

ORDINARY, MS.

17.5-79 ✓
8-7-14 ✓

Public DEPARTMENT
G.O., DATED 26-5-90
No. 380.

When given for copying

[Despatch Abstract.]

According with report
G.O. quoted certain papers
regarding Dr. Donnelly's
appt. as Surgeon General
with force.

BACK PAPER, No.

FURTHER PAPER, No.

READ AGAIN ORDER OF GOVERNMENT, DATED
18 No. MISCELLANEOUS

ENCLOSURES

CURRENT No.

STATEMENT WITH DETTO

ORDER OF GOVERNMENT

STATEMENT WITH DETTO

PAPERS NOT FILLED UP, BRING BLANK FOR DISPATCH
IN ORIGINAL (not filed)

N.B. -

A = Copy in full
B = Not to be copied
C = Copy abstract only
D = Copy heading only

29TH APRIL 1890, No. 317, PUBLIC.

GOVERNMENT OF MADRAS.
PUBLIC DEPARTMENT.

Read—the following papers :—

G.O., dated 8th April 1890, No. 2514, Military.

Read—the following letter from the Controller of Military Accounts, to the Secretary to Government, Military Department, dated 3rd April 1890, No. G-303 :—

I have the honor to bring to your notice the fact that the appointment of Deputy Surgeon-General J. M. Donnelly, C.B., notified in *Fort St. George Gazette* (Public Department), No. 178, dated 24th March 1890, is opposed to India Army Circular, No. 90 of 1886. That officer will attain the age of 60 in November this year, which will (in the ordinary course) entail two passages to England at the public expense, within one year, of Surgeons-General in the Madras Army alone.

Order—dated 8th April 1890, No. 2514, Military.

Communicated to the Public Department, for such further action as may be deemed expedient.

(True Extract.)

(Signed) A. KENNEY-HERBERT, Brigdr.-Genl.,
Secretary to Government.

To the Public Department.
" Controller of Military Accounts.

G.O., dated 12th April 1890, No. 2586, Military.

Read—the following papers :—

Telegram to the Secretary to the Government of India, Military Department, dated 10th April 1890, No. 2533.

Dr. Donnelly vacated Deputy Surgeon-General 5th April. He attains 60 years November next. Is he eligible for appointment Surgeon-General with Government? Controller contends appointment opposed to India Army Circular 90 of 1886. Please wire reply urgent. Vacancy occurs to-morrow.

Telegram from the Secretary to the Government of India, Military Department, dated 11th April 1890, No. 814-A.

Doctor Donnelly is not eligible for appointment as Surgeon-General.

Order—dated 12th April 1890, No. 2586, Military.

Communicated to the Public Department, in continuation of Proceedings of Government, No. 2514, dated 8th April 1890, for such further action as the Government may deem desirable.

(True Extract.)

(Signed) A. KENNEY-HERBERT, Brigdr.-Genl.,
Secretary to Government.

To the Public Department.

„ Controller of Military Accounts, for information.

G.O., dated 12th April 1890, No. 2587, Military.

Read—the following papers:—

Telegram to the Controller of Military Accounts, Madras, dated 10th April 1890, No. 2582.

Your G.-303, 3rd April. His Excellency asks how it is that on 5th March you wrote Private Secretary saying question whether Donnelly was eligible was one for Adjutant-General, and you now report to Government opposed I. A. C. 90 of 1886. Adjutant General's opinion then given was circular quoted refers only to first appointment to Deputy Surgeon-General's grade, and that a Deputy Surgeon-General who has not attained 60 years may be appointed Surgeon-General—See clause 72, I. A. C. of 1883. Reply urgent to-day.

Telegram from the Controller of Military Accounts, Madras, dated 10th April 1890, No. 888.

Your 2532. In demi-official to Private Secretary, dated 5th March, I distinctly gave my opinion that clause 90 opposed appointment of officer attaining 60 years within the year. After attention being drawn to Dr. Donnelly's appointment, I wrote letter, dated 3rd April. Clause 72 of 1883 should be read with the above clause of more recent date.

Order—dated 12th April 1890, No. 2587, Military.

The foregoing telegram from the Controller of Military Accounts, and that to which it is a reply, communicated to the Public Department.

(True Extract.)

(Signed) A. KENNEY-HERBERT, Brigdr.-Genl.,
Secretary to Government.

To the Public Department.

G.O., dated 22nd April 1890, No. 2802, Military.

Read—the following papers:—

Telegrams to the Secretary to the Government of India, Military Department, dated 15th and 18th April 1890, Nos. 2645 and 2725, respectively.

Telegram from the Secretary to the Government of India, Military Department, dated 17th April 1890, No. 852-A.

Your 2645 of 15th instant. Dr. Donnelly ineligible for appointment Surgeon-General under clause 90, Army Circulars, 1886. He would be unable to complete three years in appointment, and Government of India does not consider that it was intended to appoint a Surgeon-General when nearly 60 years of age.

Order—dated 22nd April 1890, No. 2802, Military.

Ordered that the foregoing telegram from the Government of India be communicated to the Public Department, with reference to Proceedings of Government Nos. 2586 and 2587, dated 12th April 1890. marginally noted.

(True Extract.)

(Signed) A. KENNEY-HERBERT, Brigdr.-Genl.,
Secretary to Government.

To the Public Department.

„ Adjutant-General.
„ Surgeon-General with the Government of Madras.
„ Controller of Military Accounts.

G.O., dated 29th April 1890, No. 2966, Military.

Read—the following papers:—

Telegram to the Secretary to the Government of India, Military Department, dated 23rd April 1890, No. 2826.

Your telegram 852-A, 17th April. Does decision therein conveyed supersede Exception A, Article 680, Part V, Civil Service Regulations, 1889, for, although this is merely republication of clause 72, India Army Circular, 1883, its appearance in the new Code of Civil Service Regulations seems to give it some weight? Kindly reply early to this question.

Telegram from the Secretary to the Government of India, Military Department, dated 28th April 1890, No. 940-A.

Your 2826 of 3rd instant. Clause 90, India Army Circular, 1886, supersedes latter portion Exception A republishing clause 72, India Army Circular, 1883. Civil Service Regulations cannot be considered guide in this matter.

Order—dated 29th April 1890, No. 2966, Military.

Ordered that the foregoing telegram from the Government of India be communicated to the Public Department, in continuation of Proceedings of Government, No. 2802, dated 22nd April 1890.

(True Extract.)

(Signed) A. KENNEY-HERBERT, Brigdr.-Genl.,
Secretary to Government.

To the Public Department.

„ Adjutant-General.
„ Surgeon-General with the Government of Madras.
„ Controller of Military Accounts.

ORDER—dated 29th April 1890, No. 317, Public.

Recorded.

(True Extract.)

Exd. A. Raiff.

Chief Secretary.

Gobt. of {1890} Madras
PUBLIC.

Issued

Recd.

Encl.

G.O., 29th April 1890, No. 317.

APRIL.

Dr. J. M. Donnelly.

Recording Military Department Proceedings
communicating certain telegrams regarding the
ineligibility of — for appointment as Surgeon-
General with Government.

From
Smta
To
Madras Mily

State referred. 17-4-90

852 A Your 2645 of 15th inst
Dr. Donnelly ineligible for appointment
Surgeon General under clause 90
Army Circulars 86 he would be
unable to complete three years in
appointment and Govt of India
does not consider that it was
intended to appoint a Surgeon
General when nearly 60 years of age.

Appointment to the Administrative grade of a
Medical Officer who is disqualified by age
from serving the full term of five years

Clause 90, Army Circular 1886

Under instructions from Her Majesty's
Government, the appointment to the
Administrative grade of a Medical
Officer who entered the service prior to the
13th January 1860, and who is disqualified
by age from serving the full term of five
years, is limited to those Officers who will
be able to complete upwards of three
years' service in that grade, and will then
be sanctioned only on exceptional and
special grounds, and exclusively in the
interests of the public service.

COPIES OF THE

18/5

Pat

Do. Correspondence

Subject

Dr. Donnelly's Appoint
as Surgeon Genl. with
The Govt of Madras.

Cl.
21/5

Order 26th May/94. N^o 380.

Recorded with reference to
G.O. 37. 29. April 1890.

CS
24/5

22/5

23 May

D. O. No. 23.

True Copy

Office of Surgeon-General
with the Government of Madras,

Fort St. George, 24th January 1890.

My Dear Doimally

I am in receipt of your
telegram of the 22nd inst reporting
that you are to be a candidate
for my appointment. Of course
you know that no officer can
hold the appointment after
attaining the age of 60, so I
presume you are trusting to the
new Royal Warrant which is
expected extending the age of
service for Surgeon General to
62. I doubt if that warrant
will

will be extended to us before
I go in April next, but if so
your application will of course
be forwarded and your claims
duly represented along with those
of other candidates. Of course
if the present rules as to age
remain it would be no use
sending on your application.
With best wishes.

Yours Sincerely
Sgt. G. Bidie

N.O.

Rangoon

February 4th 90

My dear Major General Bidie,

I beg to acknowledge with many thanks your letter (D.O. of the 31st ultimo) which I have just received, and hasten to reply to by to-day's outgoing mail in order to, without delay, disabuse your mind of the impression which seems to me to rest on it that I have been

been influenced by the prospect of the recent Royal Warrant extending the age of retirement for Surgeons-General of the Medical Staff being made applicable to the Indian Medical Service in submitting my claims to promotion. I desire to assure you that the Warrant in question never presented itself to my thoughts when I set down to pen the letter to Sir James Hannbury which my Telegram

informed you of. I wrote the letter referred to at the suggestion of friends whose advice ~~was~~ was founded on wide official experience, and who urged that I should formally make my wishes known on the matter at Head Quarters rather than allow by the silence I had previously observed regarding it the opinion to be created there that I might be really indifferent to further promotion and

only desirous of retiring from the service on the expiration of my administrative tour in Birmah.

As it has now been ruled by Government that no one age less than sixty years debarred a Deputy Surgeon-General from promotion to Surgeon-General, and as on the contrary the point has been clearly disposed of in Clause 72 of Indian Army Circulars of 1883. I conceive

2

That my claims
for promotion are
as good as settled as far
when nearly eight
months must elapse
before they can be ver-
ified by the age rule,
as though that eight
months was in reality
the full five years for
which your appoint-
ment is tenable.

I may, however,
observe that if the
warrant you have
referred to is made
applicable to the re-

Indian Service, as is
highly probable, at
any date between the
months of April and
November next. I then
might not unfairly
expect that my tenure
of the appointment would
extend to a period
of more than two years
and a half before I
should be called on
to vacate it.

Trusting that with
his exposition of the
question you will

be able to support
my claims, and
with kind regards

I am

Yours sincerely
McMullen

P. S. It is scarcely ne-
cessary to remind you
that if I am passed
over on this occasion
an intolerable stig-
ma will be placed
upon me by the Madras
authorities.

D. O. No. 54

Through the Chief Secy to Gov.

Office of Surgeon-General

with the Government of Madras,

Fort St. George, 26th Feb 1890.

Dear Regd,

I have been asked
by Surgeon Major D. Sinclair
of the Madras establishment
but Chief of the Civil Medical
Department, Insp. Genl. of Prisons
& Sanitary Commissioner in
Burma to represent to H. B.
Lord Connamara, his desire
to become a candidate for
the appointment of Inspector
General of Jails, Madras, when
the next vacancy occurs.
I wish to place on record
that Dr. Sinclair has had

much experience in the
management of jails
it has been equally successful
in his administration of
prisons in Burma. As
I know him personally
very well I can further
say, that he is in every
respect a very able &
zealous Medical Officer,
& one whom it would be
desirable to get back to
his own Presidency. Sir
C. Coote, whom
I recently met at Coonoor,
also spoke of Mr. Sinclair

in a way that evinced
his future satisfaction with
him as an administrative
officer.

By accepting the appt.
of Insp. General of Jails
in Madras he would
suffer some pecuniary
loss, but he is willing
to do so in order to get
back to the Service of
his own Govt. In this
he doubtless contemplates
the chance of still further
promotion, whereas he
is at the head of his

department in Burma.
He is now practically
Superintendent as well
as Sanitary Commissioner
Inspector General of Prisons in
Burma, so that he has
had great experience
in administrative work.

Yours sincerely
D. D. Lee

D. O. No.

Office of Surgeon-General
with the Government of Madras,

Fort St. George, 26 July 1890.

Dear Rees,

In reply to your
note of yesterday will you
please ^{say} to H. R. Lord Joun-
nara that under existing
regulations a Surgeon
General must vacate
on reaching the age of
60. There is a clause in
the warrant of 1887 which
provides for an extension
in any special case
when it would be for the
good of the Service, but
subject to the special

Sanction of His Secretary
of State. Of course such
an intrusion could ~~hardly~~^{hardly}
be anticipated as the
circumstances necessary
to justify it might never
arise. Dr. Donnelly if
appointed would have
to vacate on the 30th Nov.
next unless he got an
extension. Please inform
H.E. that such are the British
regulations on the subject.

Yours sincerely

Sidie

Dr. Donnelly to telegraph
to Dr. D. asking whether
agreed rules show

in face of them
he conceives it opens
to feel to app^r him
should they on other grounds
be disposed to ~~to~~ to

D. O. No.

Office of Surgeon-General
with the Government of Madras,

Fort St. George, 28th Feb 1890

Dear Sir, ^{reference to} ^{again} ^{18/2/90}
^{here is the} In reply to your
letter of yesterday I write
to inform H.S. that when
Dr Donnelly's first applica-
tion reached me a letter
was sent pointing out
the peculiarities of his
position (Copy enclosed),
I now forward his reply
from which Lord Jounes
will see that Dr Donnelly
is quite aware of our
rule. apparently he
thinks that if not selected
"an intolerable stigma will be

placed on "him", & this is
no doubt his reason
for becoming a candidate.

But considering his age
& existing rules I do not
see that any stigma
would attach in
case of his not being
appointed, more especially
as he will have completed
his term of 5 years some
6 days before I vacate.

The Army Circular to
which he refers has become
modified by Clause 90
of India Army Circular
of 1886, which rules that

an officer must ^{be able to} complete
3 years in the administrative
grade. But I would
take the liberty of recommending
^{that} the position of Sr. Donnelly's
promotion is ^{rather} one
of expediency: would
it be desirable to appoint
an officer as superior
General who would only
just be beginning to get
acquainted with his
duties when he would
unless he got our
attention - have to vacate?
I do not think that Clause
90 of India Army Circular

of 1886 should precede
either Dr. Farguhar's or Dr.
De Laube's claims, as
they are both in the
administrative grade
already, & could go on
in the new rank ^{in it} the former
over 3 & the latter over
4 years. As Dr. Durnell's
letter contains the requisite
information I have not
written to him.

Yours sincerely
L. L. L.

at h.

~~Confidential~~

3/3/90

Dear Mr. Tross

As Mr. Tross would like these
papers brought up in Council
please I when the matter
comes up Mr. Tross desires the
Army Circulars of 1883 class 72
A.S.O. 3... 6 October 1887 no 6048
M.D. (with letter Keenan) to be
particularly brought to attention
from Sweeney J. Ross.

5-March 90
Dear Sir ^{from copy}
Your ^{letter} d.d. of yestern
days date rec? This morn.

In my opinion a
Surg. Genl. who
will attain the age
of 60 years within
a year is not eligible
for appointment as

d. h.

Sumpton Memorial - See J.A.C.
90 of '58 - But this is a
question for the Adj.
Genl. Sep!

Yours truly
C. A. Howard

J. B. Rees, Esq

Adjutant-General's Office,
Cotacumund, 8th March 1890.

References to 1072/90
My dear Rees
G. 1072/90
1072/90

Herewith my opinion
on the question referred.

The decision of the Govt.
of India contained in
P. M. G. No. 6048 dt. 3^d.
Oct. 187 (I. A. C. 90 of 1886)
has reference only to the
appointment of Brigades

Surgeons to the Admin-
istrative grade of Dep-
uty S. General provided
they can serve in that
grade for 3 years -

Medical Officers of the
Administrative grades of
Surgeon General & Deputy
S. General are placed on
the retired list when they
attain the age of 60 years
(cl. 10 Royal Warrant
of 30th April 1887) but

a Deputy S. General
who has not attained
the age of 60 years may
be appointed Surgeon
General either perma-
nently or temporarily
(see cl. 72 Sac. of '83
now incorporated as
Art. 680 Civil Service
Regs. Part V page 172
~~Enclosure of 1900~~

Letter returned —

Yours sincerely

H. Farmington.

12 / 4 / 84

My dear General.

I return the
Telegram which Mr
Esq. has sent.

Yours sincerely

John Lubbock
The Hon. Secy to Govt.



April 19th

Dear Lord Commadore

I cannot believe that the Army
Circular quoted in the telegram.
"Simla" "Military" is intended
to apply to promotion in the
administrative, but only to first
appointments to that grade.

According to the Civil
Service regulations of 1897 a Deputy
Surgeon General may be appointed
Deputy Surgeon General, either temporarily

on permanently at any time
under 60 years of age.

The appointment of Surgeon
General with Government is
distinctly a Civil appointment,
and as such, and being the
only promotion in the grade,
I don't think that the Army
Circular can have been intended
to apply to it; but can have only
been intended to apply to the
first appointments to that grade.

My appointment to Deputy Surgeon General
and the Civil Service regulations
should be sufficient authority
for Dr. Donnelly's appointment.

I cannot but think that those
regulations have been ignored by
the Military Dept. Similar in their
decision on this case.

Had they considered that
Dr. Donnelly having completed
his tenure of appointment as
Deputy Surgeon General no longer belonged
to the administrative grade,
and that consequently his appointment
as Surgeon General with Govt must be

looked upon as a fresh appointment
to that grade; and see therefore
barred by clause 90 of Army
Circular 186 they could doubtless
have said so -

Whether that ruling in the Civil
Service regulations has referred to
in the telegram to India I know
not. But if it has not, I shall say
that, if Your Excellency thinks fit,
you have good grounds for further
reference. If it has referred to,
then it may be taken for granted
that the Govt of India looks upon

19 April

Dear Sir

I have read

& send on Enclosure
to H.E.

J.
W. W. W.



Mr. Donnelly's appointment as a
first appointment to the administrative
grade, to which class you may
be held to apply, and then Dr
de Fabre must say, he appointed
to him me

Yours sincerely

L. G. W. W.

Mr. Donnelly

The R. H. H. Lord Commemore
G. C. I. E.

April 19th

Dear Mr. Stokes

You will see
from enclosed telegram
that I received that
the date 5th of April
had nothing to do
with the ground
for the purpose of
Kuhns' determination
concerning the date



1914

Dear Lord Curzon.

I return the
paper in re Dr. Donnelly's
appⁿ - I agree with H.E.
the C. in C. - I don't know if
the C. in C. regulations can be altered
by Genl. Murray Kerbin
his telegram to Andie - his
Mr. Fanny note - & in that
case of your Excell?
Long it is worth while to
live as follows to Andie,

R.S.

The Right Hon

Lord Grenville 4.6.18

" Cl: 90 of
I consider Army Circular
9/06 does not apply to
promotion of D. Surg. Maj.
to Surgeon General at the
rank promotion being
governed by C. of Regts.
under which a D. Surg.
can be promoted to S. J.,
even if not on active list;
until 60 years old - "

it would probably cause a
different reply to the Genl.
Believe me
Yours sincerely
H. G. G. G.

I do not think
we should be
justified now in
pressing the question
further - as the "Book
of India" does not
consider that it was
intended to appoint
a Surgeon General when
nearly 60 years of age

5 April
1890

Sunday 20th

My dear General

I am desired to send you
the enclosed papers consequent on
the telegram you received concerning
Dr. Donnelly's appⁿ. — His Excellency
wishes us to ~~appoint~~ ^{nominate} Dr. de Sobecq.
If this is to be done in the Public
Department, will you kindly transfer
the papers to the Chief Secretary.

Yours sincerely
J. D. Pees
General Henry Herbert
Secy to Gov.



OOTACAMUND,

20th April 1890.

My dear Price .

The enclosed papers
which have reached me
from Rees appertain of
course entirely to you

Believe me

Yours sincerely

Alfred Herbert

FOR HIS EXCELLE

Re: J. Donnelly

The following Telegram
has been received by Genl
Kenney Herbert. Copy of
the Army circular referred
to is put up.

It seems as if they disappointed
J. Donnelly on the ground of age
& ^{misinterpret} ~~misread~~ the "term" administrative
grade, so as make his appⁿ.
contrary to rule. As "administrative
grade" is always held to apply to Surpr
Genl. & D. Surgeon & also this circular do
seem to bar D. D.

GOVERNMENT HOUSE.

Decidedly appeared to
Plain explain how it
is that on the 21st of January
you wrote to President Sir
saying that the Government
that whether it Decidedly
was decided was for
the Government's interest
and that you now
went to the Ministry

the parent
is especially anxious
to get the child -

The Adyants parent
having decided that a
definite system should be
in operation