board cannot be
allowed to conduct

Cur. No. 258 of 94

Current No. 258 of 1894

The Surgeon General
with the Govt of
Madras.

Sir,
As required in G.O. No. 9182
25-4-94

I have the honor
to forward herewith
a copy of my Propo-
sition No. 258, passed
8-8-94, against the case of the
Civil Apothecary
V. S. Jesudasa Pillai
of Vintturaimundi
Hospital, and re-
quest you will be
good enough to arrange
for his removal
from the independent
charge.

also with the
Chief Surgeon letter
in original - to be
returned -

themselves in this
position with
inquiry
and after they
I send you is
ordered to be re-
moved from inde-
pendent charge &
to be subordinated
for pay and
allowances for
three months. It is
for him to
that the particular
case terminated
favorably

25/8
Cur. No. 258 of 94

Current No. 258 of 1894
D.B. 1894
S. A. 1894

Copy to the D. Surgeon with
reference to his letter read above
for information and guidance -
8/8. Report to Sir. S. A. 1894

DESPATCHED
11 AUG. 94

Copy to the D. Secy 2/8/94
Main - send for information

PATCHED
11 AUG. 94

for
and post his another
in his place at an
early date - I enclose
for your information
a copy of the D^r Surgeon's
letter no 2759 on the
conduct of the apothecary

Shance
copy to the D^r Surgeon
and President of Bd
man nargudi for information

DESPATCHED
13 AUG. 94

DESPATCHED
13 AUG. 94

210/8
210/8

6.30 PM

MEDICAL DEPARTMENT.

From

Surg: Mapi Ch. Thompson M.B.

DISTRICT SURGEON

Tanjore.

To

Approved
(To be returned)

The President
District Board
Tanjore

Dated 18th
Despatched 18th August 1894
Received 18th
No. 63. Sour.

President

Enclosures.

Reference:—

Subject.

Sir, With reference to your
Proceedings dated 8th Aug
1894, No. 258, directing
le mil Apothecary -
Jesudasa Pillay of Ti
-ppundi Hospital
removed from
charge and to be

formation in
termination of this
letter no 258

DESPATCHED

for a pay and allowance for 3 months. It
 honor to inform you that there is no civil
 carry available at present to be posted to
 Spundai Hospital. I propose to post the
 Hospital Assistant in charge of a dispensary
 at Sinutturaiippundi; and to post one of the
 duty Hospital Assistants to a dispensary. I
 think that a 2nd class Hospital Assistant will
 be able to carry on the work at Sinutturaiippundi
 during the suspension of the Apothecary, or till the
 services of another Civil Apothecary can be
 obtained.

I have the honor to be
 Sir;

Your most obedient servant.
 C. M. M. M. M.
 Surgeon Major
 District Surgeon

Md.
 17/8

2070

Tanjore District Board's Office.

Current No. 258 of 1894
 D. B.

From

The President District Board

Tanjore.

To

The District Surgeon
 Tanjore

Dated 24th

Despatched 25th

Received

August 1894

No.

ENCLOSURES.

His Office Letter No. 63 dated

18th August 1894

The District Sur-
 geon's proposals
 are approved.

Copy to the Surgeon
 General with copy
 of Dⁿ Surgeon's letter
 No 63 for in-
 formation in con-
 tinuation of this letter
 No 258

DESPATCHED

letter No 258

*The papers referred
to are herewith
sent as requested
-ad.*

*Op.
6/28
Open*

11.9.94

DESPATCHED
13 SEP. 94.

Current No. 258 13.94
DEPARTMENT

Office of the District Surgeon,
Tanjore 6th September 1894.
Camp

From Surgeon Major C. M. Thompson M.B.,
The District Surgeon,
Tanjore.

To
The President
District Board
Tanjore.
No. 3542

ENCLOSURE.

Reference.

Subject.

Sir,

I have the honor
to request that you
will be good enough
to forward to me, to
enable me to reply
to a reference from
the Surgeon General,

W.S.
5/9

Ref

The President District Board
Lanjore

Знамен

no Eclipse even if
true, but he made
no mention of this
before. *EW*

6.

7.

8

Lu

Geo: Frank Busby

of Apothecary.

19th August 1894.

Medical officer,

Tiru Puraijipundi.

To,

Tanjore.

Sir,

* Circular no 13
of 12th April 1880

The Scale of fees Sanctioned by Government was intended to regulate the practice of the Medical Subordinates amongst Towns-people of moderate means and was not intended to interfere with practice amongst planters, traders, landowners or Zemindars & well to do people. Here as with commissioned Medical officers the question of remuneration is left to adjustment between a patient & his medical attendant, with the proviso, that in cases of dispute, the Government reserve to themselves the right to determine whether the fee demanded is reasonable or extortionate."

2.

It has not been decided by

of one round and left the place

by Government as yet, whether the fee of Rs 75
that I demanded, as the petitioner represented
himself to be the most respectable & influential
Mirasdar of Manakadu, is extortionate; yet
I have been punished without any enquiry
worth the name. The petitioner is allowed
to escape scot-free tho I craved for permission
to prosecute the man to vindicate my innocence.
On the strength of the report of the local Tasildar
who made a very informal enquiry, taking
the statements only from 3 out of the 5 witnesses
named by him, who happen to be the interested
and closest relatives & accomplices of the petitioner
I have been condemned. Had the other two
disinterested witnesses been examined they would
certainly have deposed in my favor. Even a
criminal is permitted to be present during en-
quiry, in a case against him, whereas in my
case every thing has been done behind my
back. It has been overlooked, the serious,
that any enquiry conducted in the absence
of the defendant, as in my instance, is null &
void, according to law.

3. The petitioner himself admits
that I did not refuse medical aid but com-
plains of exorbitant demand which I shall
prove to be untrue. It is he that declined
to avail himself of my services, because, I
did not bind myself to the conditions pres-
cribed by him. viz that I should take the
midwife along with me if my services be
engaged, that my services will be availed of
after going to his village only if females permit
and that I should give satisfaction & treat
the woman for 16 days, the day of bath,

He must distinctly
did refuse medical
aid and refused to
allow the midwife to
attend
Cury

He refused to allow
the midwife to go.
Cury

an insignificant
falsehood.
Cury

He & his family
threatened and
sought to
and seems to
have been
driven in his
request

He & his
there

He had some
experience of him
too as his well
known
Cury

which means that the Hospital should be closed
for the period. I have only followed precedent
set on foot by District Surgeons in refusing to
accept the above conditions & for which I
have been punished.

4. The petitioner states that he offered
Rs 75 & that I declined to accept it. If this were
true & if the petitioner had really sought medical
aid, he would not have failed to secure
the services of the two Hospital Assistants (one
a pensioned 1st class Hospital Assistant, and
the other a 2nd grade Military Hospital Assistant
on leave, a caste man & relative of the petitioner)
who were living in the Station and who would
have gladly accepted Rs 75. or even less; this was
not done, but the petitioner took the Hospital
midwife secretly, arranging with her. This -
satisfactorily evinces that the petitioner was
determined to impose upon me and deceive me
simply to gain his end - i.e. taking the midwife.
The then District Surgeon Dr. Smith to whom
the petitioner applied in the first instance after
receiving my explanation, has given me sanction
to prosecute the man for preferring false charges
which case I have placed in the hands
of my legal adviser. The present petition is
on the same subject to the President District Board
and it is my misfortune that owing to the change
of District Surgeons tho I applied to prosecute
the petitioner, I have been punished not with-
standing the disposal of the same subject a few
months ago by the then District Surgeon Dr. F. C. Smith
who was well aware personally of my conduct
and who had a long experience of the Taluk
and its people.

5.

It is stated that no valid cause is shown for refusing to send the midwife. I must state that the late District Surgeon endorsed my view that midwives were incompetent to deal with unnatural Labours. A reference to the Lancet of the 10th February 1894 will show that Dr. Bryant President of the Royal College of the Surgeons emphasises clearly that midwives are intended only for natural labours. Further as will be elicited from the nominal Register and the Out-Patient's prescription book no 609, the midwife was engaged in the Town with a case of instrumental delivery on that date.

6.

The President District Board states that I should have followed the petitioner irrespective of remuneration and indifferent to the gratuitous insult to which I was subjected as life is precious. In the case of my daughter, when I applied for medical aid as she was very precarious from Typhoid fever and as I was too confused to treat her, the only child remaining after the death of my two sons in one day, I was told that the services of the Assistant Surgeon could not be spared. Hence it should not be stated that the District Surgeon Subordinated the imminent danger to my daughter's life to other conditions tho I was prepared to pay for medical attendance; yet very for a similar affair I have been punished. I should have been censured had I not attended to towns-people. It is very hard that I should be punished for not volunteering my services when the case was in a village 10. mile away & when the patient should have gone to Tedaram Hospital Assistant as the

Back
cur

never mentioned this before, but have heard the midwife to be employed only in cases of natural labor.
cur

False
cur

He was called upon to explain his conviction is that of his own showing.
cur

I do not understand that Dr. J. did more than allow him to prosecute as he proposed.
cur

2.

woman lives in his range. If it should be made a rule absolute that a Medical Subordinate for little or no remuneration, should without refusal proceed to the despatch of the Patient, even brooking insult, no sooner the dangerous state is represented, there will be no end of trouble & the Hospital duties shall perforce have to be sacrificed as Medical Subordinates will be thrown at the mercy of the public & will have to submit to be treated like slaves, lest they shall be punished as I have been, tho the accusations against me are perfectly groundless.

In conclusion I pray most humbly that this letter may be forwarded to the Surgeon General without delay, as I have been most mercilessly dealt with, without any formal enquiry, when I have not committed myself so that the Surgeon General may not remove me before a full enquiry is made into the case or till he receives a detailed defence from me as I have not been permitted an opportunity to vindicate my innocence and as the late District Surgeon Dr. F. C. Smith fully exonerated me from the petitioner's complaint & sanctioned the prosecution of the man.

I have etc.
of No. 10 Spentashy
of Apolij

Mr. J. J.

No. 10 Spentashy
of Apolij
20/8/94

7
CURRENT No. 1049
MEDICAL DEPARTMENT 1894

Office of the District Surgeon,
Tanjore 15th September 1894.
Camp

From
The District Surgeon
Tanjore.

To
The *Principal*
Sanitary Board
Tanjore

No. 37

ENCLOSURE.

Reference.

Subject.

Sir,

I have the honor to
forward at the request
of Sir A. P. the camp
Jasudasa Pillai
the accompanying

Propo.

Disposal No. 530
Proceedings of the

Board Tanjore dated

19th Sept 1894.

Had letter from
the Civil Apothecary
Sintburgapendi

No. 81 requesting
20-8-94

that the Proceedings
passed against him

No. 258 may not
8 8 94

be put in force

pending further an

Given by the Presi-
Board

dent Laluk Mamas

fluid into the pati-

tion of Sivalinga

Levan of Manakod.

Read also this off

Прод.

This

appeal petition
presented by him.

Have the honor to be
Sir

Your most obt. Servant

Customs Major

Arthur Tappan

$\frac{1000}{1000}$

Order No 258
8-8-94

suspending the
Apothecary for 3
months and ordering
his removal
from
independent charge
and other papers
on the subject.

Order.

The undersigned
as President of the
D. B. Board will not
renew his order and permit
proper the matter.
The Apothecary may apply the
appeal and open to him
of the

DESPATCHED

21 SEP. 94

Copy to Petitioner
through to D. B. Surgeon

with ref. to his no 3709
15-9-94

DESPATCHED

21 SEP. 94

Please see the Apothecary's
request to submit his pet. to the Surgeon General
18/9

19/9
19/9/94

Tanjore: September 1894.

TO

THE PRESIDENT,
DISTRICT BOARD,
TANJORE.

THRO',

THE DISTRICT SURGEON,
TANJORE.

The humble Appeal petition of V. Jesudasan,
Civil Apothecary, Tiruturaipundi.

MOST RESPECTFULLY SHEWETH,

1. That the petitioner was ordered to be removed from independent charge and to be suspended from pay and allowances for 3 months (Vide Proceedings of the President No. 258 D. B. dated the 8th August 1894).

2. That the reason for the punishment was based on a written complaint against the petitioner preferred by one Sivalinga Thevan and on the report thereon by the District Surgeon.

3. That the said Sivalinga Thevan has made the following allegations.

a. That the petitioner when requested would not go with him to his village (10 miles away) to attend the difficult delivery of his daughter even though a sum of Rs. 75 was offered.

b. That the petitioner would not permit the midwife to accompany him and do the needful.

c. That the petitioner did not take the recommendation of the Stationary Sub-Magistrate, who on representation by the complainant is said to have sent word to the petitioner through his clerk, requesting permission to be given to the midwife to go.

d. That the petitioner was not kind enough to prescribe and dispense medicines to his daughter, who, two days after delivery was suffering from convulsion and fever; and that on the same occasion when he went to the hospital for medicine the petitioner ordered his servants to turn him out.

4. That the petitioner will now proceed to reply to the above allegations in order.

a. It is alleged that the petitioner did not proffer his services when it was required; that he refused to attend a delivery case because the fee was less than what he fixed. This was the head and front of the whole offence to which the other complaints are added as mere pendants, probably with the object of giving an

air of probability to the whole story. The petitioner admits it true that a certain man, (not Sivalinga Thevan) came to him and requested him to send the midwife to Manakadu; that on being told that the midwife would not be equal to the occasion by reason of her little experience and professional skill, he desired to know how much the petitioner would demand if he was engaged; that when the petitioner fixed the fee at Rs. 75 the man offered first Rs. 25, then Rs. 50 and suggested that the petitioner and the midwife should both go with him but not the petitioner alone on the express condition that if the females of his house had any scruples about employing a male, out of a sense of modesty the petitioner should march back without any remuneration whatever, and that if the females make no objection the petitioner should come to the village for 16 days and treat her till the last day of bathing, and that he would go and consult and return.

That when the offer was made hedged round with such conditions the petitioner could see plainly that the man, an irresponsible individual, was not in earnest as to engaging his services. The petitioner spoke to him on friendly terms that if he really wanted qualified men to attend he should not look to the midwife, who would be of no use in such a difficult case but should go to either the pensioned First Class Hospital Assistant or to the Second Grade Military Hospital Assistant on leave, a close relative of Sivalinga Thevan, who heretofore had been utilizing the Hospital Assistant's services, as both of them lived in the station.

That Sivalinga Thevan accompanied by his man came to the petitioner after this and asked him bluntly under what authority the petitioner could not permit the midwife to go. The petitioner did not answer him as the man was not in a proper frame of mind. He spoke a few words menacingly and retired.

b. That the petitioner is blamed for not having permitted the midwife to attend on complainant's daughter. True he did not send the midwife. The petitioner explained to the man that the midwife will not cope with difficult cases. Besides if the midwife attended and either the child or the mother died through bungling operation, then the authorities will turn round and say "why did you send the midwife." The situation was truly dilemmatic, and the petitioner exercised his own discretion. Add to this what the man had said previously, that he had engaged an expert barber woman, and the midwife was wanted only to assist her. The petitioner thought that the midwife was one too many. Besides, the midwife was engaged with an instrumental delivery in the station.

c. In regard to the part played by the Sub-Magistrate's Clerk, the petitioner declares on his word of honor that the clerk never came to him nor conveyed any message to him. Subsequently when the petitioner one day confronted the clerk, he admitted in the presence of the Deputy Magistrate Mr. Muthuswamy Pillay Avergal that he never spoke anything to the petitioner about the subject.

d. It is alleged that the petitioner refused to give medicines to the complainant and that he ordered his servant to turn him out. The complainant has withdrawn the latter portion of this statement, that which relates to the use of physical force, in his letter to the District Surgeon; and the witnesses are silent on this point in their deposition before the Tahsildar. *Falsus in uno, Falsus in omnibus.* The complainant is not worthy of credence in as much as he inserts or omits paragraphs according to his own sweet will without in the least feeling the responsibilities and consequences of his action. Subsequent enquiries have disclosed that

Sivalinga Thevan is a pauper; is a petition-writer; and has a capacity for mischief. The petitioner's reply to the accusation is that it is a down-right lie and that the complainant never came to the Hospital even once. The complainant admits in his statement before the Tahsildar that he had no direct transaction with the petitioner whereas in the petition he asserts the contrary which itself gives the lie to the complaint.

5. That the petitioner will now beg to say a few words on the report of the District Surgeon touching his case. It may be mentioned that Sivalinga Thevan wrote two letters, one to the District Surgeon and the other to the President of the Board. Dr. F. C. Smith, who was District Surgeon at the time, called for an explanation from the petitioner which was duly submitted. Dr. Smith considered that the complaint of Sivalinga Thevan was frivolous and groundless and sanctioned the prosecution of the man for having brought a false charge against a public servant. The matter did not end here. The letter of Sivalinga Thevan addressed to the President of the Board was forwarded to the District Surgeon for enquiry and report. Dr. Smith having left the place, his successor Dr. Thompson had to draw up the report. Unfortunately for the petitioner an illustrative parallel alluded to by the petitioner prejudiced his mind. The petitioner had said in his letter of explanation to the Surgeon-General that when his daughter was in imminent danger from Typhoid fever and that he himself was not in a composed state of mind to treat her, he addressed the District Surgeon (Dr. Thompson) for medical aid; he did not come down to the petitioner's station nor did he spare the services of the Assistant Surgeon. The petitioner made this reference under a *bona fide* impression that it would go a great way in mitigating his offence if it were one. But it had a contrary effect.

6. The petitioner feels bound to notice the summing up in the order of the President. The order begins thus "On his own showing the Apothecary has subordinated the danger and distress of a woman in difficult labor to his own sense of what was due him in point of courteousness from the applicant for his service and in point of money reward". The above is apparently based on the following passage in the petitioner's memorial to the District Surgeon. "Similar treatment would have been extended to the petitioner had he not stood on his dignity and had he been more courteous". The sentence is construed by itself, apart from its relation to the context and the general tenor of the argument. If there be one thing which the petitioner has tried to emphasize particularly, it is that the complainant never wanted the service of the petitioner. With this idea fixed in his mind, the petitioner intended the aforesaid sentence as an additional argument. The petitioner wanted to say that there was no redeeming feature in the conduct of the complainant. His discourtesy was a cause but not the only cause of non-compliance with his request.

The order continues "He also for no valid reason refused the services of the midwife". The petitioner has said that the midwife was incompetent. Secondly if the child or the mother died through any mistake of the midwife, then too the petitioner will be saddled with the blame. As the service of a barber woman had already been engaged the midwife was a supernumerary.

Lastly the order says "The real reason evidently was that the payment of a fee or its amount was questionable." The petitioner knows fully well that if

he renders service to any one, there will be no difficulty about getting his fee. If the party refused, he could go to law. The real reason was (as it has been repeatedly pointed out) that the party did not want the services of the petitioner unaccompanied by the midwife.

7. The petitioner has been in the department for 15 years; he has borne a good character as will be seen from the testimonials given him by his superiors. In refusing to send the midwife he was actuated by the purest motives. He himself would have gone if he was earnestly asked to come even though no reward was held out. He had attended four labor cases in the station gratis. Besides, the village of Manakadu was outside the petitioner's range, and as there were two Hospital Assistants about the place, he knew they would have been applied to.

The midwife, who had previously arranged to go seems to have induced the complainant to ask for permission. As a matter of fact, the midwife did go after all, and when news was brought that the child had been pulled out by the barber woman referred to *supra*, she returned before reaching the village. In the present case the petitioner was guided by his own sense of duty and by his knowledge of the circumstances of his case, and even if he went wrong he should not be punished for mere error of judgment as there is no definite ruling on this subject. The enquiry instituted by the Tahsildar was informal and one-sided. The petitioner was not allowed to be present and to cross-examine the witnesses though a request for a copy of the complaint was made to the Tahsildar. The District Surgeon (Dr. Thompson) made no enquiry either personally or by Deputy and it is my misfortune that he arrived at the conclusion that the case is well proved.

In his memo No. 3674 dated Fort Saint George 21st July 1886 the Surgeon General observes that "The scale of Fees sanctioned by Government was intended to regulate the practice of the medical subordinates amongst Townspeople of moderate means and was not intended to interfere with the practice amongst Planters, Traders, Land-owners or Zemindars and well-to-do people. Here, as with commissioned medical officers, the question of remuneration is left to adjustment between a patient and his medical attendants with the proviso that in cases of dispute the Government reserve to themselves the right to determine whether the fee demanded is reasonable or extortionate."

8. Under these circumstances the petitioner prays that this appeal may be placed before the Board and duly considered and the order cancelled as the petitioner has been punished for an error of judgment and for faithfully representing the facts of the case unlike the complainant whose petition is replete from top to toe with wanton suppression of facts and false fabrications with intent to mislead and prejudice and when the subject was disposed of some months ago by Dr. Smith who after being satisfied with the explanation of the petitioner has sanctioned the prosecution of the complainant finding the complaint frivolous and vexatious.

For which act of kindness the petitioner shall, as in duty bound, ever pray.

Per. J. S. S. S.

Civil Apothecary.

No 66.

Tiruturaippundi. 15th July 1894.

From.

C. Apothecary, Md. J. S. S. S.
in Medical charge
Tiruturaippundi.

To:

The District Surgeon
Tanjore.

Sir, I respectfully beg to submit the detailed explanation called for in your Memo No 1919 ament. The petition of one Sivalinga Thevan of Maanakadu in continuation of my letter No 27.

2. I was transferred in October last and ever since, in this station, I have been rendering my services ungrudgingly to those that required them, to the rich and the poor alike, and I have not been paid nor have I demanded a single farthing. Of these there have been no fewer than four labor cases, one, an instrumental delivery, demanding my attention for a fortnight, morning and evening, where I had to give my own medicines and use my own instruments to bring the

the patient round. Similar treatment would have been extended to the petitioner, had he not stood on his dignity and had he been more courteous.

3. The petition is one tissue of falsehood and is conspicuous for its fabrications and wanton omissions, evidently calculated to mislead and prejudice. And it involves the following issues:-

a. Whether Sivalunga Thevan offered Rs 75 for medical aid and whether it was rejected.

b. Whether the midwife was refused to be sent and if so why?

c. Whether Sivalunga Thevan was refused medicine when he applied for it at the hospital and whether he was assaulted.

d. Whether a copyist from the Sub-Magistrate conveyed any message to the apothecary?

a & b (issues)

Sivalunga Thevan, as stated in his petition, did not seek my services direct, at the first instance. A man accompanied by the midwife came to me and applied for permission to take the midwife to Mannakadu, a village 10 miles away, to deliver a woman

woman in labor with arm presentation. He was informed that the midwife was not qualified as the nature of the case was serious, and he was desired to bring the case to the hospital. The man represented that the woman in labor was the daughter of the respectable and influential Mirasidar of the village and as such could not be brought to the hospital and that the midwife was required only to assist an expert woman, who had already been sent for. He was given to understand that the midwife was not employed in the hospital for such purpose. Whereupon he wished to know what my charges would be if I should be engaged. Rs 75 was fixed by me as a fair sum for a man of such influence. He said that Rs 100 or 200 would gladly be paid if I had to labor much but as it was, it was a trifling affair, which would not take more than a few minutes. As I had only to drag the child out by the arm and therefore he would pay Rs 25 on condition that I took the midwife with me and delivered the woman myself, provided the females gave

gave their consent. He was told that he could expect every treatment gratis in hospital. Thereupon he said that he would give another Rs 25 if I attended upon the woman till the sixteenth day and I gave them satisfaction; however he would go and consult and return. After a couple of hours he returned with Sivalinga Thevan, who wished to know whether there was any order that the midwife should not attend such cases and said that I should take the midwife along with me and that he would pay as already stated. He was told that I would not enter into any condition and that it was not his business to dictate me about the midwife as I understood that the man intended to play me false. He left me stating that as a respectable Mirasidar he would see that the midwife is sent. His statement that he offered Rs 75 is false; and if true his witnesses would have definitely fixed the sum as Rs 75, but they say Rs 70 or 80. The man applied to a pensioned Hospital Assistant who

who demanded Rs 75 but the man left him. The midwife was taken by Sivalinga Thevan according to the contract with her before applying to me; but on receiving intimation of the child's extraction by the expert woman on their way to Mannakadu, the midwife was sent back having been paid or promised Rs Ten.

c. Sivalinga Thevan did not come to the hospital for medicine nor was he assaulted. If the assault were true he would not have hesitated to fly to the Sub-Magistrate and lodge a complaint. When he had made so much noise over a simple affair and when he had no real grievance. The assault was not proved during the enquiry and it is not mentioned in his petition to the District Judge.

d. The Opioid did not intimate to me any message from the Sub-Magistrate. When I was next door treating a patient, he came to the P. H. Officer had a tete a tete conversation with him in a corner of the house and left the place. This

This copyist admitted before the Late Deputy Magistrate Mr. Muthusawmy Pillai averged during the course of conversation that I never spoke to him, and the Station House Officer informed the Deputy Magistrate in the presence of the Sub-Magistrate that the Copyist never communicated any message to me. Yet the Copyist has been audacious enough to misrepresent me to the Sub-Magistrate being made a cate-paw of by Sivalinga Thevar. All this trouble could have been very well avoided if the sub-magistrate had been courteous enough to write to me a note instead of deputing his protégé, an irresponsible copyist when he heard from Sivalinga Thevar his story. The procedure of the Sub-Magistrate had only tended to embolden the petitioner to fabricate charges citing the Copyist and the sub-magistrate as

as witnesses. If the evidence of witnesses be scrutinized it will be observed that every man gives his own version of the story and no two statements are alike.

4. The Tahsildar's enquiry I beg to state was anything but impartial. On the grounds of fairness and justice the Tahsildar should have segregated the witnesses and kept a watch over them but as will be learned from the statement of person Govindasawami and the necessity for the re-examination of witnesses the enquiry was very lax, the witnesses were allowed to be within the hearing of the court and free intercommunication was permitted. I was purposely shut out from the enquiry when my interests were extremely concerned for reasons best known to the Tahsildar. He has even dispensed with the material and independent witnesses when they were easily available and has recorded only the evidence of the closest relatives. The statement of the petitioner differs

differs materially from the petition. The enquiry conducted behind my back should be considered null and void and a fresh enquiry should be instituted if truth should be disclosed.

5. The petitioner is a notorious character and an unscrupulous petition writer. He styles himself as the autocrat of Kadarambalam and is a [†] *Vedarniem Range and not the apothecary's* terror to the villages. He has been entertaining a false notion that a petition will prejudice higher authorities. I regret to say that the medical subordinates in this Taluk are treated as scape-goats and are thought to be at the mercy of the public. It is not desirable that a notorious character as the one in question should be allowed to escape scot free. Two of my predecessors have fallen victims to conspiracy and not one of the medical subordinates has been left un-molested. I therefore pray that

that I may be allowed to prosecute the man for preferring false charges. Unless sanction is accorded and the man brought to feel the limbo of the law he will ply his trade with impunity caricaturing the innocent.

In conclusion I beg that I may be pardoned for the unavoidable delay which has been due to my legal adviser not returning the petition of Sivalingu. Therean addressed to the D^r Surgeon though I sent him a registered letter to Mannargudi and to my ill-health from hectic fever since the 6th of last month and last fall my misery and worry of mind caused by the grief of my only surviving child suffering from Typhoid fever since the 28th of June and her critical state at present after the death of my two sons. My anxiety does not permit me to collect my thoughts as I should do and therefore beg to be excused.

I have this honor to be

Yours truly

Pro. S. S. S. S.

at

Yours truly
S. S. S. S.

Yours truly
S. S. S. S.

86 g f m n u l z m l g.
9. 4. 94.

Handwritten: 96 7 8 m y i e n i q j p z o s o p r d d p r o
m i a n i u m v a a

புணர் கருகு சுவலிங்க தீர்த்தோன் உடையவனே.

20.8.94
 20.8.94
 20.8.94

20.8.94
 ni uponi upindika. kawilishwa wanao
 yote wafiki Omani Zaid

[illegible]

than the 100.
upon begged the
apothecary to send the
hospital midwife at least.
To this too he demands the 100.
Thereupon I complained of
this to the Stationary Sub-
Magistrate, who sent his
Copyist Panchapalakaligga
to enquire of the Apothecary
the reason for his refusal
to take up the case. He
apothecary sent away the
Copyist with the reply that
the Sub Magistrate had no
authority to dictate to him
that he can only punish
thieves & that if he pleased
he may go and drag the child
with his hand from my
daughter's womb. He car-
ried this reply to the ears
of the Sub Magistrate, & I
then went away to my village.
Three days after this my
daughter began to suffer from
convulsions brought on
by cold. I therefore came
to the apothecary & asked
medicine to my daughter.
But he asked me to remove
my daughter to the hospital.
But I said that this was
impossible & renewed my
request for medicine. He
thereupon ordered the office for
to push me out by the neck
& I was accordingly &
dealt with in a full tran-

1. ...
2. ...
3. ...
4. ...

Proceedings of the President District
Board, Tanjore, Dated 8th August 1894.
No 258.

Read petition dated 21st February 1894,
presented by one Sivalinga Thevar
of Mannakadu Village, Tiruturaippundi
Taluk, complaining that the Civil
Apothecary of Tiruturaippundi refused
on 14th February 1894, to conduct the
delivery of his daughter, whose labor
appeared difficult, though he offered
Rs 75, that he objected to allowing
the hospital midwife to attend, even
though the Stationary Submagistrate
sent a clerk to plead on petitioner's
behalf, that medicines too were refused
him and that he was shoved out
& praying for enquiry.

2. Read this office memorandum
No 258 ^{14.3.94} forwarding the petition
to the President, Taluk Board, Mannar,
Jude for enquiry and report.

Read letter from the President
Taluk Board Mannayudi No 359
^{3.5.94}
reporting that the petitioner's statements
have all been corroborated except
that the petitioner was shoved out
of

of the Hospital Compound.

3. Read this office Indorsement No 258, forwarding the above to the District Surgeon Tanjore for enquiry and report.

4. Read also District Surgeon's letter No 2957, 21.7.94 reporting that the cause has been well proved & that the apothecary should be reported to the Surgeon-General for removal from independent charge and suspension from pay and allowances for a period of 3 months.

Order.

On his own showing, the Apothecary has subordinated the danger and distress of a woman in difficult labor to his own sense of what was due him in point of courtesies from the applicant for his services and in point of money reward. He also for no valid reason refused the services of the midwife.

The real reason evidently was that the payment of a fee or its amount was questionable.

Medical Subordinates of a Board cannot be allowed to conduct themselves in this fashion with impunity.

Civil Apothecary V. Pandar Piray is ordered to be removed from independent charge and to be suspended from pay and allowances for 3 months. It is fortunate for him that the particular case terminated favorably.

(Sd) J. Thomson
President

(True copy)

Current No 258 of 1894.
D.B.

Communicated to the District Surgeon Tanjore with reference to his letter read above for information and guidance.

Despatched 11th Aug 1894. (Sd) J. Thomson
President

(True copy)

(Sd) C. K. Thompson M.B.
Surgeon Major
District Surgeon

Marked
for
signature
of
C. K.

TESTIMONIALS.

No. 1.

I have known Civil Apothecary V. Jesudasen Pillay for nearly three years past, since he was first a student with me in the Hospital of the 10th N. I. and afterwards when studying in the Medical College. He was always most earnest and zealous in his studies very observant of the symptoms and progress of cases, and anxious for information he always sought for instruction. And knowing him to have been a most careful student and to have acquitted himself so very* creditably

Placed in 1st Class. at the recent examination on leaving college, I believe him to be one who will always conduct his duties with credit to himself and to the satisfaction of officials under whom he may serve.

PERAMBORE,
8th July 1880.

(Signed) H. ADAM,
SURGEON MAJOR,
10th Regt. M. N. I.

No. 2.

Extract from letter No. dated from the Surgeon General with
the Government of Madras to the Chief Secretary to Government.

* * * * I had taken care to supply them with a Civil Apothecary—(V. Jesudasen)—of superior professional qualifications who in my opinion was well qualified for the place and who was eligible to remain in their services for any length of time.

(Signed) W. R. CORNISH, F.R.C.S., C.I.E.,
Surgeon General with the Government of Madras.

No. 3.

Extract from the Annual Medical Report of the Civil Dispensary, Coimbatore,
for the year 1881-82.

* * Civil Apothecary V. Jesudasen attached to this hospital now for the past 18 months has given me every satisfaction and is a most skilful and untiring subordinate.

COIMBATORE,
1st January 1882.

(Signed) G. E. WHITTON, M. B.,
Surgeon Major Civil Surgeon.

No. 4.

Mr. V. Jesudasen has done duty in the Civil Dispensary under my orders during the past 20 months. He is man of considerable attainments and passed out of the Madras Medical College as Civil Apothecary in June 1880. I have at all times found him attentive and kind to the sick and consider him well qualified to take charge of any hospital.

COIMBATORE,
February 22nd 1882.

(Signed) G. E. WHITTON, M. B.,
Civil Surgeon.

No. 5.

Mr. V. Jesudasen, Civil Apothecary, passed out of the Medical College, Madras in June 1880. Since that time he has been attached to the Civil Dispensary here. I have always found him intelligent and zealous in the performance of his duties, and consider him quite qualified to undertake the sole charge of any Civil Dispensary. He has been very successful in his management of obstetric cases and I have great pleasure in giving him this testimonial.

COIMBATORE,
February 27th. }

(Signed) G. E. WHITTON, M. B.,
Civil Surgeon.

No. 6.

Extract from letter No. dated to the President L. F. B., Coimbatore, * * * Civil Apothecary V. Jesudasen is qualified and has held charge of the Station on several occasions during the inspection tours of the Civil Surgeon.

(Signed) G. E. WHITTON, M. B.,
Civil Surgeon.

No. 7.

I have much pleasure in stating that during my tenure of the office of Civil Surgeon here I have found Civil Apothecary V. Jesudasen, in every way fitted for his work and consider him as equal to any independent charge to which he may be sent.

He has always in my opinion done his duty in spite of difficulties and appears to me a conscientious and high principled man, and I may state that my predecessor Dr. Whitton, who had better opportunities of judging and a longer acquaintance with him than I have had was entirely satisfied with him both in his professional work and in his private character, and has given him excellent testimonials. In case of necessity I shall be happy to further testify as to my high opinion of V. Jesudasen Pillay.

COIMBATORE,
April 24th 1882. }

(Signed) GERARD McKEE,
SURGEON, I. M. D.,
Acting Civil Surgeon.

No. 8.

This is to certify that I consider Civil Apothecary V. Jesudasen now at Coimbatore as fitted for the post of Assistant Surgeon should a vacancy occur and I consider him quite equal to an independent charge.

His professional knowledge both practical and theoretical is far above the average.

COIMBATORE,
April 25. }

(Signed) GERARD McKEE,
Surgeon, I. M. D.

No. 9.

I have much pleasure in testifying to the zeal and ability displayed by Civil Apothecary V. Jesudasen during the time I have known him at the Civil Dispensary at this Station. I have always found him competent to deal with the most difficult cases and consider he has Exceptional Knowledge of his work. I have been able to place the greatest confidence in his capacity and consider him quite fit for a higher grade. Assistant Surgeon. He has performed during my time one major operation (amputation of the arm) and three operations in midwifery besides a number of minor ones. I am sorry the station is about to lose his services but hope before long I shall hear of his promotion.

COIMBATORE, }
21st July. }

(Signed) J. F. FITZPATRICK, M. D.
Civil Surgeon.

No. 10.

Extract from the Annual Medical Report upon Civil Apothecary V. Jesudasen for 1884.

Has a good General Knowledge of his profession, is very attentive to his duties and does every thing in his power to improve himself and give satisfaction.

JANUARY 1, 1885, }
General Hospital }

(Signed) R. W. COCKERILL,
BRIGADE SURGEON,
Surgeon, General Hospital.

No. 11.

Extract from the services Register of Civil Apothecary V. Jesudasen.

* * *

Very good, industrious, intelligent and well informed.

(Signed) G. E. WHITTON, M. B.

25-2-1882.

I endorse Dr. Whitton's opinion in every particular.

(Signed) G. M. E. McKEE.

27-4-1882.

Exceedingly good, zealous and industrious, intelligent and well up in his profession.

(Signed) J. F. FITZPATRICK.

20-7-1882.

Character very good. Is very attentive, civil and obliging and does every thing in his power to give satisfaction.

(Signed) R. W. COCKERILL,
BRIGADE SURGEON.

(Signed) JAS. KEESS,
BRIGADE SURGEON,

30th January, 1885.

S. M. O.

Character of Officer.

MEMO.

No. 12.

The undersigned has much pleasure in conveying to Civil Apothecary V. Jesudasan, the Surgeon-General's appreciation of his work performed on the night of the 3rd January 1885 when the late Captain Hamilton, R. E., was brought to the General Hospital in a state of cholera collapse.

Extract from a memo from the Secretary Surgeon General with the Government of Madras. No. 643, dated 10th February 1885.

"The Acting Surgeon-General takes this opportunity to mention that he considered Apothecary Jesudasan to have behaved with much zeal and intelligence on the occasion. * * *

MADRAS,
GENERAL HOSPITAL,
13th February 85.

(Signed) JAS. KEESS,
BRIGADE SURGEON,
Senior Medical Officer.

I have much pleasure in certifying to the ability, general skill and universal kindness of Civil Apothecary V. Jesu Dasen Pillay, who has served under me for the past 2 1/2 years & now leaves for his own country. His conduct has been very good.

Masulipatam
21. April 1890

sd/ J. B. Thomas.
Brigade Surg. Mdt Surg. Krishna.

No 14.
Mr R. V. Jesu Dasen Pillay Esq. Civil Apoth. Tirutovilur
Dear Sir,

I am informed that you leave this station this afternoon & I assure you that I am very sorry to lose your services. During the 7. Seven months you have been in charge of the Dispensary I have had no occasion to find fault with any thing connected with the administration of this institution. You managed it very well. I always found you straight forward independent & hard working & attentive to duty qualifications which are seldom found together in one person. I wish you all success & hope that I shall have the happiness of soon enjoying your company again in this station

Tirutovilur
20 July 91

Yrs Sincerely
V. Subbiah
By J. B. Thomas & David. Datug Board

No A.

Tanjore. 24th September 1894.

From.



Civil Apothecary V. Jesu Dasen
of Tiruturaiappundi.

The District Surgeon
Tanjore

Sir,

I respectfully beg to request that the enclosed printed Appeal Petition and enclosures may be kindly forwarded to the President District Board without delay so that it may be placed before the District Board meeting to be held on Saturday the 29th instant.

Unless the appeal is forwarded urgently, I beg to state that I shall have to wait and suffer till the Board meets again next month.

I have the honor to be
Sir
Your most obedient servant

Enclosures

1. Printed appeal petition.
2. First letter No 66. 15.7.94.
3. Sivalinga Thevar's Tamil Statement before the Tahildar.
4. Sivalinga Thevar's petition.
5. Proceedings D. B. President, No 258. 8.8.94.
6. Copy of Testimonials.

K. K. K. K.
J. A. M. M.



Glue 3678
1894

Ch 1150
2094

Current No. 1089
of 1894

The Board must on
27th this is no time
to circulate this for
our consideration. It
must lie over till the
next meeting.
Circulate all the
papers.

No. 3822

Forwarded to the
President District
for Board. Lankone.

William J. M.
Surgeon Major
District Surgeon
Lank.
24/9.

Lankone
24th Sept 94

at
17-10-94

Return
30.10.94

send on at once
17/10

Depd. 20.45

13. Aiyasani Sastri Angl	Pensioned Officer	22-10-94
14. T. S. Muthasani Pillay Angl	Hof Asst Collector Negapetam	22-10-94
15. P. Rethasabapathy Pillay Angl	1st grade pleader Negapetam	22-10-94
16. S. Andripillay Chabbar Angl	Merchant Nagier	22-10-94
17. A. Sami Jyer Angl	Pensioned Jhy Marayaram	22-10-94
18. T. R. Subasani Nader Angl	Alkari Contractor Marayaram	22-10-94
19. S. Ramasani Pillay Angl	Mirasidur Nagambadi	22-10-94
20. L. Anantharama Jyer Angl	Mayasasani	22-10-94
21. Mir Abbas Ali Sahel Bahadur	Thsildar Ghigali	22-10-94
22. S. L. Ramasani Jyer Angl	Thsildar Nannilam	22-10-94
23. T. Somasundara mudaliar Angl	Pleader Pabukottai	22-10-94
24. T. S. Muthasani Pillay Angl	Mirasidur Vadapathumangalam	22-10-94
25. T. S. Muthasani Pillay Angl	Via Kuthanallur	22-10-94
26. T. S. Muthasani Pillay Angl	Deputy Collector Marayaram	22-10-94

N. 13. As the papers should be in this office before the 17th October 1894, each number is particularly requested to retain the papers for not more than half a day and to transmit them to the next number in the list. The last mentioned numbers will please return the same to this office.

DESPATCHED

List showing the names of the District Board members to whom the papers relating to the civil supply of the early Trabburaipudi are circulated for their opinions.

Serial No.	Names of members.	Current No. 1089 of 10-94. D. O.			Occupation.	Date of receipt of papers.		Remarks.
		1	2	3		4	5	
1	Surgow Major C. M. Thompson	D.O. 10-10-94			District Surgeon Tanjore	4/10/94	7/10/94	Am
2	M. R. C. Narayanaswami Pillay	D.O. 10-10-94			Deputy Collector Tanjore	7/10/94	7/10/94	Am
3	" H. Nibharaya	D.O. 10-10-94			Deputy Collector Tanjore	7/10/94	7/10/94	Am
4	" H. Nibharaya	D.O. 10-10-94			Deputy Collector Tanjore	7/10/94	7/10/94	Am
5	" S. A. Samirade	D.O. 10-10-94			Deputy Collector Tanjore	7/10/94	7/10/94	Am
6	" S. A. Sundaraw	D.O. 10-10-94			Deputy Collector Tanjore	7/10/94	7/10/94	Am
7	" S. Govindasami Pillay	D.O. 10-10-94			Deputy Collector Tanjore	7/10/94	7/10/94	Am
8	" Rajaraw	D.O. 10-10-94			Deputy Collector Tanjore	7/10/94	7/10/94	Am
9	Robert B. Clegg Esquire	D.O. 10-10-94			Deputy Collector Tanjore	7/10/94	7/10/94	Am
10	" H. Jagannatha Chatterjee	D.O. 10-10-94			Deputy Collector Tanjore	7/10/94	7/10/94	Am
11	" P. Thambisami	D.O. 10-10-94			Deputy Collector Tanjore	7/10/94	7/10/94	Am

576

Jesudasen
appeal to Board.
I am told the
Surgeon General holds
that there is no appeal
to the Board, only to
himself. Examine
the point

March 5. by 810
9182 from which
25-4-89 0-7-0

Tanjore 12 October 1894.

TO

THE SECRETARY TO THE ¹¹ SERGEON-GENERAL,
WITH THE GOVERNMENT OF MADRAS,
MADRAS.

THRO'

THE DISTRICT SURGEON,
TANJORE.

The humble petition of C. Apothecary Ved. JESUDASEN,
Tiruthuraippundi.

MOST RESPECTFULLY SHEWETH,

That, the Petitioner has been removed from independent charge and suspended for three months by the order of the President, District Board, on the false complaint of one Sivalinga Thaven of Manakkadu, residing in the range of the Vedaraniem Hospital Assistant.

2. That the Petitioner has preferred an appeal to the District Board against the said order of suspension, based on a misinterpretation of the language of the Petitioner in his first letter of explanation, No. 66 of 15th July 1894.

3. That, the charges preferred by Sivalinga Thaven against the Petitioner, and the Petitioner's explanation of, and arguments against them are fully set out in his appeal to the Board, copy of which is hereunto annexed for your kind and patient perusal.

4. That the Petitioner has been singularly unfortunate in having been made to stand two different trials on two different occasions, before two different judges, for one and the same offence, alleged to have been committed at one and the same time, simply because Sivalinga Thaven laid two charge sheets one before the President, District Board, and the other before the District Surgeon, one being an improvement upon the other, which alone should have led the superiors to view the complaint with distrust.

5. That, the District Surgeon, finding the complaint frivolous and vexatious, * *fully exonerated the Petitioner* and accorded him sanction to prosecute the complainant for malicious complaint; that the President, District Board, on the other hand, meted out the extreme punishment * *misconstruing the Petitioner's language.*
Vide Presidents order. para. 1.

* *Dr. Surge. No 3684 of 13.9.94.*

The Apothecary was counselled from his own state. made in his first letter of explanation -

it will be seen
that the first ap. al
lies to the Dst Bd and
a further appeal to the
there is no appeal to the
Surgeon-General except to
the then the time -

22.10.94

Procedure Board
any appeal
A. H. Board by

6. That the President's ground for suspension—"On his own shewing, the Apothecary has subordinated the danger and distress of a woman &c." is unsustainable; for, a hypothetical argument, intended simply to evince the discourteous conduct of Sivalinga Thevan and the petitioner's invariable readiness to attend upon labour cases has been uncharitably misconstrued into Petitioner's admission of Sivalinga Thevan's complaint, when the Petitioner has emphasized throughout his letter No. 66 that his services were not at all required and when in para 3 the very next sentence he avers that "*the petition is one tissue of falsehood*".

That Sivalinga Thevan did not require the services of a medical man is further proved by his having taken the midwife and the midwife only, when there were two other medical men in the station, a retired First Grade Hospital Assistant, and a 2nd Grade Hospital Assistant (a close relative of the complainant) who, as heretofore would have gladly rendered his services for little or no remuneration, if required. Vide letter No. 66 Para 4.

7. That, the Midwife is incompetent to handle unnatural labours is a well recognised fact. Vide Lancet. 10 February. 1894. Doctor Bryant's address—that she was engaged with the petitioner on that date with an instrumental delivery in the station; that her services could not have been spared as she was very badly required in the station; that she was required by Sivalinga Thavan only to assist an expert barber woman, which fact is proved by her being taken to a certain distance, only to be sent away on hearing of the safe delivery on his way. Vide. No 66. Para 4.

8. That the petitioner is alleged to have declined to render medical aid, "for the real reason evidently was that the payment of a fee or its amount was questionable." This argument is untenable; for on the very day, he had been attending upon an instrumental delivery gratis besides three others in the short space of six months; that the petitioner is not bound to render his services gratis; that in cases of non-payment the Petitioner could have legally enforced his claim in a court of justice. No 66. Para 2.

9. That even if the allegations be true, the petitioner is not liable to any punishment, since he has not transgressed any rule of law or of the Department, or omitted any official duty; that the petitioner is not bound by any Departmental order to leave his own Station during emergency but is restricted by District surgeon's circulars to stick to Hospital hours; that private practice is only permitted if it does not interfere with official duties; and that in the present instance, if the conditions prescribed by the complainant had been accepted Hospital should have been closed either in the morning or in the evening for

*LETTER NO. 66
PARA 4.

*16 days: that the complainant who has brought a false charge when he has sustained no loss, would not have failed to bring the charge of manslaughter simply to ward off payment if the Petitioner had attended and unfortunately the case proved fatal: that the petitioner could not have neglected the serious case of delivery in the Station to go 10 miles away, out of his own range.

10. That no valid reason has been assigned by the President, for differing from the finding of the former District Surgeon, who fully exonerated the Petitioner; that the Petitioner, as a subordinate could only be guided by the action of his immediate superiors, in the absence of any definite ruling on the subject; that the petitioner has been punished for following the precedents of his

superiors; that the petitioner has not been permitted the opportunity to vindicate his innocence.

11. That Sivalinga Thaven has not substantiated his charges; that the witness who is said to have offered Rs 75 to the petitioner was not examined; that the Tahsildar, prejudiced in favour of the complainant, made an informal and one-sided enquiry; that the petitioner was not permitted to be present during the enquiry; nor was he permitted to confront and cross-examine either the complainant or his relatives (witnesses); that the complaint and complainant's statement materially differ, so also the statements of witnesses. No. 66 Para 5.

12. The petitioner, in conclusion therefore prays, that you will be pleased, in consideration of the facts of the case, and the bad character of the complainant, to intercede kindly and restore the petitioner to his former independent charge, since the punishment has been inflicted for a pure error of judgment and that in a purely private case. The enclosed testimonials will shew that the petitioner has been exceptionally kind to the sick.

For which act of kindness the petitioner, as in duty bound, shall ever pray.

I am in this concluding para of my first letter of explanation No 66. I have stated that I was not in a composed state of mind to render this explanation, since I was badly with the fever & as I was in great anxiety owing to the critical state of my surviving daughter after the death of my two sons.

No. 1000/1000

Civil Apothecary.

I beg to forward this copy to the President, & send for information & who placed before the meeting

No. 1000/1000

No. 5281. Office of the District Sanitary Officer
 Tanjore 20th December 1894
 Sir, I have the honor to inform you that,
 Leitch And the way V. Jeyendason Pillai attached
 to the Government Hospital who was under
 suspension for 3 months from 13th Sep 1894
 refused to obey the order of 13th Dec 94.
 I have the honor to
 inform you that
 I must ask you
 to
 Mr. Jeyendason Pillai
 District Sanitary Officer

9
 29-10-94
 Current No. 1089 of 13-94
 MEDICAL DEPARTMENT.
 Office of the District Surgeon
 Tanjore 16 October 1894.
 Camp
 From
 The District Surgeon
 Tanjore.
 To
 The President
 District Board
 Tanjore.
 No. 4176
 ENCLOSURE.
 Reference.
 Subject.
 Sir,
 I have the honor to
 forward a copy of the
 address
 petition to the Secretary
 to the Surgeon General
 with the Government
 of Madras dated 12th

EAST INDIA POST CARD

THE ADDRESS ONLY TO BE WRITTEN ON THIS SIDE

20, Current No. ⁴⁴1389 7024324

The President

District Board

October 1894 received
from Civil Supply Company

V. Jendassen and request
that the same may be
placed before the District
Board at its next meeting

I have the honor to be

Am
London at observation

D. L. H. and M.

Art Surgeon in charge

[Handwritten signature]

Extract from the Proceedings of the
District Board of Canjore

Dated 29 — 10 — 1894.

READ

9. Letter from the District Surgeon No. 3822 dated 24-9-94, forwarding the appeal petition of V. Jesudasan, Civil Apothecary, Tirutturaippundi against his suspension for the consideration of the District Board and letter from the same officer No. 4176 dated 16-10-94, forwarding a copy of the petition addressed to the Surgeon General by the Civil Apothecary for being placed before the District Board.

*This matter is withdrawn by the President
as in his opinion the appeal lies to the
Surgeon General.*

*

*

*

*

Signed, J. Shamsud

President

Disposal No. 670 / *True extract,*

*Comd to the D^r Surgeon General for in-
formation and communication to the
petitioner.*

th

*Mh
3/11*

ap.

DESPATCHED
10 NOV. 94.

No. 7071
Encl.

13
OFFICE OF SURGEON-GENERAL
WITH THE GOVERNMENT OF MADRAS,
Madras, 22 November 1894

From

SURGEON MAJOR-GENERAL C. SIBTHORPE, F.R.C.P.S.,
SURGEON-GENERAL WITH THE
GOVERNMENT OF MADRAS,
Madras,

To

Answered
THE President
District Board
Mysore.

SIR,

With reference to your Current No. 258 D.B. of 1894 regarding the punishment of Civil apothecary Jesudasan, I have the honor to inform you that he has forwarded me a petition dated the 12th October 1894 to which he attaches a copy of a printed petition to you as President of the District Board - on the subject of his punishment by you in August last.

2. Before I take any action on his petition kindly inform me what has been the result of the above petition to you.

I have the honour to be,

Sir,

Your most obedient Servant,

Chinambel
Surgeon Major General
Surgeon-General with the Govt. of Madras.

Current No. 1217 of 1894
D. B.

(1894) DEPARTMENT.

From

SURGEON MAJOR-GENERAL C. SIBTHORPE

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

Madras,

No. 7071

ENCLOSURE.

Dated 22 } November 1894
Received }

No.

SUBJECT.

Requesting to inform the
result on the petition of
Cint apothu Jesud asen
re. the presentment in the
petition.

sdry.

Mr. 5/11

Disposal No. 664

The Surgeon General
with the Government
Madras.

Sir, Ind

With reference to your
letter No. 7071 of 2-11-94 I have the

honor to inform you that

the petition referred to
was placed before the

District Board at its meet-

ing held on the 29th October

last under the impression

that there was an appeal

to the District Board the

petitioner being the

servant of the Taluk Board

for the

sum of Rs 50. But on closely

reading the latter part of

section 72 of the notifica-

tion published in G.O.

No. 918L of 25-4-89, I found that the

appeal lay to Government

through you, having

a

a government servant
sent to local fund board
The subject was therefore
withdrawn by me from
the meeting and the
District Surgeon has
been requested to in-
form the petitioner

29/11
1894

accordingly.

Shawyer

DESPATCHED
10 NOV. 94

6-11-94-

Back Paper

Dated	19-9-	1894	No 530
"	19-11-	"	670
"	"	"	"
"	"	"	"
"	"	"	"

Further Paper

Dated	10-1-	1895	No 16
"	"	"	"
"	"	"	"
"	"	"	"

Letter from the
District Surgeon
to the Government
dated 10/11/94
re: [illegible]

Tanjore District Board Office.

DB Branch.

Disposal } 664
Number } 8-11-1894

To Surgeon General

CHIEF SECRETARY
21 FEB 1895
GOVERNMENT OF MADRAS

Date of Despatch 10-11-1894

Abstract.

Stating that the
petition of Jesudasa
Pillai was placed
before the DB Board
& withdrawn under
certain circumstances

5281/95

Current No. 1389 of 1894

To Qudⁿ
The D^r Medical
and Sanitary Officer,
Tanjore -

Ref:- His Ho 5281 of 20.12.94.

With reference to the
above, the D^r Medical
and Sanitary Officer
will please report by
return of post the
circumstances under
which the Civil Assistant
V. Jesudasan Pillai was
allowed to return to
duty at Tiruthoreippundi
in the face of my
proceedings No. 258
8.8.94
ordering his removal
from independent
charge

RECEIVED
11 JAN 95

12
31.12.94

302

MEDICAL DEPARTMENT.

From

Surgeon Major R. Simpson M.B.

Surgeon Major R. Simpson M.B.

DISTRICT SURGEON

Tanjore.

To

The President
S. S. S. S. S.

Dated
Despatched
Received

30
January 1895.

No. 12.

Enclosures.

Reference:—

Subject.

Sir,

In reply to your
office Current No. 1389
of 94 dated 31st December 1894
I have the honor to say that
I understood the meaning
of the order passed in
reference to G. S. S. S. S.
Jendason Pillai to be that
the period of removal
from independent charge
and Suspension should be

Disposal No. 16

The S. Surgeon's recom-
mendation is approved

S. S.

DESPATCHED
12 JAN. 95

10-1-95-

for three months only - not that he should be removed indefinitely from independent charge. If he were indefinitely removed from independent charge, there would be no use in keeping him in this district, as no suitable employment could have been found for him. I think that the punishment of removal from independent charge for three months and suspension for a similar period has inflicted a sufficient punishment for the fault he committed, and I recommend that he be allowed to remain on at Tiverton and be permitted which station he rejoined on 13th December 1894.

I have the honor to be
 Sir
 Your most obedt servant

C. W. Hornum
 District Surgeon
 Tiverton & Taunton

W. S.
 3/1

attested
 by 31

Back Paper

Dated 8 — 11 — 1894 No. 664

" 10 — 11 — " 670

" 19 — 9 " 530

Further Paper

Dated 189 No.

" " "

" " "

" " "

TANJORE COLLECTOR'S OFFICE.

DB Branch.

Disposal Number	16	1895
	10-1	

To Dr Surgeon
Tanjore

Date of despatch

12
CHIEF SECRETARY
21. FEB. 1895
GOVERNMENT OF MADRAS

1895

Abstract.

Approving the
Dr Surgeon's recom-
mendation to post
Civil Apothecary Jusu-
dasan Pillai to
Simuturaimudi.

5287/95

spoke to the apothecary
If he had said so, I would
have dismissed him on
the spot. When I asked
the Sub Constable he
gave an evasive answer
that he went away but
was not present - when
the Copyist spoke to the
Apothecary - I knew
what I learned
while at Simuturaimudi
the feelings of officials
especially the P.D. Regunaidu
na Lashik Stationary Sub
Magistrate & of the people
toward the apothecary
were hostile. The Sub
Magistrate would not believe
the apothecary's words
that would give credence
to those of his subordinates
14.2.95

+ turned down
This will go to
Chief Secretary
21. FEB. 1895
GOVERNMENT OF MADRAS
Dr. Surgeon
Tanjore
Tanjore's state-
ments on page
5 of his original
enclaved to the
Tanjore Surgeon
on page 2 of
his report about
Dr. Clark
about before you
that he never spoke
of the apothecary in the
subject
14295
The apothecary's statements
are not quite accurate.
So far as my recollections
go, the Copyist adhered
to his statement. He did
not say that he never
spoke to the apothecary
14.2.95

No 66.

Similar to Tiruturai pundi.
been extended to the 15th July 1894.
had he not stood on his dignity
From

Civil Apothecary V. Jesso Dasen
Tiruturai pundi.

To.
The District Surgeon
Tanjore.



Sir,
I respectfully beg to submit the
detailed explanation called for in your
memo No 1919 Anent the petition
of one Sivalinga Thevar of Manakkad
in continuation of my letter No 27.

2. I was transferred in October
last. And ever since, in this station
I have been rendering my services
ungrudgingly to those that required them
to the rich and the poor alike and
have not been paid nor have I obtained
a single farthing. Of these there have
been no fewer than four labor cases
one an instrumental delivery, demanding
my attention for a fortnight, morning
evening, where I had to give my own
medicines and use my own instrument
to bring the patient round.
Similar

3/5/95

Similar treatment would have been extended to the petitioner had he not stood on his dignity and had he been more courteous.

3. The petition is one tissue of falsehood and is conspicuous for its fabrications and wanton omissions evidently calculated to mislead and prejudice. And it involves the following issues—

a. Whether Sivalinga Thevan offered Rs 75 for medical aid and whether it was rejected.

b. Whether the midwife was refused to be sent and if so, why?

c. Whether Sivalinga Thevan was refused medicine when he applied for it at the hospital and whether he was assaulted.

d. Whether a copyist from the Sub. Magistrate conveyed any message to the apothecary?

4. a & b Issues Sivalinga Thevan as stated in his petition, did not seek my services direct, at the first instance. A man accompanied by the midwife came to me and applied for permission to take the midwife to Manakadu, a village 10 miles away, to deliver a woman in labor with arms presentation. He was informed that the midwife

3.
Midwife was not qualified as the
nature of the case was serious and
he was desired to bring the case
to the hospital. The man represented
that the woman in labor was the
daughter of the respectable and
influential Mirajidar of the village
and as such could not be brought
to the hospital and that the midwife
was required only to assist an expert
woman, who had already been sent
for. He was just to understand that
the midwife was not employed in the
hospital for such purposes. Whereupon
he wished to know what my charges
would be if he should be engaged.
Rs 75 was fixed by me as a fair sum
for a man of such influence. He said
that Rs 100 or 200 would gladly be paid
if I had to labor much but as it was,
it was a trifling affair, which would
not take more than a few minutes
as I had only to drag the child out
by the arm and therefore he would
pay Rs 25 on condition that I took
the midwife with me and delivered the
woman myself, provided the females
gave their consent. He was told that
he could expect every treatment
gratis in hospital; thereupon he
said that he would give another
Rs 25 if I attended upon the woman
till

[Faint, mostly illegible handwritten text in Devanagari script, likely bleed-through from the reverse side of the page.]

Midwife brought the child to me
till the 16th day and I gave them
satisfaction. However he would go
and consult and return. After a
couple of hours he returned with
Sivaluiga Thevan, who wished to
know whether there was any order
that the midwife should not attend
such cases and said that I should
take the midwife along with me
and that he would pay as already
stated. He was told that I would
not enter into any condition and
that it was not his business to
dictate me about the midwife
as I understood that the man
intended to play me false. He
left me stating that as a respectable
Mirasidar he would see that the
midwife is sent. His statement
+ that he offered Rs 75 is false and if
true his witnesses would have definitely
fixed the sum as Rs 75, but they say Rs 50
or 80. The man applied to a pensioned
Hospital Assistant who demanded Rs 75
but the man left him. The midwife
was taken by Sivaluiga Thevan according
to the contract with her before applying
to me; but on receiving intimation of the
child's extraction by the expert woman on
their way to manakadu the midwife was
sent back having been paid or promised Rs 10.

c Sivalinja Thevan did not come to the hospital for medicine nor was he assaulted. If the assault were true he would not have hesitated to fly to the Sub-Magistrate and lodge a Complaint when he had made so much noise over a simple affair and when he had no real grievance. The assault was not proved during the enquiry and it is not mentioned in his petition to the District Surgeon.

X d. The Copyist did not intimate to me any message from the Sub-Magistrate when I was next down treating a patient. He came to the S. H. Officer had a ~~tete a tete~~ conversation with him in a corner of the house and left the place. This Copyist admitted before the late Dy Magistrate that in the course of conversation that I never spoke to him and the Station H. Officer informed the Dy Magistrate in the presence of his Sub-Magistrate that the Copyist never communicated any message to me. If the Copyist has been ~~audacious~~ enough to misrepresent me to the Sub-Magistrate being made a cat's paw of by Sivalinja Thevan. All this trouble could have been very well avoided if the Sub-Magistrate had been courteous enough to write to me a

a role instead of deputing his
protégé an irresponsible copyist
When he heard from Swalmiya Thosa
his story. The procedure of the Sub-Magistrate
had only tended to embolden the
petitioner to fabricate charges
citing the Copyist & the Submagistrate
as witnesses. If the evidence of
witnesses he scrutinized it will
be observed that every man gives
his own version of the story and no
two statements are alike

5 The Tahsildar's enquiry
I beg to state was anything but im-
partial. On the grounds of fairness
and justice the Tahsildar should
have segregated the witnesses and
kept a watch over them but as
will be learned from the statement
of person Govindasamy and the missing
for the re-examination of witnesses
the enquiry was very lax, the witnesses
were allowed to be with in the
hearing of the court and free inter-
communication was permitted. I
was purposely shut out from the
enquiry when my interests were
extremely concerned for reasons best
known to the Tahsildar. He has even
dispensed with the material and
independent witnesses when they
were

were easily available and has recorded only the evidence of the closest relatives. The statement of the petitioner differs materially from the petition. The enquiry conducted behind my back should be considered null and void and a fresh enquiry should be instituted if truth should be discovered.

^{out of my? and} The petitioner is a notorious character and an unscrupulous petition writer. He styles himself as the Autocrat of Kadarambalam and is a terror to the villagers. He has been entertaining a false notion that a petition will prejudice higher authorities. I repeat to say that the medical subordinates in this Taluk are treated as scape-goats and are thought to be at the mercy of the public. This is not desirable that a notorious character as the one in question should be allowed to escape scot free. Two of my predecessors have fallen victims to conspiracy and not one of the medical subordinates has been left undisturbed. I therefore pray that I may be allowed to prosecute the man for preferring false charges. Unless sanction is accorded and the man brought to feel the limbo of the law he will ply his trade with impunity caricaturing the innocent.

No 2959

(30)

From.

Rogers v. Rogers C. M. Thompson
m. B.

Disbaich Kiofrow
Tungjore



The President

District Board

Thugore.

5

I have the honor to return
the papers forwarded to me
for report under your
memo No. 258 of 1894 dated
5th May 1894 and to say that

The petition of Sivalinga Tevan
with all the papers connected
with it were forwarded to
Civil Apothecary V. Jesudasan
on 15th May 1894 and only
received

received back from him -
with his explanation on the
18th Instant.

2. The important and
serious charges against
the Apothecary contained
in the petition are.

1st That he refused to -
afford professional aid
to a woman in labor.

2^d That he refused to permit
the midwife to attend the
case.

As regards the first of
these charges, I think there
can be no doubt from -
the evidence of the witnesses
examined by the Tehsildar
that application was made
to the Apothecary to go and
see a woman reported to
be in labor and that he
refused

refused to go - the serious -
nature of the case was told
to the Apothecary (that it was
an arm presentation - this -
he acknowledges himself).

In my opinion the question
of the fee to be paid him -
and the wrangling which appa-
rently went on in respect -
to the amount have little or
no bearing on the case. I
am of opinion that the -
Apothecary deserves most
severe punishment, if it can
be accepted as proved that
he refused, not only to afford
professional aid himself
to a woman, who he must -
have known was in a very
dangerous condition, but
also refused to permit the -
midwife

midwife to attend her. Consider-
-ing the social position
of the patient, I certainly
think that he might have
reasonably expected and
claimed a fee for his
attendance, but the question
of the fee to be paid was a
matter for future consi-
-deration, his first and
evident duty was to go at
once and assist the woman
in her distress.

3. As regards charge
No 2, viz that he refused
to permit the midwife
to attend the woman - he
virtually admits in his
explanation that he refused
to allow her to attend, his
ground of refusal being that
she was not capable of
attending

attending the case properly;
but I certainly think this
excuse an utterly lame
and inadequate one; if a
midwife who has received
a certain amount of
scientific training was
considered incompetent
to attend the case, this only
proves that the case was
considered a serious one
by the Apothecary, who must
have known that if the services
of either himself nor the
midwife were procurable
recourse would undoubtedly
be had to some ignorant
untrained woman, and
this is apparently what
happened. I am of opinion
that this charge is clearly
proved.

proved and that the Apothecary
deserves most severe
censure for not allowing
the midwife to attend the
case.

4. As regards the expla-
nation offered by the Apothe-
-cary, I may say that in
my opinion, the excuses
put forward tend chiefly
to bring home the charges
against him; in one part
of his written explanation
he says "treatment would
have been extended to the
petitioner had he not
stood on his dignity and
had he been more courteous."
Such a plea proves clearly
that the Apothecary was
lamentably wanting in the
proper appreciation of his
duty.

duty. The life of the woman
might have depended
on his prompt attendance,
but for his remissness
in attending on the woman
he pleads want of courteous-
-ness on the part of the dress-
-er who came to call him.
He further pleads as an
excuse that the woman, if
brought to Hospital would
have been properly attended
to, but the reason assigned
by the petitioner for not
bringing the woman to Hospital
"that she was the daughter of a
respectable and influential
Mirasidar and as such
could not be brought to
Hospital" appears to me
to be reasonable and should
have

have been sufficient. On a demand being made for the services of the midwife, the Apothecary admits that he informed the petitioners "that the midwife was not employed in the Hospital - for such purposes" - the duty of the midwife attached to a Hospital in my opinion, is to render assistance to all irrespective of class or caste, who may require her assistance and if ever there was a case in which the assistance of some one possessing professional training was required, this was one.

5. I have not considered it necessary to go beyond the Apothecary's own statements

nor

nor to analyse the evidence against him given by the witnesses - this has been done by the Tehsildar who investigated the case, and the full report of the evidence on which he based his report is contained in the papers attached, because I am of opinion, that the Apothecary is from his own statement clearly convicted of gross negligence and neglect of duty, and I recommend that he be reported to the Surgeon General for such notice of his professional conduct as he may think fit. In my opinion, an adequate punishment for this serious offence would be removal from independent charge and

and suspension from pay
and allowance for a
period of three months.

I have the honor to be
Sir

Your most obedient servant

(Signed) C. M. Thompson M.B.

Surgeon Major
District Surgeon

(True copy)

Unwillingly

For President

12

2/

Proceedings of the President
District Board Trujore dated
8th August 1894. No 258.

Read petition dated 21st
February 1894 presented by
one Sivalinga Tevar of
Mamakudi village, Tru-
-thuraippundi Taluk, Complai-
-ning that the Civil Apothecary
of Tirubburaiippundi refused
on 14-2-94 to conduct the
delivery of his daughter whose
labor appeared difficult -
though he offered a fee of Rs 75,
that he objected to allowing
the Hospital midwife to
attend even though the Stationary
Sub magistrate sent a clerk
to plead on petitioner's
behalf, that medicines too
were refused him and
that he was shooed out and

and praying for enquiry.

2. Read this office endorsement No. 256 ¹⁴⁻³⁻⁹⁴ forwarding the petition to the President Fuleq Board or amargudi for enquiry and report.

Read letter from the President Fuleq Board or amargudi No. 359 ³⁻⁵⁻⁹⁴ reporting that the petitioners' statements have all been corroborated except that the petitioner was showed out of the Hospital Compound.

3. Read this office endorsement No. 258 D.B. ⁵⁻⁵⁻⁹⁴ forwarding the above to the District Surgeon Fuleq for enquiry and report.

4. Read also District Surgeon's letter No. 2959 ²¹⁻⁷⁻⁹⁴ reporting

reporting that the case has been well proved and that the Apothecary should be reported to the District General for removal from independent charge and suspension from pay and allowances for a period of three months.

Order

On his own showing, the Apothecary has ridiculed the danger and distress of a woman in difficult labor to his own sense, of what was due him in point of courteousness, from the applicant for his services and in point of money reward. He also for no valid reason

refused the services of the
midwife.

The real reason evidently
was that the payment of -
a fee or its amount was
questionable.

Medical subordinates
of a Board cannot be -
allowed to conduct themselves
in this fashion with impunity.

Civil Apothecary V.
Jesudasa Pillay is ordered
to be removed from inde-
pendent charge and to be
suspended from pay and
allowances for three months.
It is fortunate for him -
that the particular case -
terminated favorably.

(Signed) J. Thomson
President

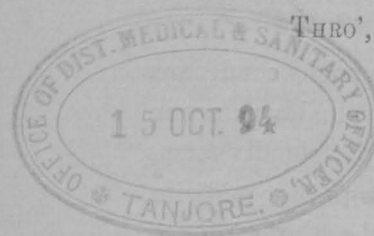
(True copy)
Thomson 138

For President

Tanjore: 24 September 1894.

TO

THE PRESIDENT,
DISTRICT BOARD,
TANJORE.



THE DISTRICT SURGEON,
TANJORE.

The humble Appeal petition of V. Jesudasan,
Civil Apothecary, Tiruturaiundi.

MOST RESPECTFULLY SHEWETH,

1. That the petitioner was ordered to be removed from independent charge and to be suspended from pay and allowances for 3 months (Vide Proceedings of the President No. 258 D. B. dated the 8th August 1894).
2. That the reason for the punishment was based on a written complaint against the petitioner preferred by one Sivalinga Thevan and on the report thereon by the District Surgeon.
3. That the said Sivalinga Thevan has made the following allegations.
 - a. That the petitioner when requested would not go with him to his village (10 miles away) to attend the difficult delivery of his daughter even though a sum of Rs. 75 was offered.
 - b. That the petitioner would not permit the midwife to accompany him and do the needful.
 - c. That the petitioner did not take the recommendation of the Stationary Sub-Magistrate, who on representation by the complainant is said to have sent word to the petitioner through his clerk, requesting permission to be given to the midwife to go.
 - d. That the petitioner was not kind enough to prescribe and dispense medicines to his daughter, who, two days after delivery was suffering from convulsion and fever; and that on the same occasion when he went to the hospital for medicine the petitioner ordered his servants to turn him out.
4. That the petitioner will now proceed to reply to the above allegations in order.
 - a. It is alleged that the petitioner did not proffer his services when it was required; that he refused to attend a delivery case because the fee was less than what he fixed. This was the head and front of the whole offence to which the other complaints are added as mere pendants, probably with the object of giving an

air of probability to the whole story. The petitioner admits it true that a certain man, (not Sivalinga Thevan) came to him and requested him to send the midwife to Manakadu; that on being told that the midwife would not be equal to the occasion by reason of her little experience and professional skill, he desired to know how much the petitioner would demand if he was engaged; that when the petitioner fixed the fee at Rs. 75 the man offered first Rs. 25, then Rs. 50 and suggested that the petitioner and the midwife should both go with him but not the petitioner alone on the express condition that if the females of his house had any scruples about employing a male, out of a sense of modesty the petitioner should march back without any remuneration whatever, and that if the females make no objection the petitioner should come to the village for 16 days and treat her till the last day of bathing, and that he would go and consult and return.

That when the offer was made hedged round with such conditions the petitioner could see plainly that the man, an irresponsible individual, was not in earnest as to engaging his services. The petitioner spoke to him on friendly terms that if he really wanted qualified men to attend he should not look to the midwife, who would be of no use in such a difficult case but should go to either the pensioned First Class Hospital Assistant or to the Second Grade Military Hospital Assistant on leave, a close relative of Sivalinga Thevan, who heretofore had been utilizing the Hospital Assistant's services, as both of them lived in the station.

That Sivalinga Thevan accompanied by his man came to the petitioner after this and asked him bluntly under what authority the petitioner could not permit the midwife to go. The petitioner did not answer him as the man was not in a proper frame of mind. He spoke a few words menacingly and retired.

b. That the petitioner is blamed for not having permitted the midwife to attend on complainant's daughter. True he did not send the midwife. The petitioner explained to the man that the midwife will not cope with difficult cases. Besides if the midwife attended and either the child or the mother died through bungling operation, then the authorities will turn round and say "why did you send the midwife." The situation was truly dilemmatic, and the petitioner exercised his own discretion. Add to this what the man had said previously, that he had engaged an expert barber woman, and the midwife was wanted only to assist her. The petitioner thought that the midwife was one too many. Besides, the midwife was engaged with an instrumental delivery in the station.

c. In regard to the part played by the Sub-Magistrate's Clerk, the petitioner declares on his word of honor that the clerk never came to him nor conveyed any message to him. Subsequently when the petitioner one day confronted the clerk, he admitted in the presence of the Deputy Magistrate Mr. Muthuswamy Pillay Avergal that he never spoke anything to the petitioner about the subject.

d. It is alleged that the petitioner refused to give medicines to the complainant and that he ordered his servant to turn him out. The complainant has withdrawn the latter portion of this statement, that which relates to the use of physical force, in his letter to the District Surgeon; and the witnesses are silent on this point in their deposition before the Tahsildar. *Falsus in uno, Falsus in omnibus.* The complainant is not worthy of credence in as much as he inserts or omits paragraphs according to his own sweet will without in the least feeling the responsibilities and consequences of his action. Subsequent enquiries have disclosed that

Sivalinga Thevan is a pauper; is a petition-writer; and has a capacity for mischief. The petitioner's reply to the accusation is that it is a down-right lie and that the complainant never came to the Hospital even once. The complainant admits in his statement before the Tahsildar that he had no direct transaction with the petitioner whereas in the petition he asserts the contrary which itself gives the lie to the complaint. *Thy. 6*
has on a
could say
spoke
5.7

5. That the petitioner will now beg to say a few words on the report of the District Surgeon touching his case. It may be mentioned that Sivalinga Thevan wrote two letters, one to the District Surgeon and the other to the President of the Board. Dr. F. C. Smith, who was District Surgeon at the time, called for an explanation from the petitioner which was duly submitted. Dr. Smith considered that the complaint of Sivalinga Thevan was frivolous and groundless and sanctioned the prosecution of the man for having brought a false charge against a public servant. The matter did not end here. The letter of Sivalinga Thevan addressed to the President of the Board was forwarded to the District Surgeon for enquiry and report. Dr. Smith having left the place, his successor Dr. Thompson had to draw up the report. Unfortunately for the petitioner an illustrative parallel alluded to by the petitioner prejudiced his mind. The petitioner had said in his letter of explanation to the Surgeon-General that when his daughter was in imminent danger from Typhoid fever and that he himself was not in a composed state of mind to treat her, he addressed the District Surgeon (Dr. Thompson) for medical aid; he did not come down to the petitioner's station nor did he spare the services of the Assistant Surgeon. The petitioner made this reference under a *bona fide* impression that it would go a great way in mitigating his offence if it were one. But it had a contrary effect.

6. The petitioner feels bound to notice the summing up in the order of the President. The order begins thus "On his own showing the Apothecary has subordinated the danger and distress of a woman in difficult labor to his own sense of what was due him in point of courteousness from the applicant for his service and in point of money reward". The above is apparently based on the following passage in the petitioner's memorial to the District Surgeon. "Similar treatment would have been extended to the petitioner had he not stood on his dignity and had he been more courteous". The sentence is construed by itself, apart from its relation to the context and the general tenor of the argument. If there be one thing which the petitioner has tried to emphasize particularly, it is that the complainant never wanted the service of the petitioner. With this idea fixed in his mind, the petitioner intended the aforesaid sentence as an additional argument. The petitioner wanted to say that there was no redeeming feature in the conduct of the complainant. His discourtesy was a cause but not the only cause of non-compliance with his request. *as it well*
might be
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an
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and was not
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settled that
the midwife
also said
not go.

The order continues "He also for no valid reason refused the services of the midwife". The petitioner has said that the midwife was incompetent. Secondly if the child or the mother died through any mistake of the midwife, then too the petitioner will be saddled with the blame. As the service of a barber woman had already been engaged the midwife was a supernumerary.

Lastly the order says "The real reason evidently was that the payment of a fee or its amount was questionable." The petitioner knows fully well that if

he renders service to any one, there will be no difficulty about getting his fee. If the party refused, he could go to law. The real reason was (as it has been repeatedly pointed out) *that the party did not want the services of the petitioner unaccompanied by the midwife.*

7. The petitioner has been in the department for 15 years; he has borne a good character as will be seen from the testimonials given him by his superiors. In refusing to send the midwife he was actuated by the purest motives. He himself would have gone if he was earnestly asked to come even though no reward was held out. He had attended four labor cases in the station *gratis*. Besides, the village of Manakadu was *outside the petitioner's range*, and as there were two Hospital Assistants about the place, he knew they would have been applied to.

The midwife, who had previously arranged to go seems to have induced the complainant to ask for permission. As a matter of fact, the midwife did go after all, and when news was brought that the child had been pulled out by the barber woman referred to *supra*, she returned before reaching the village. In the present case the petitioner was guided by his own sense of duty and by his knowledge of the circumstances of his case, and even if he went wrong he should not be punished for mere *error of judgment* as there is no definite ruling on this subject. The enquiry instituted by the Tahsildar was informal and one-sided. The petitioner was not allowed to be present and to cross-examine the witnesses though a request for a copy of the complaint was made to the Tahsildar. The District Surgeon (Dr. Thompson) made no enquiry either personally or by Deputy and it is my misfortune that he arrived at the conclusion *that the case is well proved.*

In his memo No. 3674 dated Fort Saint George 21st July 1886 the Surgeon General observes that "The scale of Fees sanctioned by Government was intended to regulate the practice of the medical subordinates amongst Towns-people of moderate means and was not intended to interfere with the practice amongst Planters, Traders, Land-owners or Zemindars and well-to-do people. Here, as with commissioned medical officers, the question of remuneration is left to adjustment between a patient and his medical attendants with the proviso that in cases of dispute the Government reserve to themselves the right to determine whether the fee demanded is reasonable or extortionate."

8. Under these circumstances the petitioner prays that this appeal may be placed before the Board and duly considered and the order cancelled as the petitioner has been punished for an error of judgment and for *faithfully* representing the facts of the case unlike the complainant whose petition is replete from top to toe with wanton suppression of facts and false fabrications with intent to mislead and prejudice and when the subject was disposed of some months ago by Dr. Smith who after being satisfied with the explanation of the petitioner has sanctioned the prosecution of the complainant finding the complaint frivolous and vexatious.

For which act of kindness the petitioner shall, as in duty bound, ever pray.

V. Jesudasan

Civil Apothecary.

TESTIMONIALS.

No. 1.

I have known Civil Apothecary V. Jesudasan Pillay for nearly three years past, since he was first a student with me in the Hospital of the 10th N. I. and afterwards when studying in the Medical College. He was always most earnest and zealous in his studies very observant of the symptoms and progress of cases, and anxious for information he always sought for instruction. And knowing him to have been a most careful student and to have acquitted himself so very* creditably

Placed in 1st Class. at the recent examination on leaving college, I believe him to be one who will always conduct his duties with credit to himself and to the satisfaction of officials under whom he may serve.

PERAMBORE,
8th July 1880.

(Signed) H. ADAM,
SURGEON MAJOR,
10th Regt. M. N. I.

No. 2.

Extract from letter No. dated from the Surgeon General with the Government of Madras to the Chief Secretary to Government.

* * * I had taken care to supply them with a Civil Apothecary—(V. Jesudasan)—of superior professional qualifications who in my opinion was well qualified for the place and who was eligible to remain in their services for any length of time.

(Signed) W. R. CORNISH, F.R.C.S., C.I.E.,
Surgeon General with the Government of Madras.

No. 3.

Extract from the Annual Medical Report of the Civil Dispensary, Coimbatore, for the year 1881-82.

* * Civil Apothecary V. Jesudasan attached to this hospital now for the past 18 months has given me every satisfaction and is a most skilful and untiring subordinate.

COIMBATORE,
1st January 1882.

(Signed) G. E. WHITTON, M. B.,
Surgeon Major Civil Surgeon.

No. 4.

Mr. V. Jesudasan has done duty in the Civil Dispensary under my orders during the past 20 months. He is man of considerable attainments and passed out of the Madras Medical College as Civil Apothecary in June 1880. I have at all times found him attentive and kind to the sick and consider him well qualified to take charge of any hospital.

COIMBATORE,
February 22nd 1882.

(Signed) G. E. WHITTON, M. B.,
Civil Surgeon.

No. 5.

Mr. V. Jesudasan, Civil Apothecary, passed out of the Medical College, Madras in June 1880. Since that time he has been attached to the Civil Dispensary here. I have always found him intelligent and zealous in the performance of his duties, and consider him quite qualified to undertake the sole charge of any Civil Dispensary. He has been very successful in his management of obstetric cases and I have great pleasure in giving him this testimonial.

COIMBATORE, }
February 27th. }

(Signed) G. E. WHITTON, M. B.,
Civil Surgeon.

No. 6.

Extract from letter No. dated to the President L. F. B., Coimbatore, * * * Civil Apothecary V. Jesudasan is qualified and has held charge of the Station on several occasions during the inspection tours of the Civil Surgeon.

(Signed) G. E. WHITTON, M. B.,
Civil Surgeon.

No. 7.

I have much pleasure in stating that during my tenure of the office of Civil Surgeon here I have found Civil Apothecary V. Jesudasan, in every way fitted for his work and consider him as equal to any independent charge to which he may be sent.

He has always in my opinion done his duty in spite of difficulties and appears to me a conscientious and high principled man, and I may state that my predecessor Dr. Whitton, who had better opportunities of judging and a longer acquaintance with him than I have had was entirely satisfied with him both in his professional work and in his private character, and has given him excellent testimonials. In case of necessity I shall be happy to further testify as to my high opinion of V. Jesudasan Pillay.

COIMBATORE, }
April 24th 1882. }

(Signed) GERARD McKEE,
SURGEON, I. M. D.,
Acting Civil Surgeon.

No. 8.

This is to certify that I consider Civil Apothecary V. Jesudasan now at Coimbatore as fitted for the post of Assistant Surgeon should a vacancy occur and I consider him quite equal to an independent charge.

His professional knowledge both practical and theoretical is far above the average.

COIMBATORE, }
April 25. }

(Signed) GERARD McKEE,
Surgeon, I. M. D.

No. 9.

I have much pleasure in testifying to the zeal and ability displayed by Civil Apothecary V. Jesudasan during the time I have known him at the Civil Dispensary at this Station. I have always found him competent to deal with the most difficult cases and consider he has Exceptional Knowledge of his work. I have been able to place the greatest confidence in his capacity and consider him quite fit for a higher grade. Assistant Surgeon. He has performed during my time one major operation (amputation of the arm) and three operations in midwifery besides a number of minor ones. I am sorry the station is about to lose his services but hope before long I shall hear of his promotion.

COIMBATORE, }
21st July. }

(Signed) J. F. FITZPATRICK, M. D.,
Civil Surgeon.

No. 10.

Extract from the Annual Medical Report upon Civil Apothecary V. Jesudasan for 1884.

Has a good General Knowledge of his profession, is very attentive to his duties and does every thing in his power to improve himself and give satisfaction.

JANUARY 1, 1885, }
General Hospital }

(Signed) R. W. COCKERILL,
BRIGADE SURGEON,
Surgeon, General Hospital.

No. 11.

Extract from the services Register of Civil Apothecary V. Jesudasan.

Very good, industrious, intelligent and well informed.

(Signed) G. E. WHITTON, M. B.

25-2-1882.

I endorse Dr. Whitton's opinion in every particular.

(Signed) G. M. E. McKEE.

27-4-1882.

Exceedingly good, zealous and industrious, intelligent and well up in his profession.

(Signed) J. F. FITZPATRICK.

20-7-1882.

Character very good. Is very attentive, civil and obliging and does every thing in his power to give satisfaction.

(Signed) R. W. COCKERILL,
BRIGADE SURGEON.

(Signed) JAS. KEESS,
BRIGADE SURGEON,
S. M. O.

30th January, 1885.

Character of Officer.

4
MEMO.
No. 12.

The undersigned has much pleasure in conveying to Civil Apothecary V. Jesudasen, the Surgeon-General's appreciation of his work performed on the night of the 3rd January 1885 when the late Captain Hamilton, R. E., was brought to the General Hospital in a state of cholera collapse.

Extract from a memo from the Secretary Surgeon General with the Government of Madras. No. 643, dated 10th February 1885.

"The Acting Surgeon-General takes this opportunity to mention that he considered Apothecary Jesudasen to have behaved with much zeal and intelligence on the occasion. * * *

MADRAS,
GENERAL HOSPITAL, }
13th February 85. }
(Signed) JAS. KEESS,
BRIGADE SURGEON,
Senior Medical Officer.

I have much pleasure in certifying to the ability, general skill and universal kindness of Civil Apothecary V. Jesudasen Pillai who has served under me for the past 2 1/4 years and now leaves for his own country. His conduct has been very good.

Musulipatam. }
21st April 1890 } (Signed) J. B. Thomas.
Brigade Surgeon
District Surgeon
Krishna.

To, Mr. R. Ry. V. Jesudasen Pillai Mergal
Dear Sir,
I

I am informed that you leave this Station this afternoon & I assure you that I am very sorry to lose your services. During the 7 months you have been in charge of this Dispensary I have had no occasion to find fault with anything connected with the administration of the institution. You managed it very well. I always found you straight forward independent, hard working & attentive to duty, qualifications which are seldom found together in one person. I wish you all success and hope that I shall have the happiness of soon enjoying your company again in this station.

Yours Sincerely,
V. Subbiah
President Taluk Board.
Tirukalur. }
20th July 1890 }

Confidential

No. 5/85

Forwarded to the District Surgeon
Tanjore in continuation of this Office
No. 5796 dated the 27th inst. for
information & favor of Surgeon
& report regarding the character
& position of Sivalingam Thevar.

Return requested.

(By Order)

H. Thomas.
Surgeon Captain
Secy Surge: General
with Capt of Madras }

Madras 29th Aug 1894.

Petition from the inhabitants of Tentara-
pandy and adjoining villages in the Tanjore
District to the Surgeon General Madras.

They state

that now 9 months since Mr. Jeyaseen
was posted to Tentara-pandy.

He has always been very kind to the patients
& has not been unsuccessful in even

a single case. He answers all calls at

whatever part of the day and night, whether
in the town or in the adjoining villages.

On all these occasions he was satisfied
with the small fees that we were able to

give him. None of his predecessors would
compare to him in all these respects.

Having heard that on the appeal of
one Sivalinga Thevar of Vedarnien
the apothecary has been transferred from

the place they beg to bring to the Shp
 notice that this Shivaliga thean although
 a man with property worth Rs
 in debts to the extent of Rs 200
 of the property is in the custody
 that his character as known
 the past ten years is that he
 all civil, Revenue, Police &
 either as the complainant,
 witness, the truth of which
 by reference to the magisterial
 they consider that to decide
 the dispute on the bare statement
 person is unjustifiable &
 Sh. will cancel the order
 of transfer

Rs 100, is involved
 & that most
 the Court
 to them for
 to figure in
 judicial cases
 defendant or
 can be ascertained
 authorities.
 case against
 of this note
 beg that the
 of transfer

OFFICE OF SURGEON-GENERAL
 22 AUG. 93
 WITH GOVT.

சென்னை, 22 ஆகஸ்ட் 1933
 கீழ்க்கண்டவாறு
 1. இவ்வாறு
 2. இவ்வாறு
 3. இவ்வாறு
 4. இவ்வாறு
 5. இவ்வாறு

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Tanjore No. 2971
22-9-44

2. He has taken up on lease, 3 aekis of land from Rameswari Nadar of Melamannur at 65 kalams of paddy per aeki for 5 years and the rent is in arrears. Again he is the owner of 8 aekis of wet and dry land in Manakudi village belonging to one Sundarapandaram and the rent is Rs 10 plus the Government tax ~~for~~^{per} year. The rent is in arrears.

3. One Kuppasami Eyer of Tinturapuram has filed a civil suit against Vishalinga Tennan

1894



No. 7999 14
for Rs 250 in the Sub Court at Nagapalam
and the suit is pending. Another civil suit
for the recovery of Rs 80 from him is pending
in the District Munsiff's Court at Srinagaripundi.
He also owes Rs 150 to one Vaitthianathasamiyer
of Taragummaruthi for which the tiled house
and certain lands are pledged by him.

4. Thus it will be seen that Viswalinga Shan
possessing very small property is involved
in debts. I also understand that he stands
foremost in all matters whether connected
or unconnected with him and fights out his
claims whether right or wrong to the extreme.

5. The complaint brought by him against
the apothecary was however found by me
on enquiry to be true, vide my a/c, to the
President Sahy Board dated 12 April 94 no. 997.

The enclosure is herewith returned.

Current No. 258 of 13.9.94.

Forwarded to the District Surgeon with

reference to his no. 3579

DEPARTED
27.9.94

7.9.94 W. Munro

For President

111

No. 3938.

I enclose for the information of the Surgeon
General a communication received from
the President of the District Board Sijie,
regarding the character and position of
Sivalinga Shan. In the last para of
the letter of the Tahsildar he says that the
charges preferred by Sivalinga Shan
against civil apothecary V. Jendasa Pillai
were found by him, on enquiry, to be true.

Your office no. 85 dated 29th August
1894 is herewith returned.

W. Munro
Surgeon Major

Recd. 2/10. District Surgeon
Office of the District Surgeon
Sijie 2nd October 1894

To,
The Secretary to the Surgeon General,
With the Government of Madras,
Madras.

No 7999

10/1

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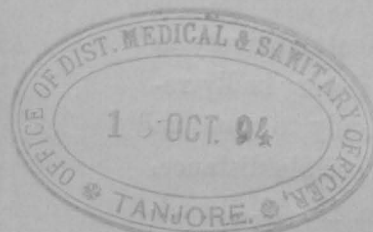


Tanjore 12th October 1894.

TO

THE SECRETARY TO THE ^u SURGEON-GENERAL,
WITH THE GOVERNMENT OF MADRAS,
MADRAS.

THRO'



THE DISTRICT SURGEON,
TANJORE.

The humble petition of C. Apothecary Ved. JESUDASEN,
Tiruthuraippundi.

MOST RESPECTFULLY SHEWETH,

- That, the Petitioner has been removed from independent charge and suspended for three months by the order of the President, District Board, on the false complaint of one Sivalinga Thaven of Manakkadu, residing in the range of the Vedaraniem Hospital Assistant.
2. That the Petitioner has preferred an appeal to the District Board against the said order of suspension, based on a misinterpretation of the language of the Petitioner in his first letter of explanation, No. 66 of 15th July 1894.
3. That, the charges preferred by Sivalinga Thaven against the Petitioner, and the Petitioner's explanation of, and arguments against them are fully set out in his appeal to the Board, copy of which is hereunto annexed for your kind and patient perusal.
4. That the Petitioner has been singularly unfortunate in having been made to stand two different trials on two different occasions, before two different judges, for one and the same offence, alleged to have been committed at one and the same time, simply because Sivalinga Thaven laid two charge sheets one before the President, District Board, and the other before the District Surgeon, one being an improvement upon the other, which alone should have led the superiors to view the complaint with distrust.
5. That, the District Surgeon, finding the complaint frivolous and
- IN MARCH. vexatious, * fully exonerated the Petitioner and accorded him sanction to prosecute the complainant for malicious complaint; that the President, District Board, on the other hand, meted out
 - IN AUGUST. the extreme punishment * misconstruing the Petitioner's language. Vide Presidents order. para. 1.
- (x). A. Surg. No 3682 of 13.7.94.
The Apothecary was convicted from his own statement made in his first letter of explanation.

27 OCT 94

for President

6. That the President's ground for suspension—"On his own shewing, the Apothecary has subordinated the danger and distress of a woman &c." is unsustainable; for, a hypothetical argument, intended simply to evince the discourteous conduct of Sivalinga Thevan and the petitioner's invariable readiness to attend upon labour cases has been uncharitably misconstrued into Petitioner's admission of Sivalinga Thevan's complaint, when the Petitioner has emphasized throughout his letter No. 66 that his services were not at all required and when in para 3 the very next sentence he avers that "the petition is one tissue of falsehood."

That Sivalinga Thevan did not require the services of a medical man is further proved by his having taken the midwife and the midwife only, when there were two other medical men in the station, a retired First Grade Hospital Assistant, and a 2nd Grade Hospital Assistant (a close relative of the complainant) who, as heretofore would have gladly rendered his services for little or no remuneration, if required. Vide letter No. 66 Para 4.

7. That, the Midwife is incompetent to handle unnatural labours is a well recognised fact. Vide Lancet. 10 February. 1894. Doctor Bryant's address—that she was engaged with the petitioner on that date with an instrumental delivery in the station; that her services could not have been spared as she was very badly required in the station; that she was required by Sivalinga Thavan only to assist an expert barber woman, which fact is proved by her being taken to a certain distance, only to be sent away on hearing of the safe delivery on his way. Vide. No 66. Para 4.

8. That the petitioner is alleged to have declined to render medical aid, "for the real reason evidently was that the payment of a fee or its amount was questionable." This argument is untenable; for on the very day, he had been attending upon an instrumental delivery gratis besides three others in the short space of six months; that the petitioner is not bound to render his services gratis; that in cases of non-payment the Petitioner could have legally enforced his claim in a court of justice. No 66. Para 2.

9. That even if the allegations be true, the petitioner is not liable to any punishment, since he has not transgressed any rule of law or of the Department, or omitted any official duty; that the petitioner is not bound by any Departmental order to leave his own Station during emergency but is restricted by District surgeon's circulars to stick to Hospital hours; that private practice is only permitted if it does not interfere with official duties; and that in the present instance, if the conditions prescribed by the complainant had been accepted Hospital should have been closed either in the morning or in the evening for

***LETTER NO. 66 *16 days: that the complainant who has brought a false charge**
PARA 4.

when he has sustained no loss, would not have failed to bring the charge of manslaughter simply to ward off payment if the Petitioner had attended and unfortunately the case proved fatal: that the petitioner could not have neglected the serious case of delivery in the Station to go 10 miles away, out of his own range.

10. That no valid reason has been assigned by the President, for differing from the finding of the former District Surgeon, who fully exonerated the Petitioner; that the Petitioner, as a subordinate could only be guided by the action of his immediate superiors, in the absence of any definite ruling on the subject; that the petitioner has been punished for following the precedents of his

superiors; that the petitioner has not been permitted the opportunity to vindicate his innocence.

11. That Sivalinga Thaven has not substantiated his charges; that the witness who is said to have offered Rs 75 to the petitioner was not examined; that the Tahsildar, prejudiced in favour of the complainant, made an informal and one-sided enquiry; that the petitioner was not permitted to be present during the enquiry; nor was he permitted to confront and cross-examine either the complainant or his relatives (witnesses); that the complaint and complainant's statement materially differ, so also the statements of witnesses. No. 66 Para 5.

12. The petitioner, in conclusion therefore prays, that you will be pleased, in consideration of the facts of the case, and the bad character of the complainant, to intercede kindly and restore the petitioner to his former independent charge, since the punishment has been inflicted for a pure error of judgment and that in a purely private case. The enclosed testimonials will shew that the petitioner has been exceptionally kind to the sick.

For which act of kindness the petitioner, as in duty bound, shall ever pray.

K. S. S. S. S.

In the concluding para of my first letter Civil Apothecary. I have stated that I was not in a composed state of mind to under the explanation since I was bad with Malaria fever & as I was in great anxiety owing to the critical state of my only surviving child after the death of my two sons.

The Tahsildar may not give a true & exact character of the complainant since he tried the case but it should reflect on him, but a reference to the new Sy. Bhaag who came to the Division only two or three months ago will give a true character of the complainant since he is not biased.

K. S. S. S. S.

No. 612

Encl.

From

SURGEON MAJOR-GENERAL C. SIBTHORPE, F.R.C.P.J.

OFFICE OF SURGEON-GENERAL
WITH THE GOVERNMENT OF MADRAS,
Madras, 17th November 1894.

Recd. 20

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

Madras,

To

THE Honble the Chief Secy. to Government
Local and Municipal Department,

SIR,

With reference to G.O. no. 918d. 25.4.89, I have the honor to submit the attached petition from Civil apothecary Jesudasan for the consideration of Government and favor of orders.

2. On the 10th August 1894 the President of the District Board Tanjore in accordance with the above quoted orders forwarded me a copy of his Proceedings dated 8th August 1894 no. 258 (a true copy of which is attached to the petition). In it it will be seen that he has removed Civil apothecary Jesudasan from independent charge, suspended him from three months pay and allowances and told him that it is fortunate for him that the particular case terminated favorably -
The charges on which this punishment

was
as

was awarded as they formulated by the President on the petition of our Aevalinga Thaven.

1st. That the Civil apothecary on the 24th February 1894 refused to conduct the delivery of the petitioner's daughter whose labor appeared difficult though he offered a fee of Rs 75.

2nd That he objected to allowing the Hospital midwife to attend even though the Stationary Sub Magistrate sent a clerk to plead on the petitioner's behalf.

3rd That medicines too were refused to him.

4th That the petitioner was shooed out of the Hospital Compound.

This latter charge was not proved as will be seen in the Proceedings of the President, but the President of the Mannargudi Taluk Board found all the others corroborated at an enquiry which he held, but at which the Civil apothecary was not present. When passing the order the President of the Board had before him letter no. 2959 dated 21st July 94 copy attached from the District Medical and Sanitary Officer, who formulated the charges as follows:-

(1) That the Civil apothecary refused to afford professional aid to a

Woman

Woman in labour

(2) That he refused to permit the midwife to attend the case.

In this letter he to my opinion completely misreads the evidence and ignores the explanations of the Civil apothecary then before him as contained in his letter no. 66 of 15th July 1894 (a copy of which is attached to the petition). He finishes ^{by} stating that the Civil apothecary is from his own statement clearly convicted of gross negligence and neglect of duty and takes no notice whatever of the fact that his predecessor had enquired into the same charges and had come to an exactly opposite opinion.

It appears to me that it is this letter in which the charges are inaccurately formulated which has principally conduced to lead the President of the Board into coming to the conclusion in his order which are as follows.

"On his own showing the apothecary has subordinated the danger and distress of a woman in difficult labour

Incorrect
Quite wrong
BD

to his own sense of what was due him
in point of courteousness from the appli-
cant for his services and in point
of money reward - He also for no
valid reason refused the services of
the midwife - The real reason was
that the payment of the fee or its
amount was questionable - Medical
subordinates of a Board cannot
be allowed to conduct themselves
in this fashion with impunity."

In coming to these conclusions it
appears to me that the President has
overlooked the fact that the petitioner
had no legal right, not being a Govt.
servant to claim the attendance of
any medical man and also the
statements of the apothecary in his
letter no: 66 of 15th July '94 then before
me, which to my mind show there
was no refusal on his part to go and
go with on the part of the petitioner
I have him unless on certain con-
ditions which in my opinion he
was very right in not accepting -
regards the midwife, she eventually
did go, was not required and was
cut back.

4. On receiving the order of the President
I confirmed his order as regards the suspension
of his Proceedings and the copy of the District
Medical and Sanitary Officer's letter no: 295
dated 21st July 1894 was all the correspond-
-ence before me. I directed the Medical
Officer to call on the apothecary for any
further explanation he had to offer. Owing
to a misconception on his part for which
I have censured him the medical officers
did not carry out my orders at once and
this has led to considerable delay in
obtaining the explanation asked for.

5. This explanation is now before me and
received since the petition referred to
in para one of this letter and simply
reiterates the facts dealt with in the petition.

6. I have ascertained from the President
of the Lajpore Board that the petition
submitted to him by the Civil apothecary
has been returned to him, as it should, in
the President's opinion, be submitted to
Government through me.

7. On the 29th of August, I received a petition
from some inhabitants of the village
of Mannargudi representing in friendly
terms the good work that Civil apothecary
had done them since his appointment
and

and stating that the petitioner Sivalinga Thaven, although a man of ~~property~~ property, had most of his property in the custody of the Court and that he was a litigious character - I attach the correspondence in which it will be seen that the report of the Tahsildar who conducted the original investigation supports these statements.

8. I find in the last few years that no less than three medical subordinates have been moved from the Tanjore District on somewhat similar petitions.

9. I submit this petition as it appears to me to clearly show that the medical subordinate has not in this case committed any offence against law or the regulations of the service as no one but a Govt. servant can claim such attendance. He has in my opinion been punished wrongly and should be restored to his appointment and granted his pay and allowances. If he has done wrong in any way it was in not going out to see the case, but his statements seem to me to show clearly that Sivalinga Thaven did not want him except on terms which no sensible medical man

and what
he would
be able to
do

man would agree to - It must be remembered that he had his official duties to attend to, that other medical men were available, and that the distance he would have had to go was ten miles probably in a country cart.

10. Even granting he was wanting on this occasion in humanity or zeal and was not actuated by the high altruistic motives which I am pleased to see the President appears to think would be necessarily the attribute of every medical man I don't consider such a departure from what would be the action of the best members of the profession should be met with official punishment.

11. From many facts that have come before me I am convinced that it would be desirable that Government should clearly express their opinion as to the relation of such subordinate medical officers to private patients who do not come to the Hospital for treatment.

G. O. no. 1084 dated 27th June 1874 fixes that all medical aid afforded within Hospitals or Dispensaries must continue to be gratuitous, though not in their houses as has been decided by G. O. no. 1845 F. I. L. dated 13th October 1876 as regards Municipal Commissioners & presumably others in similar positions.

The ruling of my predecessor in 1886 referred to by the Civil apothecary in his petition appears to me to be a good one - viz.

The scale of fees sanctioned by Government (vide G.O. Financial no: 588 of 19th March 1880 and G.O. Financial no: 1084 of 27th June 1874) was intended to regulate the practice of medical subordinates amongst town people of moderate means and was not intended to interfere with the practice amongst Planters, Traders, Land owners or Zemindars and well to do people. Heras with Commissioned Medical Officers (see G.O. G. G. no: 1310 of 1857 and Army Regulations India Volume VI Section XIII para 1337) the question of remuneration is left to adjustment between a patient and his medical attendants with the proviso that in cases of dispute the Government reserves to itself the right to determine whether the fee demanded is reasonable or extortionate.

These rules have only slightly been modified by those published in G.O. G. G. no: 437 dated 25th July 1893 which should I consider

be

be also made applicable to medical subordinates.

I have the honor to be,

Sir,

Your most obedt. servant

Clinton
Surgeon Major General
Surgeon General
with the Govt. of Madras

Ch

not admitted
in Record
Office

Please see extract
furnished by the
Surgeon General
in reply

Printed in 1893
11-10-93 No 191 P.

131. Private practice. As a general rule, medical officers are entitled to remuneration for professional attendance on the families of those public servants whom they are bound to attend gratuitously. The exceptions are noted in para 128, but they do not include the families of Commissioned military officers in Civil employment. The amount of remuneration for attendance on the families of public servants shall be left in every case to private adjustment, and the conduct of any medical officer who makes a demand, which, under the circumstances of the case, shall appear to the Government to be excessive, will be noticed as it deserves.

True Extract

W. Thomson

Surgeon Captain

Secy: Surgeon General's Govt.

20

G.O. 27/6/74 No. 1084 Jach
13/10/76 No. 1845
19/3/80 No. 588
G.O. 9/13/1857
Army Regs India Vol. II

Refce. 15/11
19/12/94
The Surgeon General will be requested to forward to Govt. the order of Surg. Major P.C. Smith upon the case in question & the records upon which it was based.

W. H. 12/94

Local & Muz. (1894) DEPARTMENT.

From
SURGN. MAJOR-GENL. C. SIBTHORPE, F.R.C.P.I.,
SURGEON-GENERAL WITH THE
GOVERNMENT OF MADRAS,
Madras,

To
PR. CURRENT NO. 3428

No. *612*

ENCLOSURES. //

Dated *17th*
Reed *21st* } *November 1894*

No.

Subject.

Submitting the petition from Civil apoth. Jesudasan for the consideration and orders of Government with remarks thereon.

To
The Surgeon General
19/12

27/11

No. 658

Encl. /

OFFICE OF SURGEON-GENERAL

WITH THE GOVERNMENT OF MADRAS,

Madras, 8th December 1894.

From

SURGEON MAJOR-GENERAL C. SIBTHORPE, F.R.C.P.S.

SURGEON-GENERAL WITH THE

GOVERNMENT OF M. DRAS,

Madras,

To

THE Honble the Chief Secy. to Government,
Local & Municipal Department,

SIR,

With reference to your Memorandum for G. O. No 3498 L. dated 4th December 1894, I have the honor to inform you that G. O. G. G. No 437 dated 25th July 1893 was quoted from the Political Department Order No 774 dated 5th November 1894, regarding Medical Attendance on Native Chiefs, in which it is referred to. No copy is available in this office.

2 G. O. G. G. of 1857 is not available in the office, but it is the old Medical Code. an extract from which is annexed.

I have the honour to be,

Sir,

Your most obedient Servant,

C. Sibthorpe

Surgn. Major-Genl.
Surgeon-General with the Govt. of Madras.

D

10 R.G. - 1,000 - 6-94.

UNDER SECRETARY
#9 DEC 94
PUBLICITY DEPT.

1
37762 of 94

Local & Municipal Dept.

CURRENT No. 37762

L. and M. (1894) DEPARTMENT.

From

SURGEON MAJOR-GENERAL C. SIBTHORPE, F.R.C.P.

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

Madras,

No.

658

ENCLOSURE.

Dated

Received

8th } December 1894.

No.

SUBJECT.

Informing him that G.O.G.G.
No 437 of 25th July 1903 was quoted
from the Political Dept. Order No 774
of 5/11/94 &c. and no copy is available
in this office.

270.

Tirutturai pundi 16/1/95

No 11.

From.

Civil Apothecary V. S. Jendaseen.

Tirutturai pundi.

To.

The District Medical and

Sanitary Officer, Tanjore.

Sir.

With reference to your memo
No ¹⁴⁶/₁₅₋₇₋₉₅ I respectfully beg to state that
the records called for were handed
over to Pleader Sreenivas Row of
Mannargudi as stated in my letter
No 66 of 15 July '94 to prosecute Sivalinga
Shavan before the Dy Magistrate of
Mannargudi. The prosecution was
post poned and the records left with
the Pleader with the object of filling the
two petitions of Sivalinga Shavan. One
to the Dist Surgeon and the other to the
President Dist Board at one and the
same time.

Since the Surgeon General called
for the records I sent a registered letter
a telegram and 6 messengers to the

Pleader and also wrote to Civil apothecary
Davy Singh of Mannargudi to obtain
the records and forward them
without delay. The pleader has not
been kind enough to send me a
written reply, but from the Post Card
received from Mr. Davy Singh herein
enclosed, it appears that the pleader
has either mislaid ^{or lost} the records.

Under these circumstances I humbly
submit that the delay in forwarding
the records is not to be attributed
to me. I have this day sent two
men again and I shall submit
the records as soon as they are
received.

I have &c

Sd/- V. Jesudasan.
C. Apothecary

(True copy)

Clinchamps

Surg: Major or Genl.

Surg: Genl with the
Goat of modras

No 81.

On receipt of above minute II,
I sent an order to Civil apothecary
Jesudasan on 24th December 1894 to
forward at once the original order
of Surgeon Major Smith as it was
required by the Surgeon General.
Again on the 4th January 1895 as no
reply had been received from the
Civil apothecary a reminder was
sent to him directing him to
submit the papers without further
delay. No reply was received to
this; so the Apothecary was again
directed on January 15th to send
the papers at once and in reply
he has submitted the accompanying
letter and post card.

2. I may say for the information
of the Surgeon General that in
the first instance Sivalinga Nevan
sent a petition to the District Medical
officer Surg: Major Smith which
was received in this office on 23rd
February '94 this petition was

referred to civil apothecary Jesudasen
for explanation and in reply he
requested permission to prosecute
the petitioner. Surg: Major Smith's
order was simply an endorsement
on this letter to the effect that
the civil apothecary could prosecute
the petitioner if he thought fit
3. In the despatch registered
under date March 13th 1894 to
civil apothecary Sivuthurappude
is the following entry: "Informs
that he may prosecute the man"

(sd) C. M. Thompson Esq.

Surg: Major

Dist. Med: and San: Officer

(Enclosure)

Chintamani

Surg: Major Genl

Surg: Genl with
Govt of Madras



SB

2/20/95

No 54

Encl.

From

SURGEON MAJOR-GENERAL C. SIBTHORPE

Madras, 25 January 1895.

Local & Municipal Dept.

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

Madras,

To

THE HONORABLE THE CHIEF SECRETARY TO GOVERNMENT,

Local and Municipal DEPARTMENT.

SIR,

With reference to your memorandum
No: 1511 dated the 19th December '94 and in
continuation of this office letter no 32
dated the 16th Instant, I have the honor
to state that the records required by
Government are reported to have been
lost by the pleader employed by civil
apothecary V. Jesudasen to conduct
his case

2. A copy of the civil apothecaries
letter and of the District Medical and
Sanitary officers covering memo are
herewith enclosed for the information
of Government.

3. I may take this opportunity to
state that I have since been informed
by the District Medical and Sanitary
officer, Tanjore that the President,
District Board has permitted civil

apothecary Jesudasen to revert to his
appointment on the expiration of his
three months' Suspension.

I have the honor to be

Sir

Your most Obedt. Servant

Clinchamps

Surg: Maj: Genl.

Surg: Genl with
The Govt of Madras

86

Local and Municipal (189) DEPARTMENT.

Local & Municipal Dept.

From

CURRENT No. 207 L

SURG. MAJOR-GEN. C. SIBTHORPE,

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

Madras,

To

No. 54

ENCLOSURES. 2

Dated

23 January 1895

Recd.

No.

Subject.

Cur: no. 34984/94 and 207/95

Office

There is only one side to this case in this file, the records are not complete, send the

No following reference:-

127/2-2-95

Referred to the Pres. D.

Mr. Panjora for remarks, the with the

will forward such records bearing upon the case as are available (by order)

in his office.

For Saint George

2 February 1895

to the Pres. D. for the petition

Send only the petition

General's letters

McSings

Please review the docket sheet and prepare the endorsement for the signature of the A.S.

Reporting that the records required by Govt are - reported to have been lost.

Local & Municipal Dep.

CURRENT No. 207

From

The Surgeon General with the
Gmt. of Madras
Madras.

No. 127

Referred to the President,
District Board, Tanjore for early
remarks & with the request
that he will forward such
records, bearing upon the case,
as are available.

21. FEB 1895
GOVERNMENT OF MADRAS

M. Francis

No. 54

Dated 23rd Jan'y 1895

Received

Enclosures 2.

SUBJECT

Reporting that the records
required by Gmt. are reported
to have been lost.

Int. St. Surge
2nd February '95

aj. asst. Secretary

By & return from

4/2/95

The President Dist. B^d.

Tanjore.

Submitted

11/5/2

4/5/95

List of papers accompanying Local Fund
Current Register No. 96 of 1895 dated 16th February 95.

No.

Subject.

1. Letter from the District Surgeon Tanjore
No. 2959 dated 21st July 1894 recommending
that the Conduct of the civil
Apothecary Tirubburaiappandi be
reported to the Surgeon General.
2. Proceedings of the President District
Board Tanjore dated 8th August
1894 No. 258.
3. Letter to the Surgeon General dated
13th August 1894 No. 258 forwarding
for his information a copy of
Proceedings passed in the case of the
civil Apothecary V. Jesudassu Pillay
of Tirubburaiappandi Hospital and
requesting him to arrange to post
another in his place.
4. Letter from the District Surgeon
Tanjore dated 18th August 1894 No. 63
Four. proposing certain arrangements
for the civil Apothecary V. Jesudassu
Pillay of Tirubburaiappandi.

5. Letter to the District Surgeon Tanjore dated 25th August 1894 No 258 - approving of his proposals.
6. Letter from the District Surgeon Tanjore dated 6th September 1894 No 3542 requesting him to send certain papers for submission to the Surgeon General and this office docket thereon dated 13th September 1894 No 258 forwarding the papers called for.
7. Letter from the District Surgeon Tanjore dated 15th September 1894 No 3709 submitting as desired by the Civil Apothecary the petition presented by him praying not to put in force the order of the President District Board passed against him.
8. Proceedings of the President District Board dated 21st ^{19th} September 1894 No 530 disposal declining to review the order once passed.
9. Endorsement of the District Surgeon Tanjore dated 24th September 1894 No 3822 on the appeal petition put in by the Civil Apothecary

and President's order thereon ordering to lay by the papers till next meeting as there was no time to circulate them for due consideration for the 27th September meeting and ordering to circulate the papers meanwhile.

10. List showing the names of the District Board members to whom the papers relating to the Civil Apothecary Tirubhuraipundi are circulated for their opinions.

11. Letter from the District Surgeon Tanjore dated 16th October 1894 No 4176 forwarding a copy of the petition addressed to the Secretary to the Surgeon General with the Government of Madras dated 12th October 1894 received from the Civil Apothecary and requesting that the same may be placed before the District Board at its next meeting.

12. Resolution of the District Board dated 29th October 1894 No 9 and footnote thereon dated 10th November 1894 No 670 disposal.

13. Letter from the Surgeon General with the Government of Madras dated 2^d November 1894 No 7071 requesting to be informed of the action taken on the printed copy of petition presented to him by the Civil Apothecary.

14. Letter ~~from~~ ^{to} the Surgeon General with the Government of Madras dated 8th November 1894 No 664 disposal informing that the petition referred to was ordered to be placed before the District Board under the impression that there was an appeal to the District Board and that having since found that no appeal lies to the District Board the subject was withdrawn and the District Surgeon was requested to inform the petitioner accordingly.

15. Post card received from the District Surgeon Tanjore dated 20th December 1894 No 5281 informing that the Civil Apothecary

V. Jesudasew Pillay returned to duty on the forenoon of the 13th December 1894 from the 3 months suspension.

16. Letter to the District Medical and Sanitary Officer Tanjore dated 31st December 1894 No 1389 asking him to report by return of post the circumstances under which the Civil Apothecary V. Jesudasew Pillay was allowed to return to duty at Trubburai-ppandi in the ~~office~~ face of this office Proceedings dated 8th August 1894 No 258 removing him from Independent charge.

17. Letter from the District Surgeon Tanjore dated 3^d January 1895 No 12 informing that the meaning of the order passed as he understood it was that the period of removal from Independent charge and suspension was only for 3 months and not that he should be

permanently removed from
Independent charge and that
the removal from Independent
charge and suspension inflicted
was a sufficient punishment
and that he might be allowed
to remain at Tirubhuvannam;
and this office docket thereon
dated 12th January 1895 No 16
disposal approving of the District
Magistrate's recommendation.

18. President's Note to the Personal &
Deputy Collector dated 14-2-95
asking him to state whether the
clerk admitted before him that
he never spoke to the Apothecary
on the subject and his reply thereto
dated 14-2-95.

19. Government Endorsement &
dated 2nd February 1895 No 127
and its enclosures.

M. K. S. S. S.
For President
19. 2. 95

Tanjore District Board's
Office, Camp Pattukkottai,
16th February 1895

No 96.

From,

J. Thomson Esqre,
President, District Board,
Tanjore.

To, The Honourable Mr. J. F. Price,
Chief Secretary to Govt
L & M Dept., Madras.

Sir,
I have the honour to return the
papers bearing Endorsement No 127
of 2nd instant and to forward
as per list all the available
records of the case in which
Civil Apothecary Jesudasan Pillay
was suspended by me for
three months.

2. The Surgeon-General sees reason

to differ from me in opinion,
holding that Sivalinga Iyann the
petitioner in the case had no
legal claim to the Apothecary's
services, and, accepting the
Apothecary's representation of
the facts of application for and
refusal of these services, that
they were not really wanted
and were properly refused.
Admitting a possible lapse
from the humanity and zeal
which are characteristic of the
profession he does not consider
that the failure there may
have been should meet with
official punishment.

3. It is necessary in the first

place to point out that the
Surgeon-General in excusing me
by accusing the District
Medical officer of misleading
me is unjust to both. I cannot
feel flattered nor have my
failings condoned by the
supposition that I do not
read with intelligence the
defence of an accused officer
before passing judgment,
and as, although favoured
with the views of the Surgeon-
General, I still continue to
hold my first opinion of the
Apothecary's conduct, I am
unable to plead that anything
has been done for which
any other than myself is

accountable. I cannot also admit that ~~the~~ District Medical officer merits the censure implied in the statement that his predecessor had enquired into the same charges and had come to an exactly opposite opinion; for from No 81 in the record it appears that Surgeon Major Smith simply endorsed on the Apothecary's Explanation which requested permission to prosecute Sivalinga Ievan that he could prosecute if he thought fit. This is no Exoneration, and the genuineness of the desire to prosecute may be gauged from the facts

or fictions appearing in the preceding paper No 11 of 16th ult. to ~~the~~ District Surgeon. It is hardly necessary to say with reference to para 7 of the Surgeon-General's letter that Mahazars are matters of easy manufacture; and on para 8 that acts done must be presumed to have been done rightly.

4. On the essentials of the matter I have simply to ask Government to read the Explanation of the Apothecary No 66 of 15th July 1884. If my order cannot rest on that and on Common Sense notions

of what the Apothecary is appointed and paid for doing it is a wrong order. The rule governing Medical Subordinates to which the Surgeon General refers in para 11 of his letter and to which he wishes more definiteness to be given is a rule governing remuneration, and I do not find in and trust Government will not import into the regulations that in a matter where life is at stake a servant who has his living provided from public funds shall be at liberty to withhold his services from any applicant

for them unless for reasons that commend themselves to sensible men.

5. In my opinion, on his own showing, Apothecary Jesudason Pillay had no such reason. The case was a serious case - I speak under medical correction and accepting the Apothecary's own description - the Apothecary was willing to entertain the application since he fixed a fee, and, I see no reason to doubt, could and would have gone if it had been quietly paid. I further think, if the fact was that only Rs 25 was offered with the attached

Condition that the Apothecary
should take the midwife and
not operate himself unless the
women folk consented — for
which we have only the Apothe-
cary's Statement —, the Apothecary
should have gone on that
understanding. In a Country
place like Tirutturaippundi
Medical men have no right
to expect that they will be
very readily admitted
to treat women directly and
ought to be ready to assist
as far as the customs of the
people will permit and to be
glad of an opportunity of
making their way. A fee of

Rs 75 whether closed with or
not on the part of the applicant
was I consider extortionate,
and such as an Apothecary
on Rs 125 a month had no
shadow of right to demand.
The inhumanity of the suggestion
that the woman should be
brought to Hospital after
difficult labour had begun
should not be overlooked.

b. It is possible enough that,
when Sivalinga Jevan demanded
the midwife's services as of
right, the Apothecary was
incensed and spurned
the whole matter, refusing

the services of either. This is perhaps the meaning of the admission which he has made at the end of para. 2 of his Explanation. On the matter of this denial of the midwife's services I find no direct opinion offered by the Surgeon General, but if she is to be denied to such cases — the pretexts of other work and unfitness for the particular case put forward by the Apothecary are pure pretexts — I do not understand what she is attached to the Hospital for.

7. I have assumed that the Apothecary's own explanation

may be accepted for arriving at a decision, and rested nothing on the Tahsildar's inquiry and report that the fee demanded was offered. But it is necessary to say that I do not regard Apothecary Jesudasen as an officer whose word is to be implicitly accepted as against even Sivalinga Tevan's. In claiming that Surgeon Major Smith "fully exonerated" him he does not appear to have spoken the exact truth nor has he done so in respect of his allegations regarding the intervention of the Stationary Submagistrate through his Clerk if the word of my

Deputy Collector is to be accepted - see my pencil query to the Deputy Collector and his reply. And there is a Jesuitical ring about the whole of his pleadings that is not in his favour. That other medical men were available or the village was outside his usual beat < on which point I have no information > is of no consequence when he himself is the officer of highest grade in the Taluk and presumably the most competent and therefore we may suppose the one intentionally called in.

8. I especially deprecate the Surgeon General's views of the duties of such

men being accepted, and of this Apothecary being exonerated because if so, the consequences must be disastrous. The Lower grades of Medical officers are not what they were when all had military training. Many of them are as devoted to their calling as ever but there are several for whom the strictest discipline is a necessity. They are posted now in many places where they are very little under control and if they are destitute of humane feeling and arrogant and lazy

to boot they can do much
harm in their particular
charge and bring discredit
on a noble profession
which in India has difficulties
enough of its own in combating
prejudice and custom.

9. I may perhaps add that
I found this paper on my
arrival in the District,
that Mr Weinterbotham
has endorsed the District
Surgeon's recommendations
of punishment, that I
did not then know
Apothecary Jesudasen Pillay
though the District Surgeon

did, and that I have heard
from two stations in the
District that he is of a
capacious temper and does
not carry into his practice
the consideration and tact
that he ought to exhibit.

I have the honour to be,
Sir,

Your most obt. servant,

Thomson,
16.2.56
President,
Dist. Board,
Tanjore

By

to be sent to the
has
Cha
on

1895
L. I. Department

From
The President of
District Board
Jajore

RECEIVED
21 FEB 1895
UNDER SECRETARY
PUBLIC

To
The Chief Secretary
to Government
L. & M. Department
Madras.

Dated 16th
Despatched 19th February 1895.
Received

Current No. 96

Enclosures. As per list.
Sent separately

Submitting the report
called for in G.O. No 127

Dated 2nd February 1895

of the appeal petition
of V. Jasadass Pillai Civil

Hypothecary Trutturai
Apandi and the records
connected with the
case.

L. & M.
9,000-2-2-26.

Loc^s

No.
DATED

C. No.

GOVERNMENT

A A A A A A A

OFFICE OF GOVERNMENT.

WITH DITTO.

NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B. -

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.