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MADRAS RECORD OFFICE.

Government of Madras.

Rudie DEPARTMENT.

G.O. No.	640	Press Mis.
Dated	27-6-	1966.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Department,

27th June 1866.

Read the following papers:—

No. 144. From the Collector of Coimbatore, to the Acting Chief Secretary to Government, Fort Saint George; dated Ootacamund, 11th June 1866, No. 50.

On the 10th ultimo, an European, named Cadwallader, was brought into the Ootacamund Dispensary in a dying state. He died in the evening.

2. On the following day, after 1 o'clock, the Dispensary Dresser appeared before the Archdeacon, for instructions as to the course he should follow in regard to the disposal of the remains of Cadwallader. Up to that hour, the Archdeacon had heard nothing about the deceased. It was necessary that he should be buried without delay. The Archdeacon had, therefore, to issue orders to have a grave dug, and take on himself the responsibility of ordering a coffin from Messrs. Bill & Co. Eventually the coffin was made, the grave was dug, and Cadwallader's remains were committed to the earth. But it strikes me that, with the exception of ordering the grave to be dug and performing the funeral service, the Archdeacon should not have been exposed to the trouble of ordering the coffin.

3. It has hitherto, I have reason to believe, devolved on the Judge of this station to give orders for the disposal of the remains of deceased Europeans, and this course, I think, obtains in all low country stations. It will be seen by the Archdeacon's letter that Mr. Cherry, the present Judge, does not recognise the duty. The Joint Magistrate, Major W. R. Campbell, heard nothing about deceased, until the Archdeacon wrote to him, requesting information for his future guidance, in the event of a similar case arising.

4. To prevent mistakes, and avoid trouble for the future, I request that Government will issue specific orders on the subject, stating the authority on whom the responsibility of issuing orders for the burial of Europeans should devolve, and the source from which all necessary expenses are to be disbursed in the first instance, and in the case of paupers, to be ultimately realized.

1. Copy of a letter from the Venerable the Archdeacon, dated 22nd May 1866, No. 184.
1. Letter from Major W. R. Campbell, dated 30th May 1866, No. 56.
1. Letter from do. do. dated 31st May 1866, No. 57.
1. Letter from Surgeon J. Miller, dated 6th June 1866, No. 16.

5. The marginally noted original papers are forwarded herewith, for the information of Government.

From the Venerable the Archdeacon of Madras, to the Joint Magistrate of Ootacamund; dated Ootacamund, 22nd May 1866, No. 184.

A European, named Cadwallader, died in the Hospital at this place, on Thursday the 10th instant, having been brought in from a plantation that same morning. There was great delay about giving orders for the coffin and the grave. No notice of the casualty reached me till past 1 o'clock on Friday the 11th, when the Hospital Dresser came to me, quite at a loss what course to pursue. It was necessary that the body should be buried that evening. I therefore took upon myself to order from Messrs. Bill & Co., a coffin of the plainest possible description, and to have a grave prepared, and with considerable difficulty and trouble the funeral eventually took place that evening.

2. On inquiry, I found that the Judge has been in the habit of issuing the necessary orders for the funeral in such a case, but that Mr. Cherry does not recognise the duty. I applied to Mr. Cherry to know on whom the duty should devolve. In reply, he states that he does not consider it the duty of the Judge to make provision in such case, and refers me to you for information. It is very desirable that the matter should be made clear. Certainly the trouble and expense ought

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*Proceedings of the Madras Government, Public Department,
27th June 1866.*

not to fall on the Chaplain. I enclose a bill for the coffin. The charge seems high for a coffin of the cheapest and plainest description, but I have paid it. I should be glad to know how I am to be reimbursed.

3. Will you kindly inform me on whom (should such an event occur again) the duty of issuing orders should devolve.

From Major W. R. CAMPBELL, Joint Magistrate of Ootacamund, to the Collector and Magistrate, Coimbatore; dated Ootacamund, 30th May 1866, No. 56.

I have the honor to forward, for your consideration, a letter, No. 184, dated Ootacamund, 22nd May 1866, from the Venerable the Archdeacon of Madras, to my address, regarding the burial of a European, named Cadwallader, who died at Ootacamund, at the Hospital, on the 10th May 1866.

2. The Archdeacon, it would appear, was obliged to order a coffin for the deceased, to take all the trouble of causing a grave to be prepared, and eventually to pay a sum of Rupees 36-8-0 for the coffin.

3. The Archdeacon mentions, in paragraph 2 of his letter to my address, that he has ascertained that the Civil and Session Judge of Ootacamund has been in the habit of issuing orders for funerals in such cases, but that Mr. Cherry does not recognise the duty, and refers him to me, as Joint Magistrate, for information.

4. Although the Joint Magistrate of Ootacamund has never before had the arrangement of the burial of Europeans, who may die without friends or relations at hand to perform that duty, I thought it better to try and reimburse the Venerable Archdeacon for the expense of the coffin, Rupees 36-8-0, as he had been so good as to undertake all the trouble of the funeral, and I accordingly applied to Mr. McIvor, who is in charge of the Coffee Estate on which the deceased was Superintendent. Mr. McIvor at once consented to pay the aforesaid sum of Rupees 36-8-0 to the Archdeacon, but as it has been since ascertained that deceased had left effects, I have recommended the Archdeacon to lodge a claim for that amount on the estate at the Civil Court.

5. I would respectfully submit that I do not consider it the duty of a Criminal Court, as mine is, to arrange for the burial of Europeans who may die, as the late Cadwallader did, with no one to perform that duty; neither is it my duty, as Joint Magistrate, to incur the responsibility of the charge of their effects; and as Mr. Cherry does not recognise the duty, I beg you will be so good as to inform me who the responsible authority is in such cases.

From Major W. R. CAMPBELL, Joint Magistrate of Ootacamund, to the Collector and Magistrate, Coimbatore; dated Ootacamund, 31st May 1866, No. 57.

With reference to my letter, No. 56, of 30th May 1866, I have the honor to inform you that the Venerable the Archdeacon's letter to my address, dated Ootacamund, 22nd May 1866, was the first intimation I received of Mr. Cadwallader's death (which took place at the Ootacamund Hospital on the 10th May), 12 days after its occurrence.

From Surgeon J. MILLER, M.D., F.R.C.S.E., Senior Medical Officer, Neilgherries, to the Collector of Coimbatore; dated Ootacamund, 6th June 1866, No. 16.

In reply to your letter, No. 157, of the 4th instant, I have the honor to state that so few pauper Europeans have died in the Civil Hospital that no custom in regard to the disposal of the bodies has been established. In my own experience, only one other European has died in Hospital without funds or friends, and in that case the funeral expenses were defrayed from the Civil Hospital funds.

2. The impression prevails that it is the Judge of the station on whom should devolve this kind of duty, and such may be the case, but I have not been able to discover any case as a precedent.

*Proceedings of the Madras Government, Public Department,
27th June 1866.*

No. 145. From the Collector of Coimbatore, to the Acting Chief Secretary to Government, Fort Saint George; dated Ootacamund, 14th June 1866, No. 51.

In continuation of my letter of the 11th instant, No. 50, I beg to forward, for the information of Government, an original letter from the Joint Magistrate of Ootacamund, with its enclosure, a copy of a letter addressed by Surgeon Colvin Smith to the Civil Judge of Ootacamund, regarding the burying of the body of Cadwallader.

From Major W. R. CAMPBELL, Joint Magistrate of Ootacamund, to the Collector of Coimbatore; dated Ootacamund, 13th June 1866, No. 60.

With reference to my letters to your address, Nos. 56 and 57, of 30th and 31st May 1866, I beg, in continuation, to forward, for your information, copy of a letter from Surgeon Colvin Smith, Medical Officer, Ootacamund, dated 11th May 1866, to the address of the Civil and Session Judge at Ootacamund, by which it will be observed that Surgeon Smith only informed Mr. Cherry, the Judge, of the death of Mr. Cadwallader, in order that arrangements should be made for his burial.

From Surgeon C. SMITH, Medical Officer, Ootacamund, to the Civil and Session Judge, Ootacamund; dated Ootacamund, 11th May 1866.

I have the honor to report, for your information, that a Mr. Cadwallader, Superintendent on Colonel Fyer's Estate, near Mailkoondah, was brought to the Hospital yesterday in a dying state, and expired a few hours afterwards; that he has no relations; and there is no one who will take the responsibility of burying him. Under these circumstances, I understand that you are the proper person to take action in the case, and I beg that you will give orders that the body be removed this afternoon.

No. 146. ORDER THEREON, 27th June 1866, No. 640.

It appears to His Excellency the Governor in Council that the Zillah Judge at a station cannot properly be required to undertake the duty of providing for the interment of Europeans dying in indigent circumstances, or without relatives or friends at hand. The duty is one that can be conveniently performed by the Magistracy of the District. The expenses, when they are not unusually large, will be passed in the Magisterial Contingent Bills, under paragraph 254, Chapter VII, of the Civil Auditor's Manual.

2. It will be the duty of the Magistrates in all cases to ascertain whether the deceased have left any property, and to apply to the parties or officers who may administer or distribute it for a refund of the expenses incurred. Claims for funeral charges are, it is observed, payable before the expiration of the time allowed for the distribution of the estates of deceased persons, and will, therefore, in most cases, receive immediate attention.

3. Ordered that copies of these Proceedings be furnished to all Magistrates of Districts.

(True Extract).

Acting Chief Secretary.

To the Magistrate of
" Accountant General.

Exd. J. H. Burns. * *

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Public Dept.

Proceedings of the Madras Govt.

Read letters from the
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Inter 11 & 14 June 1866,
N^o 50 & 51.

Order - 27 June 1866 N^o 640.

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The Magistrates of all Districts despatch
Acct. Genl. despatch 30/6

