

(1) பக்கங்களின் எண்ணிக்கை

26 (17)

(2) புதுக்கித் திருப்பிய நாள்

(3) ஆதாரக் குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

பிழை துறை

அரசாணை எண்.

மு: கோப்புத் தாள் எண்.

384

அச்சகம்

பலவகை

நாள் :

30.4.1889

199

மடிக்கவேண்டிய கையாளவோ கூடாது.

CHEMICAL EXAMINER'S OFFICE,

Madras, 5th February 1889.

No. 73

From J. L. Vanheyzel Esq: M.B.C. M.F.C.S.

of CHEMICAL EXAMINER,

Madras,

To

THE Chief Secretary to Government
Public Department

Madras

SIR,

I have the honor to bring
the following circumstances to the notice of
Government and request the favor of orders:-

2. Lt. Col. F. W. Hemming, military
Secretary to His Excellency the Commander-in-Chief,
in March 1888 sent me the viscera of a horse, -
which died under suspicious circumstances -
while in the stables of the Madras Stable Company
and requested me to make an analysis "before
placing the matter in the hands of the Police." The
analysis was made, poison was found and a
certificate sent accordingly to Col. Hemming -
with

with a memo of fee for Rupees 25/-, which is the amount allowable for medico-legal cases of a private nature under G. O. No. 1733 of 26th December 1877. No notice was taken of the fee memo. or of two subsequent reminders sent in September last. I then wrote demi-officially and pointed out that the fee was due to Government, to myself and to my Laboratory assistants, and requested early payment. Since then two letters have passed between us on each side, and the end of the matter is that Col. Hemming protests against the fee on the grounds:-

1. that the analysis was made while the matter was under Police investigation and
2. in the case of a charger which he keeps up for the service.

3. With regard to the 1st ground of his protest, I beg to request Government to consider the following points. The distinction between — medico-legal analyses "of a private nature" and those "on behalf of Government" rests upon the following considerations viz:

4. Government have prescribed certain rules of procedure, which the officers of Government are required to observe in forwarding substances for.

P. 30 May 1883
LW 1062.

for chemical analysis, and it is laid down that, in all cases on behalf of Government, a Police officer or Magistrate should issue an order for the analysis to be made and that copy of such order should accompany each case sent to the Chemical Examiner. This rule is necessary primarily in the interests of justice, but it is also necessary in the interests of this Department, as otherwise it would be quite possible for any one to inflict needless analytical work and correspondence upon the Chemical Examiner. A Police officer's or Magistrate's or a Government Medical Officer's opinion is made the guarantee for the necessity for the analysis, and all such cases are looked as "on behalf of Government"; whereas articles forwarded direct, by private persons themselves, are looked upon as cases in which the Police do not see sufficient reason for ordering an analysis, or in which they decline to take proceedings — without an analysis to show the necessity for their interference, leaving it to the parties concerned to procure such analysis, and these cases have hitherto been looked as "private cases" and charged for. Government have been pleased to allow the Chemical Examiner to undertake private

medico-legal

9.26 Dec 1877
60-1733.

medico-legal work and have accordingly fees and remuneration for work of this sort. Such cases occur now and again and hitherto no objection has been raised to the payment of the fees claimed in these cases.

5. Under these circumstances Col. Hemming's case was looked as a private case and charged for accordingly. Col. Hemming now contends that in his note forwarding the viscera the words "before placing, &c" were hurriedly used and that the case "was under police investigation" when the viscera were sent me and that in forwarding the viscera for analysis he merely "anticipated the procedure of the Police". It is on this point that I request the protection of Government, for if these are sufficient grounds for refusing payment, then the Chemical Examiner would be at the mercy of every one, who chooses to send articles for analysis in anticipation of the action of the Police.

6. It is not from any desire on my part to press the fee upon Col. Hemming, as a ^{personal} ~~usab~~ claim, that I bring the matter to the notice of Government. I desire Government to state, whether the distinction, which has hitherto been drawn, between medico-legal cases of a private nature.

Nature.

nature and those on behalf of Government, as pointed out above, is correct and has been correctly applied in the case of bob. Hemming. If as bob. Hemming thinks the case was actually in the hands of the Police, then I submit that the Police should have taken charge of the viscera, sealed them and sent them to me in charge of a constable, together with the usual order, as they do in all other cases of this sort. Instead of this the viscera were sent from bob. Hemming with his note, by a cooly, in an open basket, without seals or an order. If as bob. Hemming contends the case was actually in the hands of the Police and he sent the viscera in anticipation of their action, then some explanation is necessary, as to why the Police courted certain failure by allowing bob. Hemming to interfere in this way with a duty which was plainly not his but theirs.

With regard to bob. Hemming's 2nd ground of protest viz: that the animal was a service charger, I am not aware, whether any ruling exists upon the subject as to whether an officer's charger dying under suspicious circumstances should be examined by the Chemical Examiner as on behalf of Government, and whether in such

such cases officers are privileged to send direct to the Chemical Examiner without Police intervention, the viscera &c for analysis. If such a ruling exists, then I beg respectfully to point out that the present instance demonstrates the advisability of altering the rule and bringing the cases of officers' chargers also under the rules now in force with regard to packing and forwarding suspected substances for analysis.

I have the honor to be

Sir

Your most obedient servant

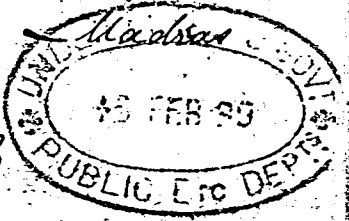
H. V. Aulysse. M. B. C. M. F. C. S.

of Chemical Examiner

1889 1 C3

From
The Chemical Examiner
Madras

To
The Chief Secretary
to Government
Public Department



N^o 73

Dated - 5th } February 1889
Received - 6 }

Enclosure

Subject

Requesting Government to state whether the distinction hitherto made by the Chemical Examiner between medico-legal analyses of a private nature and those on behalf of Govt is correct, and has been correctly applied or not in the circumstances of the case related; and requesting that the rules relating to the transmission of articles to the Chemical Examiner be held to apply also to the cases of Officers' charges dying under suspicious circumstances.

The case in which the viscera of a horse were sent to the Col. Kemmings for analysis.

RECEIVED
WITH REPLY

7/14 July 1889
Referred to the Military
Department for remarks
(By order)
W. S. Meyer
Asst. Secretary

Handwritten notes on the right page.

Handwritten notes on the right page.

Handwritten notes on the right page.

Former papers.

P. 9. 9. 1. 1878 no 94 R.
P. 8. 30. 5. 1883 no 1062 (Feb 1)
RECEIVED 25 70689
Dy. No. 309 V VI P 57

Military Department
Feb 16 Gen. 22 Feb: 89

REQUESTED TO BE
RETURNED WITH REPLY.

no 1347

Referred to His
Excellency the Commander
- in - Chief for favor of
O.G. / Public Dept / W. 1062 } opinion
d. 30. 5. 83 } with reference
O.G. / Public Dept / W. 1733 } to the Cor.
d. 26. 12. 77 } (return requested) }
correspondence marginally
noted.

1 By Order

Herbert B. G.
Secretary to Government

The Adj. General

No.

MILITARY (1889) DEPARTMENT.

No. 1198

From

The Public Department

C No. 452

Dated 14 Feb

Recd. 15

Registered

ENCLOSURES.

P.G., No. , dated

Referring letter from the Che-
mical Examiner regarding the
viscera of a horse sent by Col.
Hemming to the Chemical Exama-
for analysis.

HEADING

No. 6

It is requested that the heading,
number, and date of this commu-
nication may be quoted in any
subsequent correspondence on this
subject.

From

Brigadier-General M. C. FARRINGTON, C. B.

Adjutant General,

To

The SECRETARY to GOVERNMENT,

Military Department.

SIR,

ENCLOSURES. 4
O.G. / P.D. / W. 1062 dated
30 May 1883 -
O.G. / P.D. / W. 1733 dated
26 December 1877 -
Letter no 73 dated 5 Feb:
1889 from Chemical
Examiner -

In returning herewith the enco-
- sures as per margin, together with your
endorsement bearing No 1347 dated 22 Feb-
- ruary last, I have the honor, by
- desire of the Commander-in-Chief, to
inform you that there can be no question
that the Rules prescribed for the guidance
of Magisterial, Police and Medical officers
in the matter of Chemical Legal Examina-
- tions were not followed in this case.
2. Lieut. Colonel Hemming, as a private
individual was, however, unaware of
these rules, and the case was placed in
the hands of the Police almost at the
same time that the viscera were

Sent

sent for examination - The result of such examination proved the existence of poison, and the matter was taken up as a police case, and it is believed, was under investigation for some considerable time by the police.

3. Had the correct procedure been adopted, the Police would doubtless have sent the viscera to the chemical examiner under the prescribed order and the examination would then have been clearly been on behalf of Government and at Government expense.

4. Under the circumstances Government might accept Lieut. Colonel Hemming's action, although premature, as part of the Police Examination, and order the payment of the fee as such.

I have the honor to be,
Sir,

Yours most obedient servant,

Wm. Colonel

Sy. Adjutant-General

I doubt see any
admission on the part
of the authorities
to the Chem. Exam. is
entitled to claim the fee.
I think it is better to
say 'which under the rules
of the case the
Govt. consider he is
entitled to claim'

19/4/89 J.H.S.

All right - what I meant was
that the Mil. authorities admit
that the procedure necessary to
make a Govt. exam was not
followed. The working proposed
by my honorable colleague is
doubtless better.

M.S.
24 Apr.

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15/2/89 Not 6th Ind

Public Co 1123

1000 / 1000 / 1000
1000 / 1000 / 1000



Military Department
Polacambino 8th April/89

no 2387. Transferred
to the Public Department
for favorable consideration.

2 The referred papers
are herewith returned

Kennzeichen B-Gen²

Secretary to Government.

Handwritten: 65454-1123

In Orders

1644.

The case put by the Chemical Examiner is irresistible, and is not resisted by the Adjut. and General. - H.E. the C. in C. however is under a misapprehension. He Govt. cannot the Chemical Examiner is not entitled to any fees, and the effort of classing this case as a Govt. one will ~~not~~ be to transfer the burden from

Public Dept. 1889
MILITARY (1889) DEPARTMENT.

No. 2525

From

THE ADJUTANT GENERAL,

To

THE SECRETARY TO GOVERNMENT,

Dated 5th } April 1889
Received 6th }

No.

Forward Correspondence
with certain information
regarding the case of a horse
sent by Lt. Col. Hemming
to the Chemical Examiner
for Analysis.

Col. Humming to the Gov^{rs} but to define
the Chemical Examiner of the Commission-
tion which, as is admitted, he is entitled
to claim. The paper should be returned
to the Military Dep^t with remarks to
this effect:

Lead to the Hon. Mr. Garrison sleep

with Ensl- H.H.
17 Apr

[31] *Ch' 452 72123*

NOTE FOR THE CHIEF SECRETARY.

I have put the draft from
orders in the form of an end?
to the bill? Dept. is directed by
the law Stokes. But it is
submitted that the there is
excess being under "Public",
it is for the Dept. to pass final
orders. Cases can addressed
to the chief Sec. Sec. only
ref. to the Sec. for remarks. The
counter ⁱⁿ ~~of~~ the bill is
and of course to be obtained for the
order of it issues here ^{from} ~~ref.~~

knights at Haver. he
asked after town il to.

- known? D 1

25/4.
 Given to the after
 Council - about 15
 a 40.
 24th

14

Public

DEPARTMENT.

[5]

Papers to be read in Proceedings :—

Again G.O., dated 188 , No.

Again G.O., dated 188 , No

Current No. 454 , of 188 9 dated 5 Feb ? from the Chem! Exams

Current No. 1123 of 188 9, dated 8 Apr! from the mils Dept!

~~and~~ G.O. 30 April / 89 No 384

~~The papers will be returned?~~

~~The mils Dept with the~~

following remarks. The Govt
observes that

Para 4 of the Adjutant General's

Letter is based on a misapprehension.

In fact, cases the Chemical

Exams is not entitled to any

fee, & the result of treating

the case in question as a fort

investigation is? therefore he

is deprived the Examiners of

remuneration which under the

rules & in the circumstances

of the case, the fort considers

he is entitled to claim

DESPATCHED

To the Military Dept

(From mils)

been

referred

I
30/4

At the meeting of the
Chem. & Examiner
(from order)

BACK PAPER, No.

of 158

FURTHER PAPER, No.

of 183

READ AGAIN ORDER OF GOVERNMENT, dated
188 , No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No. 454

1125 (Admiral) a a
Sculdette (H.M.S.)
Q (Milly dept.)

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT A A

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged):

N.B.—

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

Chemical Examiner
Milly Dept.
W.P.
J.P.

[7]

ORDINARY, MS.

Pub
DEPARTMENT.
G.O., DATED 30/4/89
No. 384

When given for copying 4/5

[Despatch Abstract.]

*Referring orders re
the claim of the Chemical
Examiners to fees for making
analysis of the viscera of a
horse sent by R. M. L. Hemming
& considering that he is entitled
to the claim.*

Show me before despatch

Rev

4/5

[7]

ORDINARY, MS.

DEPARTMENT.
G.O., DATED
No.

When given for copying

[Despatch Abstract.]

8/4/20