

(1) Number of pages _____

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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Public (1885) DEPARTMENT

G.O. No.	343	Public	Press.
B.P. No.			Mis.
		dt 10.2.1885	
Dated			198

Not to be folded or roughly handled.

2

(1) Wages are inadequate in the Mill, and the demand of the workers is for a general increase by 25 per cent in all Departments. In the case of the women workers, the increase should be by 50 per cent

There should be provision for sick leave with an allowance for all workers on the same scale as in the Buckingham and Carnatic Mills

The practice should be introduced of giving promotions to men with experience. Also, when a man does the work of a higher gradeworker, he must be paid the wages for that piece of work.

4 The workers are seriously dissatisfied with the large numbers of errors which occur in the calculation of wages every month. Steps should be taken to prevent such errors from being committed.

5 In the Mixing Department, women have to do extremely strenuous work in carrying big bales of cotton in the hot sun. Adequate facilities should be provided for these women, such as shed in which to work and the weight of the bales should be beyond their capacity. The latrines are too far away from place of work.

6 In the Weaving Department, there should be no compulsion. Those who work on one loom must be given a general increase of 25 per cent in wages. The recommendations of the Committee appointed in 1928 in regard to the two-loom system must be carried out in full. The rates of wages for long cloth must be increased

In the Cotton Mixing Department, the number of men must be increased to 14. There are only 9 at present, and the work is too heavy for them.

8 In the Winding Department, the number of those who supply material to the piece workers should be increased, as the present number of workers is inadequate.

9 In the Carding Department, there should be a clock. Men must not be asked to clean the machines.

10 In the Roving Department, machines must be fitted up with proper indicators.

11 In the Dye House, 14 men are not able to do the work, and their number must be increased at least to 25.

12 In the Blow Room, the number of workers should be increased.

13 In the Slubbing, Intermediate and Roving Departments, instead of indicator No. 20, indicator No. 25 should be kept. The ~~present~~ present rates of piece work are unsuitable. There should be an increase, particularly to the doffer boys and also to the coolies in bobbin carriers.

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Copy of letter dated 23rd November 1929 of the Madras Labour Union to the Manager, The Choolai Mill, Madras.

With reference to the conversation between you and the Agent of the Mill on the one side, and representatives of the Madras Labour Union on the other, notes of which you have been kind enough to supply me, I regret that you are not able to accept any of the conditions put forward by us.

Privilege Leave. There appears to be some misunderstanding as to what happened before the Labour Commissioner on 27-7-1929. I was not present on that occasion, but I am informed that the men's representatives did not mean to accept your interpretation of the conditions regarding privilege leave, but only waived it for the time being in order to bring it up later on. They were not anxious to complicate the situation then by raising a number of issues. It is obviously unfair that you should now insist on privilege leave being taken at a stretch in one continuous period and not according to the convenience of the worker, a condition which you did not put forward at the time you gave the grant of such leave. We are, therefore, unable to accept your interpretation. We agree, however, that, so far as the current year is concerned, those who are eligible for privilege leave and have not availed themselves of it shall be paid $7\frac{1}{2}$ days' wages on the third Saturday of January 1930. This should not mean that no privilege leave will be granted during the current year, should any one choose to avail himself of it.

We cannot also accept your condition that the calculation of wages for the period of privilege leave will be on the basis of the average wage earned during the year for which leave is due -- you presumably mean the year preceding for which leave is due. This will mean a considerable loss of earning to the worker. We are, therefore, compelled to insist upon the calculation being on the actual wages earned by the worker at the time he takes leave.

We cannot also accept the condition that the payment of wages for the period of privilege leave will be on the third day.

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the third Saturday of every month, and not with the rest of the wages on the second Saturday. The number of workers entitled to such leave cannot be large, and the number of those who actually take privilege leave will form a very small proportion of the total number. In these circumstances, we find it impossible to appreciate the reasons for your withholding the wages for an additional period of a week.

Unclaimed Wages. We regret that you cannot see your way to accept our suggestion that the payment of wages to workers, who are absent for any reason on pay day, should be on the Tuesday and Friday in the following week, and not on Saturday only, as is your present arrangement. In the Buckingham and Carnatic Mills, the practice, apparently, has not had any disturbing effect. As a compromise, however, we suggested in our interview and repeat that suggestion in writing that the payment of arrears of wages should be on the Wednesday in the week following pay day, in addition to Saturday. This will minimise the hardship wait for a full week for payment of wages.

Book. The object of the service is to enable the worker concerned to ascertain his period of service in the Mill. We regret a simple suggestion should be accompanied by confirmation from your side as to make it practically impossible for workers to accept them.

Reeling Department. We regret that you cannot consider the question of increasing the wages of the women in the Reeling Department. If their number exceeds your requirements, we would suggest the absorption of the surplus number in other departments. There has been a considerable reduction in their wages. We would therefore once again suggest an increase of 50 % in the rates of payment. The same observation applies to the payment of increase of wages of the waste pickers.

Maternity Benefits. With regard to the maternity benefits, we are surprised that you cannot see the hardship involved in delaying payment for a full month after a woman

woman entitled to such benefits has resumed work. The assistance is required not when she is earning a wage, however low it may be, but when she is out of work. The calculation of one-third of their average wage brings down the amount due to them to an utterly inadequate amount. Cases have been brought to our notice of a grant of Rs.3 to 4 as maternity benefits.

We regret that you have practically ignored the demand for an increase in wages contained in our letter of 12th August. In several departments, as has been pointed out in that letter, there has been no increase whatsoever for several years. We must bring to your attention particularly the hardships of the men in the mixing department, whose work has increased considerably during the last few years, but without any increase in their wages. In their cases, there should be an increase of 50% on their present wages.

Weaving Department. In the weaving department, you admitted on the 14th of November that the introduction of the double loom system was a "serious mistake". We permitted to point out that, if that mistake had not been made at all, the weavers would have been spared a great deal of unnecessary hardship. The injustice of making experiments at the cost of the workers is, I am sure, apparent to you. We do not think it right that you should revert to the single loom system, except on conditions which are acceptable to the weavers. They are prepared to work on single looms, provided you sanction an increase in the basic rates of 25%.

In conclusion, I wish to express my regret for the incidents which occurred on the 16th of November. But, without in any way justifying the action of some of the men who indulged in stone throwing, I should like to observe that the presence of Gurkha watchmen at the gates with knives in their possession will have the inevitable effect of exciting the men. In addition, their utter ignorance of the language and customs of the workers facilitates

- 4 -

frequent misunderstandings. On a previous occasion, when Mr. V. S. Ratnasabhapathi, the then Manager of our Union, was assaulted at the gate, we were led to believe that, with the sanction of your Head office in Bombay, the Gurkha watchmen would be replaced by local men. Not only has this not been done, but you are now insistent that these men shall continue in their present positions. You have not accepted even the suggestion that, for the time being at any rate, these men should leave their weapons behind when performing their duties at the gate. I cannot but express the fear that in those circumstances, there may be in the future occasions of friction and trouble.

Before concluding, I must observe that the prolonged negotiations which we have conducted on behalf of the men in regard to several of the points raised in this letter have unsettled their minds and created the impression that you are not willing to do justice to them. Unless the men's demands are met promptly in a spirit of reasonableness, it will be difficult for us to restrain the men from resorting to a strike. We earnestly hope that such a situation will not arise. We therefore requested the Labour Commissioner to appoint a Committee of enquiry immediately.

P W + L D

C 186487.A. From Messrs B. Shiva Rao, G. Selvapathy Chetty and G. Ramanupulu Naidu of the Madras Labour Union of 25.3.1930.
Madras United Spinning & Weaving Mills, Choolai - Trade Dispute -
Application for the appointment of a Court of Enquiry.

1307

The Signatories to the application are

- (1) Mr. B. Shiva Rao
- (2) " G. Selvapathy Chetty
- (3) " G. Ramanupulu Naidu

(1) above is the President of the Madras Labour Union for Textile Workers, Perambur Barracks & Nos (2) & (3) above are the joint Secretaries of the Union. The Madras Labour Union for Textile Workers is a registered Trade Union under the Indian Trade Unions Act. Some of the workers of the Madras United Spinning & Weaving Mills, Choolai & some of the workers of the Buckingham & Carnatic Mills are ^{it is understood} the members of the above Union.

2. The application is not in conformity with the Madras Trade Disputes Rules, 1930.

Ascertained from the Office of C. C. K.

No. of number on 31.3.29 was 4035

do

①

the following respects: —

- (i) Only one copy of the application has been sent instead of in triplicate as required in rule 3 of the rules
- (ii) The parties to the dispute are not clearly set forth in the statement at pages 2-3 of, as required in rule 3(a)
- (iii) nature & cause of the dispute & particulars ^{referred to} ~~specified~~ in (a) are not clearly specified in statement.
- (iv) estimate of the number of persons affected or likely to be affected is not given — vide rule 3(c)
- (v) The efforts made by the parties themselves to adjust the dispute are not stated — vide rule 3(d)
- (vi) With ref^e to rule 3(e), it is doubtful if the matters given in the statement may be taken as specific matters on which an enquiry by a Court is desired.
- (vii) Rule 4 requires that the application & the statement accompanying it should be signed. The application only is signed but not the statement

(viii)

(viii) Rule 4, (b)(i) requires that where the employees are the members of a registered trade union, the application & the statement should be signed by two of the officers of the union duly authorised in writing in this behalf by a majority of the union members affected. Three officers of the union have signed the application but no document has been sent to show that they have been duly authorised in writing by a majority of the union members affected.

3. It is for consideration whether defects may be pointed out to the applicant & they be asked to submit a fresh application with the rules is admitted, the request for furnishing full particulars as required cannot be considered. The Commissioner of Labour may, perhaps, be consulted (no).

27.3.20
 28/3/30

There has been of late trouble in these mills (Choolai Mills) & the ^{differences} ~~points of dispute~~ between the management & the mill hands have been the subject of negotiations — vide pp 78-81 of this Govt's Memorandum to the Bay of Bengal

The

113

The number of operatives in the Mills according to the latest information available in my office is 2073 (i.e. on 1-1-1930). I believe almost all of them belong to the Madras Labour Union the membership of which on 31st March 1929 (the latest date for which information is available) was 4035.

L.C.U.O.D-1-2643/30
7--4--1930.

K. Gray 7.4.30

Commissioner of Labour.

A.

Secretary to Government,
Works and Labour Department,
Fort St. George, Madras.

9 15 10

Submitted for orders

8.4.30

Ally 8/4

See.

K. Gray's suggestions may be accepted.

Ally 14.30

C 1 Mr. 9/4/30

dir: 9/4
C-16
R. 9/4

U 9/4

7.14

A draft order is submitted.

10.4.30

Ally 10/4

See
Issue
at
Wm.

25.8.30

Submitted for orders

After signature of Mr. Gray

25/4/30

Date. Initials.

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Labour - Trade Dispute - The Madras
United Spinning & Weaving Mills, Choolai
- Employees - Application for
appointment of a Court of Enquiry
- Orders passed.

READ AGAIN G.O. No. _____, dated _____, 19____

READ ALSO :—

C. No. 6487

From th

10-1-1971 B. Shiva Rao, G. Chelvapathy Chetty, dated 1971

+ G. Ramayya Naidu of the Madras
Labour Union of 25-3-30

pages 1-3 cv

ORDER.

Misc

No. 11924, dated 11. 4

~~An application has been made to Govt for the appointment of a Court of Enquiry under Section 3 of the Trade Disputes Act in connection with a dispute between the employees of the Madras United Spinning & Weaving Mills Choolai and their employers.~~

The Govt observe that
the application does not
comply fully with ^{the} ~~the~~ requirements
~~instructions laid down~~

rules 3+4 of the Madras Trade Disputes Rules, 1930.

p 1 of (D)

only one copy of the application has been sent instead of ^{copies. Surely the accompanying statement does not set} a triplicate. The parties to the ^{fact clearly}

dispute, the nature & cause of the dispute, an estimate of the number of persons affected likely to be affected & the ^{made by the parties} ^{es to adjust the} ~~is not clearly~~

reg. 3
unsel
are no

¹⁹³⁰ ~~the statement~~ ^{has been signed} ^{fully, the applicant is signed by} ^{p 1 of (D)}

no required by rule 4. Three Officers of the Madras Labour Union have ~~signed the application~~ ^{it does not appear whether} ~~document has been sent to show that they have been duly authorised in~~ ^{in their behalf} writing ^{by a majority} of the Union members affected — as required by rule 4(b)(i).

p 1 of (D)

The request for the appointment of a Court of Enquiry cannot therefore

be considered unless an application is submitted fully complying with the rules & especially furnishing detailed information with refer. to rule 3 (d) viz: the efforts made by the parties themselves to adjust ^{the} ~~several~~ of the points in dispute mentioned in the State sent with the applic

p 1 of (D)

pages 2-3 of

despatched
on
11/4/30

10.4.30

All
10/

To

Messrs

- B. Shiva Rao
- G. Shevapathy Chetty
- G. Ramanulu Naidu
- of the Madras Labour Union for Textile Workers
- Perambur Barracks.

Copy to the Commr. of Labour ✓

11

When given for copying
When copied
When examined
When signed

19

READ AGAIN G.O. No. 19 DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED OF, 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.

Scott. II-27

When given for copying
When copied
When examined
When signed

19

READ AGAIN G.O. No.
19

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED OF, 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.

267/R-11

17098/79

1192, Pw. (L)
8 11-4-30

Confidential.



Simla the 28 July 1885.



Dear Sir,

It has been decided in communication with Her Majesty's Secretary of State that it is not, as the law stands, advisable to appoint persons born and domiciled in Native States to the Civil Service of the Crown in India, under the rules framed in accordance with the Statute 33 Vic. Cap. 3.

If in any exceptional instances it is considered right to nominate a person not born and domiciled within the dominions of Her Majesty in India recourse must be had to the provisions of Statute 24 and 25 Vic. Cap. 54, special reasons within the meaning of that Statute being shown in each case. No question need be raised as to the validity of any past appointments
under



under 33 Vic. Cap. 3 of persons born in Native States, but for the future such nominations should be avoided.

Yours faithfully

A. M. S. S. S.

To

The Chief Secretary to the
Govt of Madras.

14TH AUGUST 1885, No. 1922, PUBLIC.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers :—

From W. R. CORNISH, Esq., C.I.E., Surgeon-General with the Government of Madras, to the Chief Secretary to Government, dated Madras, 1st April 1885.

I have the honor to forward, herewith, a letter from Surgeon G. T. Thomas, which refers to matters which it seems have been dealt with by Government, but regarding which the head of the Medical Department has not been informed.

2. It is impossible for me to offer any opinion on the facts, seeing that I have no information before me of the nature of Mr. Broadfoot's charges, or the mode in which they were disposed of by Mr. Garstin in his special inquiry.

3. I conclude from the fact that Government did not send on the papers to me for Surgeon Thomas's explanation, that it held him exonerated from blame. Mr. Thomas has come into possession of the papers, it seems, through the course employed by Mr. Breeks Atkinson.

4. I may point out, however, the inconvenience of serious charges against the honor of officers of any department being kept back from the knowledge of the head of the department. In this case, I nominated Surgeon Thomas to an important medical charge, in ignorance of the fact that Government had before them imputations against him, which, if true, would have rendered him unworthy to remain in the service. In that charge, Dr. Thomas has incurred the displeasure of Government, and he naturally feels that evidence against him, which he has never been called upon to rebut, may have caused the members of Government and others who have seen the confidential papers in the case of Mr. Breeks Atkinson to regard his conduct with disfavor and suspicion.

5. If Government should consider an inquiry in this case undesirable, I hope it may be possible to inform Dr. Thomas that the Government attaches no importance to the charges brought against him by Mr. Broadfoot, for it is a very serious matter for an officer to have circumstances on record against his honor, when he has no opportunity of explaining or justifying his conduct. Such charges, when unrefuted, must always tend to make the authorities acquainted with them view the conduct of an officer in an unfortunate light.

6. As already stated, I can offer no opinion on the sufficiency of Dr. Thomas's explanation, unless I know what has been alleged against him. The allegations, judging from the explanation, are such that no officer holding Her Majesty's commission should tacitly accept.

ENCLOSURES.

From Surgeon G. T. THOMAS, Indian Medical Department, to the Surgeon-General with the Government of Madras, dated Madras, 31st March 1885.

I have the honor to inform you that it is some time now since it was brought to my notice that Mr. Garstin had, in his report to Government on Mr. Breeks Atkinson's case, referred to

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Recd in Journal
5/8/85
DWT
5-18/85
Put with file

certain scandalous charges or insinuations against me emanating from Mr. Broadfoot. At the time I considered the allegations in question too contemptible for notice,—an opinion which was confirmed by the Government not calling upon me for an explanation. I am, however, now advised that the rumour of these charges has spread far and wide, greatly to the damage of my reputation, and that it is at least desirable to dissipate, by a simple statement of the facts, the unfavorable impression that must have been left upon the minds of Government.

2. I therefore seek a formal exoneration from Government, and leave to prosecute my accuser, to which end I have the honor to request you to submit the following explanation for the consideration of Government, with such comments thereon as may appear to you to be called for.

3. The Nángunéri jir's case. Mr. Broadfoot's allegations against me are—

- (a) that, the jir having died suddenly under circumstances which created a strong suspicion of his being murdered, I "set out for Nángunéri, never examined the body at all, but merely looked at it from the doorway of the room where it was lying, and went away telling the Apothecary that the cause of death was heart-disease";
- (b) that the consideration, or, to put this (*vide* charge) in all its naked deformity, the bribe I received for concealing the murder of the jir was a fee of Rs. 400.

4. The sole foundation for these infamous imputations is that I was paid the sum named for my professional services in connection with the case. I may at once say that, had I discovered the slightest grounds for any suspicion of foul play, I should not have accepted any *honorarium*. Obviously, the point to be decided is whether I had cognisance of any fact or appearance to justify such suspicion. The actual facts will, I trust, serve to show the malignant manner in which my conduct in this case has been misrepresented.

5. The first intimation I had of the jir's death was at 10 A.M., on Christmas day, 1883, in a note from the Collector, who sent me an arzi from the Tahsildar reporting the death of the jir, which was therein ascribed to *asphyxia*. As desired by Mr. Atkinson, I passed on this arzi to the Superintendent of Police Mr. Agar, who informed me he had already received a report from the Inspector of Police hinting at apoplexy as the cause of death. Mr. Agar added that, if there was any suspicion, it was the duty of the Sub-Magistrate to send the body in; if not, he should, after thorough inquiry, have ordered the disposal of the body. The correspondence so far is contained in enclosure A.

6. It will thus be seen that the official information I received was merely of a nature to produce that undefined element of suspicion or, more properly, *idea* which crosses every one's mind at the mention of sudden death,—the idea, namely, that if appearances or attendant circumstances warrant the supposition, there may be a suspicion that the cause of death is other than a natural one. That this was precisely the impression conveyed by the Tahsildar's report is evidenced by Mr. Agar's letter and by a note I received later on (by the hands of some Nángunéri mattam Brahmins) from Mr. Atkinson (enclosure B) in which he writes: "Let me know if you think the jir's death suspicious. The people say that they are willing to pay all your expenses if you go."

7. Of course, in the case of the sudden death of a personage of wealth and position, it is the more incumbent, from the special presence of motive for foul play, for district officials to satisfy themselves that there is *not* cause for suspicion before permission is given for the interment of the corpse. The Tahsildar's report appears to have left no very definite impression upon Mr. Atkinson's mind, since, in his first note, he asks for my opinion upon it, and his second note simply amounts to an inquiry whether I thought there were any grounds for suspicion. This doubt appeared to be whether there was any necessity for me to go and examine the body; and his opinion was that, if I did go, I ought to be paid for so doing. I told the Brahmins who brought me the second note that I could give no certificate or opinion on the report of the Tahsildar only, that it was a holiday, and that it would be very difficult for me to go to Nángunéri before night fall; and I pointed out that the Tahsildar said, in his report to the Collector, that he would bury the body at 5 P.M. if the District Surgeon did not come out; no Brahmin could eat anything until the jir's body was buried; he had been dead more than twenty-four hours; they did not know how much longer the body might be left unburied, and my going out would bring the Tahsildar to a decision. This was their object, and they were willing to pay me.

8. All this appeared to me very natural and proper, especially the anxiety that I should examine the corpse. So far from there being anything suspicious in such conduct, their anxiety to secure my attendance would have been exceedingly unnatural if there had, in reality, been any suspicious circumstances connected with the jir's death. In that case, their anxiety would have been to keep the District Surgeon away and leave the Tahsildar to carry out his intention to bury the corpse.

9. I drove seven and rode twelve miles that afternoon, using my own horses, the only way I could possibly have gone out. I rode straight to the temple, which I reached at 5 P.M., and where I was met by the Tahsildar, Native Inspector of Police, and Civil Apothecary Veddantayya, who were present the whole time until I left.

10. I examined the jir's body closely. It was that of a man so stout that out of curiosity I took a measurement of the abdomen, helping to pass the string under the body. I percussed and felt the abdomen to assure myself that the size was due to corpulence and not to tympanites. The Apothecary and I carefully examined the body for marks of violence, fracture of ribs, injury to trachea, enlarged spleen, which last could be felt. So much for Mr. Broadfoot's statement that I merely looked at the body from the doorway of the room where it was lying.

11. In his deposition (No. 2, p. 47, of Mr. Garstin's report) Dr. McKee suggests abdominal aneurism, because he had been told of an "abdominal tumour," *i.e.*, the enlarged spleen, to account for the oozing of a little bloody serum from the mouth. If an aneurism had burst into the stomach or intestine, I should say there would be copious vomiting of blood. I have seen and dissected such a case. The Apothecary suggested apoplexy and fatty degeneration.

12. I told the Tahsildar that, if he had any suspicion of foul play or poisoning, he had only to give me the order, and make Police arrangements, and I would perform an autopsy. I should have been bound to do so and send the stomach, &c., to Madras. Both Tahsildar and Police Inspector informed me that there was no suspicion of foul play. I then said that, judging from the age (about fifty-three) of the deceased and his obesity (he used to be supported in going to his oil-bath in the temple), and there being no suspicion of foul play, it was probable that the cause of death was apoplexy due to fatty degeneration of cerebral arteries, and that the heart would be fatty.

13. Mr. Garstin mentions that I was not in the district whilst he was holding his inquiry, and had, therefore, no opportunity of saying a word on my own behalf, or of examining any of the persons who made statements before him. Nevertheless, Mr. Garstin has recorded that he could find no grounds for supposing that there was foul play in connection with the jir's death, and that, in his opinion, my diagnosis of the cause of death was probably quite right. I submit that no *honest* inquiry could have resulted in any other conclusion.

14. On the other hand, Mr. Broadfoot professes to have based upon inquiry his charge that I was bribed to conceal a murder. *Primâ facie*, there is reason to believe that Mr. Broadfoot's inquiry was not made with the object of eliciting the truth, because, if that had been the object, inquiry must have resulted in exposing the baselessness of the charge. I submit, the presumption is that Mr. Broadfoot, for private ends, simply sought those false statements which are always current in a factious village for the purpose of founding upon them the foul charge he has preferred. The presumption is strengthened by the fact that my private relations with Mr. Broadfoot were the reverse of amicable, and that he had, as I shall presently show, a sinister motive for damaging my reputation.

15. Mr. Garstin leaves it to Government to decide whether I was wrong—

- (1) in taking a fee of Rs. 200 (*sic*);
- (2) in not making a *post-mortem* examination;
- (3) in not giving a certificate of the cause of death.

16. The question is, "should I have taken a fee at all, or one after not having made an autopsy?" I reply first that, if ordered, I should not have hesitated to cut up the body; secondly, that I saw no objection to the acceptance of payment rendered in such circumstances.

17. With reference to the amount of the fee, which was not Rs. 200 but Rs. 400, it was not, I submit, excessive either as regards the remuneration a medical man might reasonably expect to receive on such an occasion and in such circumstances, or from the point of view of services actually rendered.

18. The correspondence I have already cited clearly shows that I was not ordered to go to Nángunéri. On the contrary, the Collector, in his first note, says, "I do not see how it is possible for you or anybody to get to Nángunéri to-day." In his second note Mr. Atkinson distinctly authorises me to receive payment. Referring to the strong objection of the Brahmins to sending the body to Palamcottah the Superintendent of Police had advised me on the spot that the Tahsildar could act upon the opinion of the Apothecary, and that it was the Tahsildar's duty to send the body in, whether the Brahmins liked it or not, if there was suspicion. It was, therefore, clearly not *incumbent* upon me to have sacrificed my Christmas day and put myself to great trouble and inconvenience as I did. I travelled 38 miles to and from the temple, found that the dâk bungalow servant had taken his Christmas holiday, had to put up with native food from the Tahsildar, and with other discomforts. Always supposing, as turned out to be the fact, that there was nothing suspicious in the jir's death, the amount of my fee was matter of simple arrangement. It suited the Brahmins to pay me to undergo great personal inconvenience to save themselves from greater, and to avoid the necessity of having the body of a chief priest, regarded in his life with great veneration as a very holy man, removed from the temple. I received Rs. 400, a moderate sum I thought; a very similar fee having been allowed by the Court to a former District Surgeon for a journey into the same taluk. It is almost unnecessary for me to add that in important cases, or when a wealthy provincial patient summons a metropolitan physician or surgeon at home, heavy fees are the rule. It is not unusual for a medical man to receive for a journey, say from London to Manchester, a fee of 100 guineas. Comparing the ease and comfort of travelling at home in a first-class railway carriage with the trouble and discomforts

of the journey in the present case, the fee I received appears small. Instances of much larger fees, much more easily earned, are of common occurrence in this country and pass without remark.

19. *Should I have made a post-mortem examination?*—I submit not. I had satisfied myself that death was due to natural causes. As shown in the 18th paragraph of Mr. Garstin's report, the only doubt entertained by the Tahsildar was whether or not the jir had died in his sleep. That was a matter upon which a *post-mortem* examination could have cast no light. The Tahsildar, as a Magistrate, was the proper authority to decide whether a *post-mortem* examination was necessary or not. As already stated, I pointedly put it to him that, if he had any suspicion, I would perform an autopsy. In the absence of anything to warrant suspicion, his decision that a *post-mortem* was not required was, in my opinion, right and proper. Had there been anything to justify a contrary opinion, I should have told the Tahsildar of it. Had I, as matters stood, insisted on an autopsy, I consider that I should have been guilty of a wanton, because wholly unnecessary, outrage upon the religious prejudices and feelings of the people, which would, as in the case of the Negapatam Sunniassee, have been greatly aroused.

20. *Should I have given a certificate?*—Having made no autopsy, I saw no necessity for a certificate. I was not asked for one by the Magistrate or Police Inspector, or by the Brahmins of the mattam, who were present, or by the Collector. I was called in to give my professional opinion. I gave that opinion to the Magistrate who was investigating the case. It was his business to record and report upon that opinion. On my return I communicated the opinion I had formed to the Collector. The omission to give a certificate, if it is considered an omission, was obviously unintentional. If held to be an omission, I submit it at most amounts to an error of judgment.

21. The fact that a certificate was not given is alleged by Mr. Broadfoot as corroboration of his charge. A more monstrous construction could not have been conceived. Clearly, if I had been bribed by the Brahmins to conceal a murder, a certificate to cover the crime would have been all-important to them, and would have formed a part of the bargain. Rightly considered, the fact that a certificate was not given is of itself convincing proof of the absurdity of Mr. Broadfoot's charge.

22. The death of the jir created great excitement was no hole-in-the-corner case. I acted with due consideration, and not, I believe, contrary to the rules of the Medical Service. I have, I trust, said sufficient to show the utter baselessness of Mr. Broadfoot's charge and of the reckless assertions by which he backed it up.

23. *The Zemindar of Ettiapuram's Case.*—In this case also Mr. Broadfoot has interested himself in my proceedings, and descended to deliberate falsehood for the purpose of blackening my character.

24. His allegations are—

I. That two years ago I gave the Ettiapuram Zemindar when summoned to appear in the District Court as a witness, a certificate to enable him to avoid appearance, in consideration of a payment of Rs. 1,500 which was to cover medical attendance for six months to come.

II. That when shortly after I was transferred to Madras, I handed over no part of the fee to my successor (Dr. Thornhill), who was surprised to find himself called on to attend on the Zemindar for the rest of the six months, free of charge.

25. The simple answer to these charges is that I had with the Zemindar one of those common yearly arrangements which well-to-do natives as well as Europeans are in the habit of making with their medical attendants; whereby the latter agree to give all necessary attendance, &c., for a fixed sum; that there is not the slightest ground for impugning the *bona fides* of any certificate I gave the Zemindar; and that, as regards Mr. Broadfoot's second charge, it is wholly false.

26. I gave the Zemindar at an interval of three months two certificates, of which the following are copies:—

"This is to certify that I have examined this day the Zemindar of Ettiapuram, named Jagavira Rama Kumara Ettappa Naicker, and find that he is in a weakly state of health and unable to attend the court in Palamcottah in the 12th instant, and that he will not be able to do so without prejudice to his health for the next two months, he being still weakly and unable even to sit down without pain, the result of a large abscess, situated at the lower end of the sacrum.

"KALLUGUMALAI,
"SANKARANINARKOVIL TALUK,
"7th April 1882.

"(Signed) G. T. THOMAS, Surgeon,
Zillah Surgeon, Tinnevely."

CERTIFICATE No. 2.

"This is to certify that I have examined this day Raja Jagavira Rama Kumara Ettappa Naicker, Zemindar of Ettiapuram, and find that he is still in a weakly state of health and is

suffering from nervous debility, the result of an abscess, followed by a fistula which has now healed, but has left some induration about the parts. He still has pain, after any continued exertion in the sitting or standing position.

"I recommend that he be allowed (3) three months longer, in order to recruit his strength by another change of air, if possible, and declare that such is necessary to complete his convalescence, and before he will be able to undergo the fatigue of attending as a witness in a court of law.

"ETTIAPURAM,
"1st July 1882.

"(Signed) G. T. THOMAS, Surgeon,
Zillah Surgeon, Tinnevely."

27. The particulars are these: I had met the Zemindar in Palamcottah and in the district previously to April 1882, the date of the first certificate. It is not disputed that in March 1882 he suffered from an abscess on the buttock, which a non-qualified private dresser did not or was not allowed to cut. This burst, having attained a large size. The Zemindar was much pulled down. He sent for me in April 1882; he was not then living in Ettiapuram, where he had a large stock of European medicines and a few instruments. From what he told me about his frequent passing of urine, that ants were attracted to it, and the like, I suspected *diabetes*. On examining his urine in Palamcottah, I found sugar in abundance, specific gravity 1032. I have several times since examined his urine, both in Palamcottah and at Ettiapuram. Sugar was then always present in abundance, the specific gravity diminishing very slightly under treatment. On one or two occasions, I tested the specific gravity in the presence of the Zemindar to show him how matters stood.

28. During the year 1882-83, I treated not only the Zemindar with tonics, &c., (Codeia iron, aloes* in pills obtained from Bombay and England), but also his only and delicate son, supplying malted cod-liver oil, &c. I also treated the wife of his agent, Ettia Pillai, several times. On the 26th September 1882 I cut a whitlow on the right index finger of the Zemindar. Thus the Zemindar was more or less under continuous treatment during 1882-83 until I left the district (11th April 1883). I was paid up to the 31st March. Dr. Thornhill has since treated the Zemindar for a sore-toe, for which and one visit to a relative of the Zemindar he has been paid Rs. 300.

29. In a weak and unfair letter, addressed on the 3rd June 1884, to Mr. Garstin,† the District Judge Mr. Hughesdon, having first referred to rumours of intrigue, which, as being mere hearsay, I shall not notice, goes on to state, *two years* after the event, that he thought the second certificate a very unsatisfactory document, and that he had had it seriously in contemplation to move Government to cause the certificate to be submitted for the opinion of the principal officers of the Medical Department.

30. According to his own showing, Mr. Hughesdon neglected his duty. If he had entertained any doubt as to the *bona fides* of the certificate, he should have summoned me before him, when I should have been prepared, as I am now, to substantiate the opinion expressed in the certificate on oath. Mr. Hughesdon was bound to have taken that course, not merely as an act of justice to the defendant in the suit, but to afford me an opportunity of proving the baselessness of the rumours he had heard, so far as I was concerned. It is, I submit, exceedingly improper and unjust that a judge should, for two years, have harboured unfavorable impressions against a public officer, which it was his duty to have either verified or removed, and then, without affording him any opportunity for explanation, brought them forward behind his back. Proceeding upon a gratuitous and unwarrantable assumption based upon idle rumour, Mr. Hughesdon has not scrupled to launch a serious accusation in a manner calculated to damage my reputation and prospects.

31. Mr. Hughesdon now says that, because he threatened to examine me in court, the Zemindar withdrew his suit. I reply that I heard nothing of this threat, which appears to have been orally delivered from the bench, until Mr. Hughesdon's letter to Mr. Garstin was brought to my notice. As a fact, I knew nothing of the Zemindar's private affairs or law suits beyond his statement, that his presence was required in court. It then became my duty, at his request, to pronounce whether he was in a fit state of health to attend court. I am prepared to depose on oath that I honestly arrived at the opinion given in the certificate, the second of which only is regarded by Mr. Hughesdon as unsatisfactory.

32. The Zemindar had an abscess, followed by a fistula; he had a whitlow and other symptoms of *diabetes*, and his urine contained sugar. I did not, and still do not, consider that a man suffering from complications of *diabetes*, in a nervous, debilitated state, should be subjected to prolonged examination in court, day after day, away from his home. The Judge could have over-ruled this opinion, but did not do so.

33. The Zemindar may, quite irrespective of his state of health, have considered his rank and position entitled him to exemption from personal attendance in court. In fact, it appears he did so from the Judge's statements to Mr. Garstin. He may have obstinately carried his reluctance to attend court as a witness, to the length of foregoing his suit rather than submit to an ordeal he

considered beneath his dignity. It does not at all follow that, if he entertained such objections, my certificates must necessarily have been false. Two facts entirely dispose of the insinuation.

34. In the first place, the certificates were not as strong as the Zemindar's actual condition warranted, for they contained no reference to *diabetes* from which he was undoubtedly suffering. It is perhaps to be regretted that I did not put this in the certificate. I omitted it by desire of the Zemindar, as he did not wish his hostile relations to know he was suffering from *diabetes*.

* Exhibit L, page 40, of Mr. Garstin's report.

The Zemindar's agent in his deposition * states: "The Zemindar was not told he was suffering from *diabetes*." [This is a mistake, or rather refers only to my first examination of the Zemindar when, as I have stated, I suspected *diabetes*. I did not tell the Zemindar the nature of the disease, until I had verified my suspicion by testing his urine.] The agent adds: "The doctor examined the Zemindar's urine and told me he was suffering from *diabetes*." Although I have not seen the Zemindar or tested his urine for over two years, I should like the urine to be tested in Madras or Madras.

35. Secondly, the Zemindar did not cease to have my advice, or cease to pay me at a monthly rate, as he would have done, had he simply been giving me large fees for certificates. As already mentioned, I continued to be, and to receive payment as, his regular medical attendant up to within a few days of my leaving the district, i.e., for six months after the expiration of the three months mentioned in the last (second) certificate.

36. The amount I received has been variously stated. Mr. Broadfoot boldly puts it at Rs. 1,500 in one sum paid in advance. Mr. Hughesdon names an annual allowance of Rs. 1,000. The agent Ettia Pillai, who usually paid me and arranged journeys, &c., should know, and he has stated it to be Rs. 1,175 for eleven months. I received Rs. 1,275 for twelve months' attendance and travelling expenses (including Rs. 100 for July 1882 paid in Ettiapuram, which the agent appears to have overlooked). The agent correctly states that the first payment was made me in the month of June, or nearly three months after the giving of the first certificate; another fact which shows that I was not specially paid for the certificates. The dates of the other payments, as shown in the Zemindar's accounts, prove that I was not paid in advance as stated by Mr. Broadfoot.

37. The enclosed letters (marked C and D) between Dr. Thornhill and myself show the sort of foundation. Mr. Broadfoot had for his charge that, having pocketed a large sum in advance, I left my successor Dr. Thornhill to attend the Zemindar for six months for nothing.

38. I may mention that before leaving the district I spoke to the agent about continuing the arrangement with my successor. The agent said he could not promise this, but would see his letter (D), he charged and received from the Zemindar Rs. 300 for two visits paid within six months after I left, so that the Zemindar was by no means a sufferer by the contract arrangement with me, and there was nothing unusual in the amounts paid to me.

39. In bringing this necessarily long explanation to a close, I desire to express my thanks to Mr. Garstin for the judicial impartiality with which he conducted an *ex parte* inquiry. It pervades his report that there was no foundation in fact for either of Mr. Broadfoot's allegations that there was foul play in connection with the jir's death, or that I was paid to conceal it. Equally judicious are Mr. Garstin's remarks upon the monetary transactions between the Zemindar and myself. Throughout Mr. Garstin's report there is but one expression to which I desire to take exception; his remark at the end of paragraph 32, that "it is not likely I gave the last certificate for nothing." This shows that the statements of Messrs. Broadfoot and Hughesdon had produced on his mind an unfavorable impression which, I trust, my explanation will serve to dispel.

40. The result of Mr. Garstin's inquiry and the spirit in which it was pursued stand in striking contrast with the reckless virulence which characterise Mr. Broadfoot's allegations. These were professedly based upon inquiry, the nature of which is as transparent as its evil motive. Mr. Broadfoot would have had Government believe that corruption was my practice, that (so hardened was my depravity) I had adopted a peculiar sliding scale, the rates of which diminished in proportion as the turpitude of the crimes I was paid to commit increased. Thus, Rs. 1,500 cash down; my fee for assisting to save a witness' attendance at Court was *descensus Avernii*! Mr. Broadfoot seems to have unduly checked his inventive powers. He should have given his imagination full play. He has failed to see that he has only cited my fees to have added that I was a notorious thug, it being well-known that my price for strangling a man in broad daylight was Rs. 50, and that my services could be secured to poison a patient for Rs. 5!

41. It is rare, indeed, that the principles of honor are departed from by English gentlemen either in their dealings with the people of the country or with one another. There are at least few amongst us so evil-minded as to suspect each other of corruption. Government, as the guardian of the honor of public servants, will not, I am persuaded, permit that honor to be

lightly assailed. Much less, I submit, will it tolerate atrocious charges to be made by one English officer against another upon no better foundation than the scandal, the malevolent tittle-tattle, with which little minds, having no better occupation, beguile the irksome monotony of existence in the mofussil.

42. Did I, for one moment, believe that Mr. Broadfoot had been influenced by earnest regard for purity of administration and the public interests; that he had simply been carried away by zeal; I should not add another word to this explanation. Unfortunately, the nature of my private relations with Mr. Broadfoot precludes me from entertaining any other conviction than that the foul charges he has preferred against me were the outcome of diabolical malice.

43. In these circumstances, I feel justified in demanding, as I do, a full inquiry on the ground that Mr. Broadfoot's charges against me were malicious and dishonest, having been made without sufficient evidence or investigation. I make this application in the belief that the inquiry I ask will elicit facts sufficient to induce Government to sanction the prosecution of my accuser for defamation.

A.
No. 1.

TINNEVELLY,
25th December 1883.

From the District Magistrate.

MY DEAR THOMAS,

Let me have your opinion on this. I don't see how it is possible for you or anybody to get to Nanguneri to-day.

Yours sincerely,

(Signed) A. J. B. ATKINSON.

P.S.—Please pass this paper on to Agar.—A. A.

25th December 1883.

From A. P. AGAR, Esq., Superintendent of Police.

MY DEAR THOMAS,

I have already received a report and asked Atkinson for instructions. The Inspector hints at apoplexy as the cause of death. I think, if there is suspicion, the body ought to have been sent, whether they liked it or not; if not, the Sub-Magistrate after making thorough inquiry, should have ordered the disposal of the body. The Apothecary could tell if the man died from asphyxia, as suggested by Sub-Magistrate.

There is not much time for you to get out in 18½ miles.

I return the papers.

Yours sincerely,

(Signed) A. P. AGAR.

B.
No. 2.

TINNEVELLY,
25th December 1883.

From the District Magistrate.

MY DEAR THOMAS,

Let me know if you think the jir's death suspicious. The people say that they are willing to pay all your expenses if you go.

Yours sincerely,

(Signed) A. J. B. ATKINSON,

C.

MADRAS,
5th July 1884.

MY DEAR THORNHILL,

It has been alleged by a person, for whom I entertain no respect, that after relieving me at Palamcottah, you were surprised to find yourself called on to attend the Ettiapuram Zemindar for six months free of charge.

It seems to me to be due both to you and myself that I should endeavour to ascertain from yourself whether there is any foundation for this statement.

I think it only fair to tell you that it is not improbable I may have to make use of your answer.

Yours sincerely,

(Signed) G. T. THOMAS.

D.

MY DEAR THOMAS,

BELLARY,
7th July 1884.

I received your letter of 5th instant, and hasten to reply to it. I am extremely sorry that any hasty or careless expression of mine should have caused you annoyance by being repeated to you.

There is some foundation for the statement referred to, as I did hear, soon after my arrival in Palamcottah, that you had been attending the Zemindar of Ettiapuram, and had arranged for continuing to do so on the contract system, and had received a six months' fee in advance, and that I think only about half of the six months had elapsed. I do not now recollect from whom I heard this report, but did not consider it on reliable authority, and accordingly did not give it credence, but thought there must have been some misunderstanding, and that you wished to arrange a contract with the Zemindar, but did not succeed in doing so; this seemed probable, as you had given me correspondence relative to an arrangement with the C. M. Society. When I heard the report, I don't know what I said, but suppose I did express surprise at not having been told of the matter by you.

I regret I did not, as I at first intended, write to you on the subject, as then most likely this annoyance would not have occurred.

I heard the Zemindar had been suffering for several weeks with a sore-toe, and that he was recommended to consult me about it, but declined; however, he afterwards consented to call me in to see him, should I be on my way to inspect the dispensary at Nagalapuram. I accordingly arranged to inspect that dispensary some week or so after, and on 30th September 1883 saw the Zemindar for the first time and prescribed for him. On the 13th of the following month, his pleader and agent (Appasawmy Pillai) called on me and showed a telegram he had received from the Zemindar asking me to go out by first train to see a cousin of his. I went by next day's mail and saw the Zemindar for the second and last time, and his cousin who was dying. I applied for and obtained, a few days before I left, as fees for those visits Rs. 100 for the first and Rs. 200 for the second, so that you will see I did attend the Zemindar within (6) six months after my arrival in the district and got a good fee from him.

I do not know to whom you refer in your letter, but would like to know; however, if you will show him this letter, I think he will express regret for having caused this trouble and annoyance to you; for my share in which, I hope you will accept this my apology.

I hope you will like your duties in Madras.

Believe me to remain,
Yours sincerely,

(Signed) W. H. THORNHILL.

OOTACAMUND,
16th April 1885.

TO DR. G. T. THOMAS.

DEAR SIR,

In paragraph 14 of your letter to the Surgeon-General, dated 31st March last (without number), which is now under the consideration of the Government, you write that you will "presently show" that Mr. Broadfoot had a "sinister motive for damaging your reputation;" your letter, however does not contain any explanation of this matter, and I am to call your attention to this omission, and to request you to supply the promised information with as little delay as possible.

I remain, &c.,

(Signed) E. F. WEBSTER,
Chief Secretary.

From Surgeon G. T. THOMAS, Indian Medical Department, to the Chief Secretary to Government, dated Madras, 23rd April 1885, No. 2.

I have the honor to acknowledge receipt of your letter of the 16th instant, the object of which is, I assume, to ascertain whether, in the event of a prosecution being sanctioned, I am prepared to prove the malice necessary to dispose of the plea of privilege.

2. On this point I desire to submit:

That the bringer of grave false charges is bound to accept the responsibility of proving they were made for the public good and not maliciously.

That even on the assumption that none of the charges preferred against me by Mr. Broadfoot were invented or exaggerated by him, it is not for the good of the public or the service that one European officer should, in an official report, retail the tittle-tattle and malevolent scandal of a mofussil station in the shape of the gravest charges against a brother officer without having previously verified such charges.

Malice will be presumed, unless it can be shown that such charges were not made recklessly or without due care having been taken to ascertain whether or not they were well founded.

3. Whether the charges in question were made honestly in the interest of truth and justice for the public good, or maliciously from some sinister motive, in great measure, depends, therefore, upon the care shown to have been exercised or omitted in verifying the charges before they were brought. As to this, there is strong evidence against Mr. Broadfoot.

4. The Nanguneri jir's case. It is clear from the evidence elicited by Mr. Garstin that if the truth had been sought by Mr. Broadfoot in what he must have known to be the right and proper direction, he could not honestly have come to the conclusions he did. When, therefore, he professes to have been convinced, by inquiry, not only that the jir was murdered, but that I was bribed to conceal the murder, the strong presumption is that he did not seek for reliable evidence, but simply availed himself of hearsay and rumour,—an inference which is strengthened by the fact that he has not ventured to adduce the evidence on which he professes to have relied. *Primâ facie* his charges were false, reckless, and made without due care having been taken to ascertain the truth. It rests with Mr. Broadfoot to establish the contrary.

5. The Ettiapuram Zemindar's case. First charge. That I gave the Zemindar a certificate to enable him to avoid appearance in Court in consideration of a payment of Rs. 1,500.

Honest inquiry would have revealed the real facts as they have been stated by me. It rests, I submit, with Mr. Broadfoot to prove that he had sufficiently reliable evidence to warrant him in bringing this charge.

6. Second charge. This, in effect, was that I had swindled Dr. Thornhill.

The very slightest inquiry would have shown that the information upon which Mr. Broadfoot professes to have relied was without foundation. Why did not Mr. Broadfoot go to the fountain head for his facts, if he desired to find out the truth? He has stated, as a fact, that Dr. Thornhill was surprised to find himself called upon to attend the Zemindar for nothing. Dr. Thornhill's letter shows he had no grievance against me, that he was not called upon to attend the Zemindar for nothing, but that for two attendances upon the Zemindar he received the fees of Rs. 100 and Rs. 200 respectively.

It is impossible to believe that the charge was the result of *bond fide* inquiry.

7. The enormity of the charges must have made any honest man pause and take every possible precaution to test their truth before launching them, more especially when brought against a personal and private enemy. The absence of such precaution on the part of Mr. Broadfoot shows that his intention was to injure me by bringing without proper investigation the foulest charges. He may have

counted upon impunity either upon the probability that his letter would never see light, or that he would be shielded by "privilege".

In the one case his letter was a stab in the dark; in the other, his ignorance of the law ought certainly not, I submit, to excuse his evident evil intention.

8. The presumption of malice arising from the absence of due care and inquiry becomes irresistible when coupled with other considerations. Mr. Broadfoot's personal relations with myself were of the most unfriendly nature. So far back as the 1st April 1882, he, in the mess-house of the 26th Regiment, singled me out for a most unprovoked assault,—a fact I am prepared to prove by the evidence of three of the officers who were present at the time. Subsequently, from circumstances I need not particularise, I came to the conclusion that Mr. Broadfoot's acquaintance was undesirable, that he was, in fact, a social nuisance, and short of actually forbidding him my house, from my attitude towards him, he must have been aware that his presence was unwelcome.

9. That he harboured animosity against me, and was only waiting for a favorable opportunity appears from the fact that whilst, in his first letter, he refers only to charges against Mr. Atkinson, of which he offers to give the details, although admittedly he knew nothing of them except from hearsay, he, in his second letter, devotes himself mainly to the recital of false charges against myself.

10. The first letter was but the screen or cover for this attack. His malice is further apparent from the fact that my dealings with the Zemindar of Ettiapuram in no way fell under his cognizance or jurisdiction, and had, moreover, occurred two years previously, when they had been in no way noticed either by the Collector or Judge of the district. Why did he hold this charge in reserve? Again, with reference to the false charge of swindling Dr. Thornhill, Mr. Broadfoot must have known that officer was quite capable of taking care of his own interests if he had any private grievance against me.

The matter was a private one, and in no way connected with Mr. Broadfoot's duties as a public officer. His reference to it could not have been actuated by any but a sinister motive.

11. I believe I have stated the legitimate inferences from the facts, and that these establish a *prima facie* case against Mr. Broadfoot of having recklessly and maliciously brought a series of false charges against me.

DEAR FURNELL,

STONEHOUSE,
9th May 1885.

I am directed to forward to you the enclosed* papers relating to certain charges which were made against Dr. Thomas when in Tinnevely. I am to ask you to consider carefully the transactions which passed between Dr. Thomas and the Ettiapuram Zemindar, and to express your opinion as to the propriety of Dr. Thomas's conduct regarding the fees taken by him from the Zemindar, in consideration of the grant of certificates, under cover of which the Zemindar was enabled to avoid attendance at the District Court upon two separate occasions. The Government consider the question one eminently requiring to be carefully looked into and reported upon.

* Mr. Garstin's report.
Dr. Thomas's two letters.
Dr. Cornish's letter.

Please return the enclosed papers with your reply.

Yours sincerely,

(Signed) E. F. WEBSTER,
Chief Secretary.

To Surgeon-General M. C. Furnell, M.D., F.R.C.S.,
with Nos. 1423 and 1715 and enclosure,
and copy of G.O., 21st June 1884, No. 1363, Public.

From M. C. FURNELL, Esq., M.D., F.R.C.S., Surgeon-General with the Government of Madras, to the Chief Secretary to Government, dated Coonoor, 15th June 1885, No. O-95.

I have the honor to acknowledge the receipt of certain papers marginally noted and herewith returned.

Mr. Garstin's report.
Dr. Thomas's two letters.
Dr. Cornish's letter.

2. I am asked my opinion of two transactions of Surgeon G. T. Thomas:

- (a) Regarding the death of Nángunéri jir and his visit to the corpse;
- (b) The Ettiapuram Zemindar's case.

3. As regards the first case, Mr. Thomas owns to having received 400 rupees for (as he writes in his letter dated March 31st, 1885,) "my professional services in connection with the case."

4. I applied to Mr. Thomas, since receipt of your communication, to explain what was the nature of the "professional services" rendered, and his reply* is herewith attached.

* No. 3, dated 23rd May 1885.

5. I fail to see that the services rendered can be called "professional". Mr. Thomas after, apparently, some agreement with the Brahmins who interviewed him,† and without being ordered or even requested by magisterial authority to do so, rode and drove some 18 miles to a temple where the corpse of the Nángunéri jir lay; and there, without performing any *post-mortem* examination, and only after a very cursory examination, declared that it was probable that the cause of death was "apoplexy due to fatty degeneration of cerebral arteries, and that the heart would be fatty."

6. It is nowhere stated that Mr. Thomas had ever attended the jir professionally during his lifetime, or was even personally acquainted with him. Under these circumstances, it was quite impossible, from simply viewing a body, to state "professionally" that he died of "apoplexy due to fatty degeneration of cerebral arteries, and that the heart would be fatty." The man might have been poisoned or done to death in three or four different ways. The opinion "professionally" was worth nothing. No certificate was called for or given.

7. It seems to me clear that Surgeon Thomas took 400 rupees, not for any "professional" service, but for services rendered to the Brahmins after some private agreement made with them before leaving his station, Palamcottah, and his conduct in so doing was unbecoming a commissioned medical officer of Government.

8. As to the Ettiapuram Zemindar's case, I am "to consider carefully the transactions which passed between Dr. Thomas and the Ettiapuram Zemindar, and to report your opinion as to the propriety of Dr. Thomas's conduct regarding the fees taken by him from the Zemindar in consideration of the grant of certificates, under cover of which the Zemindar was enabled to avoid attendance at the District Court upon two separate occasions."

9. There is no doubt Mr. Thomas took fees from the Ettiapuram Zemindar; he himself admits it, and gives the correct sum, higher than that stated by the Zemindar's Agent. In paragraph 35 of his letter of March 31st, Mr. Thomas writes: "I received Rs. 1,275 for twelve months' attendance and travelling expenses."

10. Now it would seem to me the point turns upon this, was Mr. Thomas *bona fide* the medical attendant of the Ettiapuram Zemindar when he gave him the first certificate? He says (paragraph 25): "The simple answer to the charge is, that I had with the Zemindar one of those common yearly arrangements which well-to-do natives as well as Europeans are in the habit of making with their medical attendants, whereby the latter agree to give all necessary attendance, &c., for a fixed sum".

11. The arrangement is unquestionably a common one, and well understood throughout India, and if Mr. Thomas were at the time he gave the first certificate, viz., April 7th, 1882, the Zemindar's ordinary and *bonâ fide* medical attendant, the granting of a certificate would fall within his ordinary professional duties, and I think no exception could be taken to it.

12. But was he at that time Ettiapuram's medical attendant? Or did the granting of the certificate commence his professional relations with the Zemindar? And was his retainer a payment for the certificate? There is not much evidence on this point in the papers before me; but at paragraph 36 of Mr. Thomas's letter, dated March 31st, we read: "The agent correctly states that the first payment was made in the month of June or *nearly three months after* the giving of the first certificate, another fact which shows that I was not especially paid for the certificate."

13. On the contrary, it seems to show that the first professional transaction Surgeon Thomas had with the Zemindar was the granting a certificate in April, just three months before the first payment (so stated by Mr. Thomas and the maintenance Agent, Appendix L, in Mr. Garstin's report), and oddly enough it is suspiciously near the time when the second certificate came to be wanted, viz., July 1st.

14. The Zemindar himself, however, states (marked F in Mr. Garstin's report), that he paid Mr. Thomas "a fee for coming, and then entered into an arrangement with him to attend me for six months for a monthly salary." Moreover, in his report, paragraph 32, Mr. Garstin says: "I asked the Zemindar whether he had ever paid Dr. Thomas a fee. He said he had for *his first visit*, but did not remember the amount of it."

15. The evidence, as I said above, is not very conclusive. My own opinion is that the granting of the certificate was the first professional service rendered, and that the appointment as medical attendant was a sort of gratification therefor.

16. If this conjecture is correct, then the transaction is undoubtedly a very suspicious and reprehensible one, for the least Government can expect from their Civil Surgeons is, that they shall in no way lend themselves to impede the administration of justice.

ENCLOSURE.

From Surgeon G. T. THOMAS, Indian Medical Department, to the Secretary to the Surgeon-General with the Government of Madras, Fort St. George, dated Madras, 23rd May 1885, No. 3.

In reply to your memorandum, No. 2503, dated 18th instant, I have the honor to state that the actual services rendered in the case were—

- (1) my examination of the body of the deceased;
- (2) my medical opinion as to the cause of death given to the Tahsildar.

2. It is not, however, I submit the actual medical services only that should be considered, but also the length of the journey, and the difficulties and inconveniences it entailed, as set forth in my letter to the Surgeon-General, dated 31st March 1885.

3. In this connection, I beg to refer to the case of a Muhammadan land-owner of Panargudi, Nāngunéri taluk, in the Tinnevely District, in which the late Dr. Hastings, Civil Surgeon of the district, about the year 1877, was allowed a fee of Rs. 350 by the District Court. In this case, although the journey was performed and the fee paid, no *medical service* was rendered by Dr. Hastings, as he was refused access to the man in question.

4. I have the honor to recapitulate briefly the reasons that actuated me in believing myself entitled to a fee:

- (1) The journey was made at the suggestion of the Tahsildar in his arzi to the Collector, at the special request of the Nāngunéri Brahmins, and at the suggestion and with the full knowledge of the Collector. As the village was a factious one, the District Surgeon's visit would probably prevent future trouble, and hasten the disposal of the body.

(2) That the Police authorities and the Magistrate, assisted by the Apothecary, were justified by the evidence at hand, and by their knowledge of the case in not sending in the body, as would have been their duty if any suspicion of foul play had existed.

(3) That as a fact there was no ground for any such suspicion, and my own examination of the body of an unhealthy old man led me to come to the conclusion that there was no necessity for an autopsy. If there had been such necessity, I should not have hesitated to perform this under the orders and responsibility of the Tahsildar.

5. The Collector, whom I had only known for five weeks, and by whose directions I was bound to be guided, did not order me to go out or treat the case officially. On the contrary, he mentioned the difficulties in the way of my going out, and distinctly authorised me to accept payment.

From Surgeon G. T. THOMAS, Indian Medical Department, to the Secretary to the Surgeon-General with the Government of Madras, Fort St. George, dated Madras, 17th June 1885, No. 10.

I have the honor to inform you, as requested in your memorandum No. 2998, dated 15th June 1885, that I was not paid monthly but at irregular intervals at a monthly rate, receiving a first payment of Rs. 375 in June 1882, for medical attendance and travelling expenses during that and the two preceding months, as stated by the Zemindar's agent to Mr. Garstin.

Endorsement on the above, dated 19th June 1885, No. O-112.

Forwarded to the Chief Secretary for submission to Government, in connection with this office letter, No. O-95, dated the 15th instant.

(Signed) M. C. FURNELL, Surgeon-General,
Surgeon-General with the Govt. of Madras.

From Surgeon G. T. THOMAS, Indian Medical Department, to the Secretary to the Surgeon-General with the Government of Madras, Fort St. George, dated Madras, 22nd July 1885, No. 16.

On the 31st March last, I had the honor to address a letter to the Surgeon-General seeking from the Government authoritative exoneration from certain charges brought against me by Mr. R. D. Broadfoot, C.S., with permission to prosecute my accuser for defamation.

2. In letters dated respectively 16th April, 18th May, and 15th June, the first from Government, the second and third from the Surgeon-General, three several inquiries have been addressed to me, in order to the further elucidation of certain point whereon presumably I had not been sufficiently explicit.

3. To these inquiries I duly replied, my last answer having been submitted on the 17th of June, and hence being now of more than a month's standing.

4. I most respectfully insist upon the indejectibility of my claim to a speedy settlement, in one way or another, of a matter of such vital importance to me.

5. If the Government entertain the slightest suspicion of my conduct, let them permit me to have the question tried in the manner most likely to lead to a decisive issue, namely, by taking it into a Court of Law.

6. It is this justice and not any personal favor that I now have the honor to request at their hands.

Endorsement on the above, dated 24th July 1885, No. O-247.

Forwarded to the Chief Secretary for submission to Government.

(Signed) M. C. FURNELL, Surgeon-General,
Surgeon-General with the Govt. of Madras.

ORDER—dated 14th August 1885, No. 1922, Public.

The Government are not prepared to sanction the institution of legal proceedings against Mr. Broadfoot as requested by Surgeon Thomas.

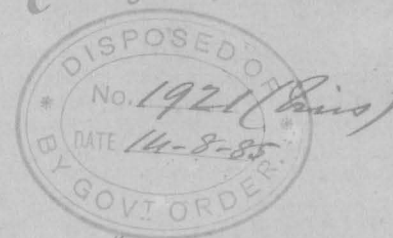
(True Extract.)

E. F. WEBSTER,
Chief Secretary.

To Surgeon G. T. Thomas, Indian Medical Department.
To the Surgeon-General with the Government of Madras.

Ed. F. R. Bantleman.

Public (1885) Department



From

The Govt. of India
Home Dept.

No.

Dated 28th July 1885

Received 5th Aug. 1885

Enclosures

SUBJECT.

Appointment of persons
born and domiciled in Native
States to the Civil Service of the Govt.
in India.

1/11/85

Order 14 August 1885/1921

Recorded

For

14/11/85

"Confidential"

From
The Surgeon-General
with the Government of Madras.
Madras.

To
The Chief Secretary to Government.
Public Department.
Madras.

April 1st 1885.

Sir.

I have the honour to forward herewith a letter from Surgeon G. J. Thomas, which refers to matters which it seems have been dealt with by Government, but regarding which, the Head of the Medical Department has not been informed.

2. It is impossible for me to offer any opinion on the facts, seeing that I have no information before me of the nature of Mr. Broadfoot's charges, or the mode in which they were disposed of by Mr. Garstin, in his special enquiry.

3. I conclude from the fact that
Government.

Government did not send on
the papers to me, for Surgeon
Thomas' explanation, that it held
him exonerated from blame.

Mr. Thomas has come into possession
-ion of the papers, it seems,
through the course employed
by Mr. Breaks Atkinson.

4. I may point out however
the inconvenience of serious
charges against the honour
of officers of any department,
being kept back from the
knowledge of the head of the
Department. In this case, I
nominated Surgeon Thomas to an
important medical charge, in
ignorance of the fact that
Government had before them
imputations against him, which,
if true, would have rendered
him unworthy to remain in
the service. In that charge,
Mr. Thomas has incurred the
displeasure of Government, and
he

2. 15
he naturally feels that evidence
against him, which he has never
been called upon to rebut, may
have caused the members of
Govt. and others who have seen
the confidential papers in the
case of Mr. Breaks Atkinson to
regard his conduct with disfavour
and suspicion.

5. If Government should consider
an enquiry in this case undesi-
-able, I hope it may be possible
to inform Mr. Thomas, that the
Government attaches no importance
to the charges
brought against him by Mr. Breaks
-foot; for it is a very serious
matter for an officer to have
circumstances on record against
his honour, when he has no op-
-portunity of explaining or just-
-ifying his conduct. Such charges,
when unrefuted, must always tend
to make the authorities acquainted
with them, view the conduct
of an officer in an unfortunate
light.

6. As already stated, I can
offer no opinion on the
sufficiency of Dr. Thomas' ex-
planation unless I know what
has been alleged against him.
The allegations, judging from
the explanation are such that
no officer holding her Majesty's
commission should tacitly
accept.

Public

CURRENT NO. 1423

4/1st April/85

I have the honour to be,
Sir,
your most obedient
servant

Wm. Foranick
Surgeon General with
the Government of Madras.

Wm. Foranick



Surgeon Thomas vs
- Mr. Broadfoot - C.S.

Madras

31st March 1885

From Surgeon G. J. Thomas
Indian Medical Dept.
To the Surgeon General
With the Government of Madras.

Sir,

I have the honour to inform you that it
is some time now since it was brought to my
notice that Mr. Garstin had, in his Report to Government
on Mr. Brooks Atkinson's case, referred to certain
scandalous charges or insinuations against me
emanating from Mr. Broadfoot. At the time I considered
the allegations in question too contemptible for notice;
an opinion which was confirmed by the Government
not calling upon me for an explanation. I am however
now advised that the rumour of these charges has spread
far and wide, greatly to the damage of my reputation
and that it is at least desirable to dissipate
by a simple statement of the facts, the unfavorable
impression that must have been left upon the
minds of Government.

2 I therefore seek a formal exoneration
from Government and leave to prosecute my
accuser, to which end I have the honour to request
you to submit the following explanation, for the

2.
Consideration of Government, with such comments
thereon as may appear to you to be called for.

3 The Nanguneri Jir's Case.

M^r. Broadfoot's allegations against me are;—

(a) That, the Jir having died suddenly under
circumstances which created a strong suspicion of his
being murdered, I set out for Nanguneri, never examined
the body at all, but merely looked at it from the
"door way of the room where it was lying, and went
"away telling the Apothecary that the cause of death
"was heart-disease".

(b) That the consideration, or, to put this (vide
charge) in all its naked deformity, the bribe
I received for concealing the murder of the Jir was
a fee of Rs 400.

4 The sole foundation for these infamous imputations
is that I was paid the sum named for my professional
services in connection with the case. I may at once
say that, had I discovered the slightest grounds for
any suspicion of foul play, I should not have
accepted any honorarium. Obviously, the point to
be decided is whether I had cognizance of any fact
or appearance to justify such suspicion. The actual
facts will, I trust, serve to show the malevolent
manner in which my conduct in this case has
been misrepresented.

5 The first intimation I had of the Jir's

3.
death was at 10 A.M. on Christmas Day 1883, in a letter
from the Collector, who sent me an argi from the
Tahildar reporting the death of the Jir, which was
therein ascribed to asphyxia. As desired by Mr.
Atkinson, I passed on this argi to the Superintendent
of Police, M^r. Agar, who informed me he had already
received a report from the Inspector of Police hinting
at apoplexy as the cause of death. M^r. Agar added
that, if there was any suspicion, it was the duty
of the Sub-Magistrate to send the body in; if not,
he should, after thorough enquiry, have ordered
the disposal of the body. The correspondence
so far is contained in Enclosure A.

6. It will thus be seen that the official information
I received was merely of a nature to produce that
undefined element of suspicion or more properly
idea which crosses everyone's mind at the
mention of sudden death — the idea, namely,
that, if appearances or attendant circumstances
warrant the supposition, there may be a
suspicion that the cause of death is other
than a natural one. That this was precisely the
impression conveyed by the Tahildar's report is
evidenced by M^r. Agar's letter and by a note I
received later on (by the hands of some Nanguneri
Muttan Brahmin) from M^r. Atkinson (Bucknow B.

4
in which he writes: "Let me know if you think the
Jir's death suspicious. The people say that they are
willing to pay all your expenses if you go."

7. Of course in the case of the sudden death
of a personage of wealth and position it is the more
incumbent, from the special presence of motive
for foul play, for District Officials to satisfy themselves

that there is not cause for suspicion before
permission is given for the interment of the corpse.
The Tahsildar's report appears to have left no
very definite impression upon Mr. Atkinson's
mind, since in his first note he asks for my
opinion upon it, and his second note simply
amounts to an enquiry whether I thought there
were any grounds for suspicion. This doubt
appears to be whether there was any necessity
for me to go and examine the body, and his
opinion was that, if I did go, I ought to be paid
for so doing. I told the Brahmins who brought
me the second note that I could give no certifi-
cate or opinion on the report of the Tahsildar
only, that it was a holiday, and that it would
be very difficult for me to go to Nanguneri
before night fall; and I pointed out that the
Tahsildar said, in his report to the Collector,
that he would bury the body at 5 p.m. if
the District Surgeon did not come out; no Brahm-
min could eat anything until the Jir's body was
buried.

5
5-4
buried; he had been dead more than 24 hours;
they did not know how much longer the body
might be left unburied, and my going out would
bring the Tahsildar to a decision. This was their
object, and they were willing to pay me.

8 All this appeared to me very natural
and proper — especially the anxiety that I
should examine the corpse. So far from there
being anything suspicious in such conduct,
their anxiety to secure my attendance would
have been exceedingly unnatural if there had, in
reality, been any suspicious circumstances
connected with the Jir's death. In that case
their anxiety would have been to keep the District
Surgeon away and leave the Tahsildar to carry
out his intention to bury the corpse.

is depend on the
character of the
Dr. Surgeon

9. I drove seven and rode twelve miles
that afternoon, using my own horses, the only
way I could possibly have gone out. I rode
straight to the Temple, which I reached at 5 p.m.
and where I was met by the Tahsildar, Acting
Inspector of Police, and Civil Apothecary
Veddantayya, who were present the whole time
until I left.

10. I examined the Jir's body closely.
It was that of a man so stout that, out of
curiosity I took a measurement of the
abdomen, helping to pass the string under the
body. I percussed and felt the abdomen to

assure myself that the size was due to corpulence and not to Tympanites. The Apothecary and I carefully examined the body for marks of violence, fracture of ribs, injury to trachea, enlarged spleen, which last could be felt. So much for Mr. Broadfoot's statement that I merely looked at the body from the doorway of the room where it was lying.

In his deposition (No. 2. p. 47 of Mr. Garstin's report) Dr. McKee suggests abdominal aneurism, because he had been told of an "abdominal tumour", i.e. the enlarged spleen, to account for the oozing of a little bloody serum from the mouth. If an aneurism had burst into the stomach or intestine, I should say there would be copious vomiting of blood. I have seen and dissected such a case. The Apothecary suggested apoplexy and fatty degeneration.

I told the Tahsildar that, if he had any suspicion of foul play or poisoning, he had only to give me the order, and make police arrangements, and I should perforce autopsy: I should have been bound to do so and send the stomach etc to Madras. Both Tahsildar and Police Inspector informed me that there was no suspicion of foul play. I then said that, judging from the age (about 53) of the deceased, and his obesity (he used to be supported in going to his oil bath in the temple) and there

being no suspicion of foul play, it was probable that the cause of death was apoplexy, due to fatty degeneration of cerebral arteries, and that the heart would be fatty.

13. Mr. Garstin mentions that I was not in the District whilst he was holding his Enquiry, and had, therefore, no opportunity of saying a word on my own behalf, or of examining any of the persons who made statements before him. Nevertheless, Mr. Garstin has recorded that he could find no grounds for supposing that there was foul play in connection with the 'Jis' death, and that, in his opinion, my diagnosis of the cause of death was probably quite right. I submit that no honest enquiry could have resulted in any other conclusion.

14. On the other hand, Mr. Broadfoot professes to have based upon enquiry his charge that I was bribed to conceal a murder. Prima facie, there is reason to believe that Mr. Broadfoot's enquiry was not made with the object of eliciting the truth, because, if that had been the object, enquiry must have resulted in exposing the baselessness of the charge. I submit the presumption is that Mr. Broadfoot, for private ends, simply sought those false statements which are always current in a factious village for the purpose of founding upon them the

foul charge he has preferred. The presumption is strengthened by the fact that my private relations with Mr. Broadfoot were the reverse of amicable, and that he had, as I shall presently show, a sinister motive for damaging my reputation.

15. Mr. Garstin leaves it to Government to decide whether I was wrong—

I In taking a fee of Rs 200 (sic);

II In not making a postmortem examination;

III In not giving a certificate of the cause of death.

16. The question is, "Should I have taken a fee at all, or one, after not having made an autopsy?" I reply 1st, that, if ordered, I should not have hesitated to cut up the body; 2nd, that I saw no objection to the acceptance of payment rendered in such circumstances.

17. With reference to the amount of the fee, which was not Rs 200, but Rs 400, it was not, I submit excessive either as regards the remuneration a medical man might reasonably expect to receive on such an occasion and in such circumstances, or from the point of view of services actually rendered.

18. The correspondence I have already cited clearly shows that I was not ordered to go to Naugumeri. On the contrary, the Collector, in his first note, says "I do not see how it is possible for you or anybody to get to Naugumeri today

to-day." In his second note Mr. Atkinson distinctly authorises me to receive payment. Referring to the strong objection of the Brahmin on the spot to sending the body to Palamcottah, the Superintendent of Police had advised me that the Tahsildar could act upon the opinion of the Apothecary, and that it was the Tahsildar's duty to send the body in, whether the Brahmin liked it or not, if there was suspicion. It was therefore, clearly, not incumbent upon me to have sacrificed my Christmas Day and put myself to great trouble and inconvenience, as I did. I travelled 38 miles, to and from the Temple, found that the Dak Bengelow servant had taken his Christmas holiday, had to put up with native food from the Tahsildar, and with other discomforts. Always supposing, as turned out to be the fact, that there was nothing suspicious in the Jiri's death, the amount of my fee was matter of simple arrangements. It enticed the Brahmin to pay me to undergo great personal inconvenience to save themselves from greater, and to avoid the necessity of having the body of a chief priest, regarded in his life with great veneration as a very holy man, removed from the Temple. I received Rs 400 — a moderate sum I thought;

he values
his service
at 400

10
a very similar fee having been allowed by the Court
to a former District Surgeon for a journey into the
same taluk. It is almost unnecessary for me
to add that in important cases, or when a wealthy
provincial patient summons a metropolitan
physician or surgeon at home, heavy fees are
the rule. It is not unusual for a medical man to
receive for a journey, say from London to Manchester, a
fee of 100 guineas. Comparing the ease and
comfort of travelling at home, in a first class
railway carriage, with the trouble and discomforts of
the journey in the present case, the fee I received
appears small. Instances of much larger fees,
much more easily earned, are of common occurrence
in this country and pass without remark.

19. Should I have made a post mortem examination?
I admit not. That satisfied myself that death was
due to natural causes. As shown in the 18 para
of Mr. Gostin's report, the only doubt entertained by
the Tahildar was whether or not the Jir had died
in his sleep. That was a matter upon which a post-
mortem examination could have cast no light.
The Tahildar, as a Magistrate, was the proper au-
thority to decide whether a post-mortem examination
was necessary or not. As already stated, I prob-
ably put it to him that, if he had any suspicion,
I would perform an autopsy. In the absence of anything
to warrant suspicion, his decision that a post-

11. 8 12
mortem was not required was, in my opinion,
right and proper. Had there been anything to justify
a contrary opinion, I should have told the Tahildar
of it. Had I, as matters stood, insisted on an
autopsy, I consider that I should have been guilty
of a wanton, because wholly unnecessary, outrage
upon the religious prejudices and feelings of the
people, which would as in the case of the Nagapattinam
Summasee have been greatly around.

20. Should I have given a certificate?

Having made no autopsy, I saw no necessity
for a certificate. I was not asked for one by
the Magistrate or Police Inspector, or by the
Brahmins of the Mattam who were present, or
by the Collector. I was called in to give my
professional opinion. I gave that opinion to
the Magistrate who was investigating the case.
It was his business to record and report upon
that opinion. On my return I communicated
the opinion I had formed to the Collector. The
omission to give a certificate if it is con-
sidered an omission - was obviously un-
intentional. If held to be an omission, I
submit it at most amounts to an error of
judgment.

21. The fact that a certificate was not
given is alleged by Mr. Brookfoot as corro-
boration of his charge. A more monstrous

What was
he there for

The Magistrate
never asked for his
professional opinion

construction could not have been conceived. Clearly, if I had been bribed by the Brahmins to conceal a murder, a certificate to cover the crime would have been all important to them, and would have formed a part of the bargain. Rightly considered, the fact that a certificate was not given is of itself convincing proof of the absurdity of Mr Broadfoot's charge.

22. The death of the Jir created great excitement — was no hole-in-the-corner case. Tacted with due consideration, and not, I believe, contrary to the rules of the medical service. I have, I trust, said sufficient to ~~prove~~ the utter baselessness of Mr Broadfoot's charge, and of the reckless assertions by which he backed it up.

The Zamindar of Ettiapuram's Case

23. In this case also Mr Broadfoot has interested himself in my proceedings, and descended to deliberate falsehood for the purpose of blackening my character.

24. His allegations are:—

I. That two years ago I gave the Ettiapuram Zamindar

Zamindar, when summoned to appear in the District Court as a witness, a certificate to enable him to avoid appearance, in consideration of a payment of Rs 1500, which was to cover medical attendance for six months to come.

II That when, shortly after, I was transferred to Madras, I handed over no part of the fee to my successor (Dr Hornhill), who was surprised to find himself called on to attend on the Zamindar for the rest of the six months, free of charge.

25. The simple answer to these charges is that I had with the Zamindar, one of those common yearly arrangements which well-to-do natives, as well as Europeans, are in the habit of making with their medical attendants, whereby the latter agree to give all necessary attendance for a fixed sum; that there is not the slightest ground for impeaching the bona fides of any certificate I gave the Zamindar; and that, as regards Mr Broadfoot's second charge, it is wholly false.

26. I gave the Zamindar at an interval of three months two certificates of which the following are copies:—

"This is to certify that I have examined this day the Zamindar of Ettiapuram, named Tagara Rama Kumara Ettapa Naiker, and find that he is in a weakly state of health, and unable

to attend the Court in Palamcottah on
the 12th instant, and that he will not be able
to do so without prejudice to his health for
the next two months, he being still weakly,
and unable even to sit down without pain,
the result of a large abscess, situated
at the lower end of the sacrum.

(signed) G. J. Thomas

Surgeon
Zillah Surgeon
Tinnevely

Kallikulalai

Saukaranamarkoil Taluk

7 April 1882

This is to certify that I have examined
this day Raja Jagavira Rama Kumara Ettapa
Saiker, Zamindar of Ettapuram, and find
that he is still in a weakly state of health,
and is suffering from nervous debility, the
result of an abscess, followed by a fistula
which has now healed, but has left some
induration about the parts. He still has
pain after any continued exertion in the
sitting or standing position.

I recommend that he be allowed three
3 months longer in order to recruit his strength
by another change of air if possible, and
declare that such is necessary to complete
his convalescence, and before he will be able
to underp the fatigue of attending as a
Witness in a Court of Law.

(signed)

G. Tucker Thomas
Surgeon
Zillah Surgeon, Tinnevely

Ettapuram
1st July 1882

27. The particulars are these;

I had met the Zemindar in Palamcottah, and in the District previously to April 1882, the date of the first Certificate. It is not disputed that in March 1882 he suffered from an abscess on the buttock, which a non-qualified private dresser did not, or was not allowed to cut. This burst, having attained a large size. The Zemindar was much pulled down. He sent for me in April 1882; he was not then living in Ettapuram, where he had a large stock of European medicines and a few instruments. From what he told me about his frequent passing of urine, that ants were attracted to it, and the like, I suspected diabetes. On examining his urine in Palamcottah, I found sugar in abundance, sp. gr. 1032. There several times since, I examined his urine, both in Palamcottah and at Ettapuram. Sugar was then always present in abundance, the specific gravity diminishing very slightly under treatment. On one or two occasions, I tested the specific gravity in the presence of the Zemindar, to show him how matters stood.

28. During the year 1882-1883 I treated not only the Zemindar with *tonico ste* (Codeia, iron, aloes* in pills obtained from Bombay and

* There some left- } and England,) but also his only and
 pearl coated pills - } delicate son, supplying malted
 and the prescription. } cod. liver-oil ste. I also treated
 the wife of his agent, Ettiapillai, several times.
 On the 26th Sept 1882 I cut a whitlow on the
 right index finger of the Zemindar. Thus, the
 Zemindar was more or less under continuous
 treatment during 1882-1883 until I left the
 District (11th April 1883). I was paid up to the
 31st March. Dr. Thornhill has since treated
 the Zemindar for a sore toe, ^{for} which and
 one visit to a relative of the Zemindar he
 has been paid Rs 300.

29. In a weak and unfair letter, addressed
 on the 3rd June 1884 to Mr. Garstin,* the District
 Magistrate, Mr. Hughesdon, having first
 referred to rumors of intrigue - which,
 as being mere hearsay, I shall not notice -
 goes on to state, two years after the event,
 that he thought the second certificate a very
 unsatisfactory document, and that he
 had had it seriously in contemplation to
 move Government to cause the certificate
 to be submitted for the opinion of the
 principal officers of the Medical Dept.

30. According to his own showing, Mr.
 Hughesdon neglected his duty. If he had deter-
 mined any doubt as to the bona fides of
 the certificate, he should have summoned

2, me before him, when I should have been prepared - as I am now - to substantiate the opinion expressed in the certificate. Mr. Hufschon was bound to have taken that course, not merely as an act of justice to the defendant in the suit, but to afford me an opportunity of proving the baselessness of the rumors he had heard, so far as I was concerned. It is, I submit, exceedingly improper and unjust that a judge should for two years have harboured unfavourable impressions against a public officer, which it was his duty to have either verified or removed, and then without affording him any opportunity of explanation, brought them forward behind his back. Proceeding upon a gratuitous and unwarrantable assumption based upon idle rumors, Mr. Hufschon has not scrupled to launch a serious accusation in a manner calculated to damage my reputation and prospects.

31. Mr. Hufschon now says that, because he threatened to examine me in Court, the Zeminde withdrew his suit. I reply that I heard nothing of this threat, which appears to have been orally delivered from the Bench, until Mr. Hufschon's letter to Mr. Garstin was brought to my notice. As a fact, I knew

nothing of the Zeminde's private affairs or lawsuits beyond his statement, that his presence was required in Court. It then became my duty, at his request, to pronounce whether he was in a fit state of health to attend Court. I am prepared to depose on oath that I honestly arrived at the opinion given in the certificate, the second of which only is regarded by Mr. Hufschon as unsatisfactory.

32. The Zeminde had an abscess, followed by a fistula; he had a whitlow and other symptoms of diabetes, and his urine contained sugar. I did not, and still do not consider that a man suffering from complications of diabetes, in a nervous, debilitated state, should be subjected to prolonged examination in Court, day after day, away from his home. The Judge could have overruled this opinion, but did not do so.

33. The Zeminde may, quite irrespective of his state of health, have considered his rank and position entitled him to exemption from personal attendance in Court. In fact, it appears he did so from the Judge's statement to Mr. Garstin. He may have obstinately carried his reluctance to attend Court as a witness, to the length of foregoing his suit rather than submit to an ordeal he considered

beneath his dignity. It does not at all follow that, if he entertained such objections my certificates must necessarily have been false. His facts entirely dispose of the insinuation.

34. In the first place, the certificates were not as strong as the Zamindar's actual condition warranted, for they contained no reference to diabetes from which he was undoubtedly suffering. It is perhaps to be regretted that I did not put this in the certificate. I omitted it by desire of the Zamindar, as he did not wish his hostile relations to know he was suffering from diabetes. The Zamindar's agent ^{Exhibit L} in his deposition states "The Zamindar p. 40 of Mr. [has not told he was suffering from] diabetes." [This is a mistake, or rather refers only to my first examination of the Zamindar, when, as I have stated, I suspected diabetes. I did not tell the Zamindar the nature of the disease, until I had verified my suspicion by testing his urine.] The Agent adds "The doctor examined the Zamindar's urine and told me he was suffering from diabetes." Although I have not seen the Zamindar or tested his urine for over two years, I should like the urine to be tested in Madras or Madras.

35. Secondly, the Zamindar did not cease to have my advice, or cease to pay me at

at a monthly rate, as he would have done, had he simply been giving me large fees for certificates. As already mentioned, I continued to be, and to receive payment as, his ^{regular} medical attendant up to within a few days of my leaving the District, i.e., for six months after the expiration of the three months mentioned in the last (second) certificate.

36. The amount I received has been variously stated. Mr. Broadfoot totally puts it at Rs 1500 in one sum paid in advance. Mr. Hugheson names an annual allowance of Rs 1000. The agent, Ettiapillai, who usually paid me and arranged journeys etc, should know, and he has stated it to be Rs 1175 for eleven months. — I received Rs 1275 for twelve months' attendance and travelling expenses (including Rs 100. for July 1882, paid in Ettiapuram, which the Agent appears to have overlooked). The agent correctly states that the first payment was made me in the month of June, or nearly three months after the giving of the first certificate — another fact which shows that I was not specially paid for the certificate. The dates of the other payments, as shown in the Zamindar's accounts, prove that I was not paid in advance as stated by Mr. Broadfoot.

37.

The enclosed letter (marked C and D)

22
between D^r Thornhill and myself show the cost of
foundation Mr Broadfoot had for his charge
that, having pocketed a large sum in advance,
I left my successor D^r Thornhill, to attend
-to the Jeminder for six months for nothing.
No 38.

I may mention that before leaving
34th District I spoke to the Agent about continuing
the arrangement with my successor. The Agent
said he could not promise this, but would
see about it. I therefore left D^r Thornhill
to make his own arrangements, and, as
will be seen from his letter (D) he charged
and received from the Jeminder Rs 300 for
two visits paid within six months after I left,
so that the Jeminder was by no means a
sufferer by the contract arrangement with
me, and there was nothing unusual in the
amounts paid to me.

39. In bringing this necessarily long explanation
to a close, I desire to express my thanks to
Mr Garstin for the judicial impartiality
with which he conducted an 84 parts Enquiry.
It pervades his report. To this I am indebted
for the opinion expressed in paras 23 & 29
of the report that there was no foundation
in fact for either of Mr Broadfoot's
allegations that there was foul play in connec-
-tion with the J's death, or that I was paid

23 14 9
to conceal it. Equally judicious are Mr Garstin's
remarks upon the monetary transactions
between the Jeminder and myself. Throughout
Mr Garstin's report there is but one expression
to which I desire to take exception - his remark
at the end of para 32, that it is not likely I
gave the last certificate for nothing. This
shows that the statements of Messrs Broad-
-foot and Hughesdon had produced on
his mind an unfavourable impression
which, I trust, my explanation will serve
to dispel.

40. The result of Mr Garstin's Enquiry
and the spirit in which it has been pursued
stand in striking contrast with the reckless
violence which characterise Mr Broadfoot's
allegations. These were professedly based upon
Enquiry, the nature of which is as transparent
as its evil motive. Mr Broadfoot would have
had Government believe that corruption
was my practice, that (so hardened was
my depravity) I had adopted a peculiar
sliding scale the rates of which diminished in
proportion as the turpitude of the crimes I
was paid to commit increased. Thus, that
shows my price for giving a false certificate
to save a witness's attendance short was

Rs 1500. cash down; my fee for assisting to commit a murder was Rs 400. "Facilis est descensus ad avernum"! Mr Broadfoot seems to have unduly checked his inventive powers. He should have given his imagination full play. He has failed to see that he has only cited my fees as an accessory, and that therein lies a moral.

To make the case complete against me, he ought to have added that I was a notorious thing, it being well-known that my price for strangling a man in broad daylight was Rs 50. And that my services could be secured to poison a patient for Rs 5.

41. It is rare indeed that the principles of honour are departed from by English gentlemen either in their dealings with the people of the country or with one another. There are at least few amongst us so evil-minded, as to suspect each other of corruption. Government, as the guardian of the honour of public servants, will not, I am persuaded, permit that honour to be lightly assailed. Much less I submit, will it tolerate atrocious charges to be made by one English officer against another upon no better foundation than the scandal, the malevolent tittle-tattle, with which little minds, having no better occupation, beguile the irksome monotony of existence in the *professil*.

42. Did I for one moment believe that Mr Broadfoot had been influenced by earnest regard for purity of administration and the public interests — that he had simply been carried away by zeal — I should not add another word to this explanation. Unfortunately the nature of my private relations with Mr Broadfoot precludes me from entertaining any other conviction than that the foul charges he has preferred against me were the outcome of diabolical malice.

43. In these circumstances I feel justified in demanding, as I do, a full enquiry on the ground that Mr Broadfoot's charges against me were malicious and dishonest, having been made without sufficient evidence or investigation. I make this application in the belief that the Enquiry Desk will elicit facts sufficient to induce Government to sanction the prosecution of my accuser for defamation.

I have the honour to be

Sir

Your most obedient servant

G. T. Thomas

Surgeon

Indian Med. Department

1885.
From Surgeon G. J. Thomas
Indian Med^l Department
To The Surgeon General
with the Government of Madras
Fort St George

Dated 31st March 1885

Received

Enclosures Two - marked
A B, C, D.

Subject - Such authoritative
exonerations from certain charges
brought against him by Mr. R. B.
Broadfoot, C. S. with permission
to prosecute his accusers

A

My dear Thomas
let me have your opinion
on this. I don't see how it is possible for you
or anybody to get to Kanganeri to day!

Yours sincerely
(sd) A. J. B. Atkinson

P. S. Please pass this paper on to Agar
A. G.

From A. P. Agar
Superintendent of Police
25. 12. 83.

My dear Thomas

I have already received a report
+ asked Atkinson for instructions. The Inspector
hints at apoplexy as the cause of death.

I think if there is suspicion the body
ought to have been sent whether they
liked it or not - if not the Sub-magistrate
after making thorough inquiry, should have
ordered the disposal of the body. The
Apothecary could tell if the man died
from Asphyxia as suggested by Sub Mag.

There is not much time for you
to get out in - 18½ miles.

I return the papers

Yours sincerely
(sd) A. P. Agar

No 2 from District Magistrate

B

My dear Thomas

let me know if you think the
Jen's death suspicious. The people say that
they are willing to pay all your expenses, if you go

(True copies
G. J. Thomas
Surgeon)

Yours sincerely
(sd) A. J. B. Atkinson

Railway Post Office
Tinnevely Dec-25/83

received from the Zamindar asking me
to go out by first train to see a cousin
of his. I went by next days mail and saw
the Zamindar, for the 2nd and last time, &
his cousin who was dying. I applied for
and obtained a few days before I left a
fee for those visits Rs 100. for the 1st and
Rs 200. for the second, so that you will
see I did attend the Zamindar within
6, six months after my arrival in the District
and got a good fee from him.

I do not know to whom you refer
in your letter but would like to know
however if you will show him this letter
I think he will express regret for having
caused this trouble & annoyance to you, &
for my share in which I hope you will
accept this my apology.

I hope you will like your letter in return.

x x x

Believe me to remain

Yours sincerely

(Sd) W. H. Thornhill.

True copy. G. T. Thomas
Surgeon.

July 5. 1884

My dear Thornhill

It has been alleged by a person for whom I entertain no respect that after relieving me at Palamcottah, you were surprised to find yourself called on to attend the Ettapuram Zamindari for six months free of charge.

It seems to me to be due both to you and myself that I should endeavour to ascertain from yourself whether there is any foundation for this statement.

I think it only fair to tell you that it is not improbable I may have to make use of your answer.

Yours sincerely
(Signed) G. J. Thomas

Bellary
7. July. 1884.

My dear Thomas

I received your letter of 5th inst & hasten to reply to it. I am extremely sorry that any hasty or careless expression of mine should have caused you annoyance by being repeated to you.

There is some foundation for the statement referred to as I did hear soon after my arrival in Palamcottah that you had been attending the Zamindari of Ettapuram, and had arranged for continuing to do so, on the contract system & had received a six months fee in advance & that I think only about half of the six months

Month had elapsed. I do not now recollect from whom I heard this report, but did not consider it on reliable authority, and accordingly did not give it credence, but thought there must have been some misunderstanding, & that you wished to arrange a contract with the Zamindar but did not succeed in doing so. This seemed probable as you had given me correspondence relative to an arrangement with the C. M. Society. When I heard the report I don't know what I said but suppose I did express surprise at not having been told of the matter by you.

I regret I did not as I at first intended write to you on the subject as then most likely this annoyance would not have occurred.

I heard the Zamindar had been suffering for several weeks with a sore foot, and that he was recommended to consult me about it, but declined, however he afterwards consented to call on me to see him, should I be on any way to inspect the dispensary at Nagaleppuram. I accordingly arranged to inspect that dispensary some week or so after, & on 30th Sept/83 saw the Zamindar for the first time, and prescribed for him. On the 13th of the following month, his pleader and agent (Appasawmy Pillai) called on me and shewed a telegram he had received.



Public C. No 1423/85

I am inclined to agree with the Hon^{ble} Mr. Master as to the manner in which D. Thomas' application should be dealt with. His conduct has certainly not been of a nature to win for him the confidence which first brought him before me in its

servants but I do not think that ~~any~~ further inquiry would lead to any useful or satisfactory results. Mr. Broadfoot merely gave us current rumour and thought it is possible that there was more or less truth in the reports he certainly would be able to formally substantiate the allegations which find a place in his confidential d.o.

D. Thomas should I think be informed that during the course of an inquiry into the conduct

Signature on back as to this I have from nearly all the rest I entirely agree. I mean we do go at least as far as Mr. I suspect

questioned public officer
the action taken by
him in connection
with the death of the
Jir of Kangueneri came
under notice. The
facts of the case are
admitted in the re-
-planation which Dr.
Thomas has now
volunteered. His con-
-duct as therein disclosed
is such as to call for
^{strong} expression of the
disapproval of Govt.
The late Mr. May^r had
some doubt as to whether
the Jir had died from
natural causes and
Dr. Thomas in his capacity
as District Surgeon was
deputed by the District
Magistrate to determine
the point. If there had
been foul play the only
persons to whom suspicion
could point would be
the officials of the Munda
who were with the Jir
when he died. From
these people Dr. Thomas

accepted a fee of Rs. 200 -
obtained from giving
a written certificate
as to the cause of death
and contented himself
with telling the District
Magistrate that the deceased
had died from apoplexy.
The Govt. accepted the view
of the case taken by Mr.
Justice in para 29 of his
report and did not
order any further inquiry.
but it is hardly surprising
that Dr. Thomas' extremely
expedient conduct should
have given rise to unplea-
-sant rumours. Had
he thought less of his
fee and more of his
position as a public
officer there would have been
no room for scandal
and the Govt. would not have
been obliged to record an
opinion that his accepting
any remuneration in
such a case, beyond the
expenses of travelling to
which he was entitled under
the rules, was quite un-
-justifiable.

I do not now recollect

In regard to the certificates
granted by D. Thomas
to the Zamindars of
Etthapuram under
cover of which that
gentleman was enabled
to escape attendance at
Court on two occasions
for a period aggregating
5 months, ^{apart} these documents,

with a copy of
para 32 of Mr. Garton's
Report and of Mr. Sturges-
don's letter of 3rd June
1884 will be forwarded
to the Surgeon General
for an expression of
his opinion as to whether
considering the true
nature of the complaint
is Merum set forth,

D. Thomas was professedly
participated in certifying
to the Zamindars
necessity to attend in
Court - D. Thomas
explanatory letter will
also be returned to
the Surgeon General
for consideration in
connection with the
subject

1884

(18)

Bring to Council
tomorrow with
reference to Mr.
Sullivan's opinion
If Mr. Broadfoot
had only consented to
move to go upon the
Court a decisive step,
but the whole case
seems involved in
mystery, what can

The Right Hon^{ble}
The Governor.

J.W.
15/4/85

Rem is meant as
of to show an apt
Mr. Broadfoot?

del

No 2.

Madras

23 April 1885

From Surgeon G. T. Thomas.

Indian Med^l Department

To The Chief Secretary

With the Government of Madras.

CHIEF SECRETARY
24 APR 85

Sir

I have the honour to acknowledge
receipt of your letter of the 16th inst, the object
of which is, I assume, to ascertain whether
in the event of a prosecution being sanctioned
I am prepared to prove the malice neces-
sary to dispose of the plea of privilege.

2. On this point I desire to submit:-
That the bringer of grave false charges is
bound to accept the responsibility of proving
they were made for the public good and
not maliciously.

That even on the assumption that none
of the charges preferred against me by
Mr. Broadfoot were invented or exaggerated
by him, it is not for the good of the public
or the service that one European Officer
should in an official report, retail the
tittle tattle and malevolent scandal of
a European Station in the shape of the
gravest charges against a brother officer
without

without having previously verified such charges
Malice will be presumed unless it
can be shown that such charges were not made
recklessly or without due care having been
taken to ascertain whether or not they were
well founded.

3. Whether the charges in question were made
honestly in the interests of truth and justice
for the public good or maliciously from some
sinister motive in great measure depends
therefore upon the care shown to have been
exercised or omitted in verifying the charges
before they were brought. As to this there
is strong evidence against Mr Broadfoot.

4. The Ranguneri Jirs case.

It is clear from the evidence elicited
by Mr Gorstin that if the truth had been
sought by Mr Broadfoot in what he must
have known to be the right and proper direction,
he could not honestly have come to the con-
clusions he did. When, therefore he professes
to have been convinced by enquiry, not only,
that the Jir was murdered, but that I was
bribed to conceal the murder, the strong
presumption is that he did not seek
for reliable evidence, but simply availed
himself of hearsay and rumour, an inference
which is strengthened by the fact that he has
not

23 u
not ventured to adduce the evidence on
which he professes to have relied.

Prima facie his charges were false, reckless,
and made without due care having been
taken to ascertain the truth. It rests with
Mr Broadfoot to establish the contrary.

5. The Ettapuram Zamindars case.
First charge. That I gave the Zamindar
a certificate to enable him to avoid appear-
ance in court in consideration of a
payment of Rs 1500.

Honest enquiry would have revealed the
real facts as they have been stated by me.
It rests I submit with Mr Broadfoot to
prove that he had sufficiently reliable
evidence to warrant him in bringing this
charge.

6. Second charge. This, in effect, was that
I had swindled Dr Thornhill.

The very slightest enquiry would have
shown that the information upon which
Mr Broadfoot professes to have relied was
without foundation. Why did not Mr
Broadfoot go to the fountain head for his
facts, if he desired to find out the truth?
He has stated as a fact that Dr Thornhill
was surprised to find himself called upon to
attend the Zamindar for nothing. Dr Thornhill's
letter shows he had no grievance against me.

That he was not called upon to attend the Zamindar for nothing, but that for two attendances upon the Zamindar he received the fees of Rs 100. and Rs 200 respectively.

It is impossible to believe that the charge was the result of bona fide enquiry.

7. The enormity of the charges must have made any honest man pause and take every possible precaution to test their truth before launching them, more especially when brought against a person and private dwelling. The absence of such precaution on the part of Mr. Broadfoot shows that his intention was to injure me by bringing without proper investigation the foulest charges. He may have counted upon impunity either upon the probability that his letter would never see light, or that he would be shielded by "privilege".

In the one case his letter was a stab in the dark; in the other his ignorance of the law ought certainly not, I submit, to excuse his evident evil intention.

8. The presumption of malice arising from the absence of due care and enquiry becomes irresistible when coupled with other considerations. Mr. Broadfoot's personal relations with myself were of the most unfriendly nature.

9. So far back as the 7th April 1882, he, in the New House of the 26th Regiment, singled me out for a most unprovoked assault - a fact I am prepared to prove by the evidence of some of the officers who were present at the time. Subsequently from circumstances I need not particularize I came to the conclusion that Mr. Broadfoot's acquaintance was undesirable, that he was in fact a social nuisance, and short of actually forbidding him my house, from his attitude towards him he must have been aware that his presence was unwelcome.

10. That he harboured animosity against me, and was only waiting for a favourable opportunity appears from the fact that whilst in his first letter he refers only to charges against Mr. Atkinson of which he offers to give the details - although, admittedly, he knew nothing of them except from hearsay, he, in his second letter devoted himself mainly to the recital of false charges against myself.

11. The first letter was but the screen or cover for this attack. His malice is further apparent from the fact that my dealings with the Zamindar of Itchapuram in no way fell under his cognizance or jurisdiction, and had moreover occurred two years previous when

When they had been in no way noticed either
by the Collector or Judge of the District.
Why did he hold this charge in reserve?
Again with reference to the false charge of
swindling Dr. Thornhill, Mr. Broadfoot
must have known that officer was quite
capable of taking care of his own interests
if he had any private grievance against me.

The matter was a private one, and in
no way connected with Mr. Broadfoot's duties
as a public officer. His reference to it could
not have been actuated by any but a
sinister motive.

11. I believe I have stated the legitimate
inferences from the facts, and that these
establish a prima facie case against
Mr. Broadfoot of having recklessly
and maliciously brought a series of
false charges against me.

I have the honour to be

Yours most obedient servant
G. T. Thomas
Surgeon. M.D.

Public

CURRENT NO. 1715

From
Surgeon G. J. Thomas
Ap. 2

At 23.
Ap 24 April, 1885.

Dr. Thomas vs Mr.
Broadfoot.

Public DEPARTMENT.

No. 1715

From

Surgeon G. J. Thomas.

dated 23rd April 1885. No 2.

FOR ORDERS.

This letter does not
help us forward much.
We do not learn from it
what sinister motive
Mr Broadfoot has for
damaging Dr Thomas's
reputation.

The fact of hostility
is undoubted. Then what
action sh^d Government
take when Mr B. brings
against Dr T. accusations
which have a certain
amount of truth in them?
are they to accord per-
mission to Dr T. to pro-
secute Mr B.?

Supposing Dr T. wishes
to prosecute Mr B. for giving
"false information with
intent to..."

lawful power to the
injury of another
person. It is necessary,
under section 195 C.
P., that the said
public servant should
give consent to such
prosecution.

I find here that
mixed with exaggeration
there was a substratum
of truth in St B's alle-
gations, and I therefore
see no reason for the
St B's prosecution under
the Penal Code.

As to the points in
which S. P. conduct
has come under no-
tice the Government
have already decided
— vide previous notes —
What action to take.

When the incident is closed it sh^d be intimated to Mr Broadfoot that in his anxiety to bring to the notice of Government, what, no doubt would prove, he believed to be miscom duct on the part of

Certainly!
~~or~~ but? as to the wording
 of the last part
 (see)

I agree and I suppose
Surgeon Thomas may
be told that the Govt.
having given the fullest
consideration this re:
presentation decline to
accede to his request to
be permitted to prosecute
Mr. Broadfoot whose action
they believe to have been
bona fide dictated by re:
gard for the interests of
the public service - The
Govt observe that Surgeon
Thomas action in taking
a very heavy fee in connection
with the inquiry into the death
of the Naugwaukees is
kind in the circumstances
of the case open to grave
doubt construction and
if in consequence numerous
prejudicial this reputation
did obtain circulation
the result is due to this

the gravest
I think

the same District
with himself he has
seriously erred in
that he has reckless-
ly imputed motive
on grounds which he
had not the opportu-
nity of bringing to the
test of enquiry.

This drawback
excepted the action
taken by Mr Broadfoot
has not been impro-
ductive of benefit
to the public service

car
4/5

No! Dr Thomas & others
do not help us at all.
It is quite evident that
the Conduct of Temperance must
have been for some time
in a disgraceful state &
it became more manifest
than ever that we must
ambuscade eyes & ears - that
a member of the Board
of Revision should be constantly
travelling & calling our
attention to what is going

As regards the Etia
-puram case the Govt
observes that the matter
had, long before reference
was made to it by Mr.
Broadfoot, attracted
the notice of the District
Judge who had in open
Court commented
unfavorably on the nature
of the certificate granted
by D. Thomas to the
Zemindar's trustee
in the case.

6/5

D. Thomas

FOR ORDERS.

Is this matter
not still under
the Surgeon General's consideration
Perhaps it should be the subject
of a further communication
through the Council
all

3. The Rt Hon the Governor
2. The Hon Mr. Sullivan
1. The Hon Mr. Martin

OK

What Mr Broadfoot's motive
may have been I know not
D. Thomas gave in no clue
to them; but in directing an
action to Mr Atkinson he did
a public service & it will may
be that we are far as yet from
knowing the whole truth about
him or Dr Thomas
I would refer the Commission

N^o 95

Office of Surgeon General
with the Govt of Madras
Coonoor 15th June 1885

From
M. G. Furnell Esq. M.D. F.R.C.S.
Surgeon General with the
Government of Madras

To
The Chief Secretary to Government
Public Department

Sir,
I have the honor to acknowledge
the receipt of certain papers marginally
noted, and herewith returned.

- 2- I am asked my opinion of two
transactions of Surgeon G. J. Thomas
(a) Regarding the death of Nangumeri
Jir, and his visit to the corpse;
(b) The Ettiapuram Zemindar's case.

3- As regards the first case Mr
Thomas owns to having received 400 rupees
for- as he writes in his letter dated March
31st 1885- "my professional services in
connection with the case."

4- I applied to Mr Thomas, since receipt
of your communication, to explain what
was the nature of the "professional services

rendered

Mr. Garstin's report
Dr. Thomas' two letters
Dr. Cornish's letters

rendered, and his reply is herewith ^{N^o 3 dated 23 May 85} attached.

5- I fail to see that the services rendered can be called "professional".
Mr. Thomas after, apparently, some agreement with the Brahmins who interviewed him, and without being ordered or even requested by magisterial authority to do so, rode and drove some

^{Deposition N^o 17 Mr. Garstin's report.}

^{"On our way to the Doctor's we met some more of our party who had already been to the Doctor and settled matters with him."}

18 miles to a Temple where the corpse of the Nanguneri gir lay; and there without performing any post-mortem examination, and only after a very cursory examination, declared that it was probable that the cause of death was "apoplexy due to fatty degeneration of cerebral arteries, and that the heart would be fatty."

^{The examination was a measurement of the abdomen & feeling the body with more!!}

6- It is nowhere stated that Mr. Thomas had ever attended the gir professionally during his life time, or was even personally acquainted with him. Under these circumstances it was quite impossible from simply viewing a body to state "professionally" that

29 a/p
that he died of "apoplexy due to fatty degeneration of cerebral arteries, and that the heart would be fatty." The man might have been poisoned or done to death in three or four different ways. The opinion "professionally" was worth nothing. No certificate was called for or given.

7- It seems to me clear that Surgeon Thomas took 400 rupees, not for any "professional" service, but for services rendered to the Brahmins after some private agreement made with them before leaving his station Palamcottah, and his conduct in so doing was unbecoming a Commissioned medical officer of Government.

8- As to the Ettiapuram Zemindar's case I am "to consider carefully the transactions which passed between Dr. Thomas and the Ettiapuram Zemindar, and to report your opinion as to the propriety of Dr. Thomas' conduct regarding the fees taken by him from the Zemindar in consideration of the

"the grant of certificates under cover of which the Zemindar was enabled to avoid attendance at the District Court upon two separate occasions."

9- There is no doubt Mr Thomas took fees from the Ettiapuram Zemindar - he himself admits it, and gives the correct sum, higher than that stated by the Zemindar's agent. In para 35 of his letter of March 31st Mr Thomas writes - "I received Rs 1,275 for twelve months attendance and travelling expenses"

10- Now it would seem to me the point turns upon this - was Mr Thomas bona fide the medical attendant of the Ettiapuram Zemindar when he gave him the first certificate? He says (para 25) "The simple answer to the charge is, that I had with the Zemindar one of those common yearly arrangements which well to do natives, as well as Europeans are in the habit of making with their medical attendants, whereby the latter agree to give all necessary attendance

attendance ³⁰ ²² $\frac{1}{2}$ for a fixed sum."

11- The arrangement is unquestionably a common one, and well understood throughout India, and if Mr Thomas were at the time he gave the first certificate, viz April 7th 1882 the Zemindar's ordinary and bona fide medical attendant, the granting of a certificate would fall within his ordinary professional duties, and I think no exception could be taken to it.

12- But was he at that time Ettiapuram medical attendant? or did the granting of the certificate commence his professional relations with the Zemindar? and was his retainer a payment for the certificate? There is not much evidence on this point in the papers before me, but at para 36 of Mr Thomas's letter dated March 31st we read - "The agent correctly states that the first 'payment' was made in the month of June or nearly three months after the giving of the first certificate, another fact which shows that I

was

"was not especially paid for the
"certificate."

13- On the contrary it seems to
show that the first professional
transaction Surgeon Thomas had
with the Zemindar was the granting
a certificate in April, just 3 months
before the first payment (so stated
by Mr Thomas and the maintenance
agent appendix I in Mr Harstin's
report), and oddly enough it is
suspiciously near the time when the
second certificate came to be wanted
viz July 1st.

14- The Zemindar himself however
states (marked F in Mr Harstin's report),
that he paid Mr Thomas "a fee for
"coming, and then entered into an
"arrangement with him to attend
"me for six months for a monthly
"salary." Moreover in his report para
32 Mr Harstin says - "I asked the
"Zemindar whether he had ever paid
"Dr Thomas a fee. He said he had for
"his first visit", but did not remember
"the amount of it."

8p 23
15- The evidence, as I said above, is
not very conclusive. My own opinion
is that the granting of the certificate
was the 1st professional service rendered,
and that the appointment as medical
attendant was a sort of gratification
therefore.

16- If this conjecture is correct then
the transaction is undoubtedly a very
suspicious and reprehensible one; for
the least Government can expect
from their Civil Surgeons is, that
they shall in no way lend themselves
to impede the administration of justice.

I have the honor to be
Sir

Your most Obedt Servant

M. C. Jamell

Surgeon General
with the Govt of Madras.

1885
CURRENT NO. 2493

From

The Surgeon General
C. Govt of Madras

No. 95

Dated 15th } June.
Recd. 16 }

One: 14 others
future return

Subject.

Reporting on
the conduct of Dr. G. J. Thomas
in regard to the death of
Nanguneri Jir & the Etthapuram
Zamindar's case.

No. 10

Pulley Bluffs

From Surgeon General

d. 15th June 85 - 1895

Orders

Dr. Furnell reports upon the conduct of
Dr. Thomas, in (1) the Nanguneri
Jir case. (2) the Etthapuram Zamindar's
case.

In the Nanguneri Jir case, Dr.
Furnell considers Dr. Thomas' conduct
most culpable.

It is submitted that the last
letter from Dr. Thomas only makes things
look worse for him.

The Surgeon General considers
Dr. Thomas had no right whatever
upon the cursory examination he made
of the body to give any ^{opinion} ~~conclusion~~
proportionally as to the cause of death
far less such an opinion as he gave
that death was due to fatty
degeneration of the cerebral arteries
and that the heart was fatty.

In the Etthapuram Case, Dr. Furnell
points out that had the matter appeared
to be simply an arrangement under
which the Zamindar paid monthly
fees for medical attendance, Dr. Thomas
conduct would not have been

With this view of
Dr. Thomas' conduct
taken by the Head of
his Department
before us, it seems
a question whether
if Government agree
with Dr. Furnell -
and do not see how
they can help doing
so - Dr. Thomas can
any longer continue
in the service.

Dr. Thomas being
a Commissioned Medical
Officer the papers should
be circulated to H.E.
the Commander-in-Chief
as well as the other
members of Govt.

Copy of Col. Weldon's
report should accompany
the file.

22/6

It is evident that we

Suspicion, but there is the admission
back that the first payment was
made in June 82, 3 mos after
Dr Thomas had given his first
Certificate to the Zemindar and
only one month before he gave him
the second Certificate.

It should however be observed
that Dr Thomas admitted this in
the letter of 31st March 85. but
found out that from the very
first he was actually attending
the Zemindar professionally &
did much for him besides granting
him Certificate.

MM

13/VI

JMP

20/VI

have in Dr Thomas a
thoroughly bad officer
His conduct at the
General Hospital; his very
unscrupulous behaviour in
the case of the fire and
his more than equivocal
behaviour in the matter
of the Eticpunan Zemindar
make that quite clear.
Before next Council
the Chief Sec should
have the precedents
looked up & see what
has been done in previous
Cases.

That the Service would
be well rid of him - if
precedents permit I
make no doubt

Meanwhile the
the Council are in place
and see the papers

The case may be complicated
by considerations about the
Martial - although all the
inquiries brought home have
committed where Dr Thomas
was in good service.

shd
June 26/85

Before recording any
opinion I would like to
see the Papers in connection
with Dr Thomas conduct
at the General Hospital.

J.R.

30.6.85

I concur in the view taken
of this matter the previous
as expressed in the concluding
paragraph of his Note of the
5th April last. more especially
from that the Surgeon General's
opinion is to advise to
Dr Thomas. and I would
send that Officer's letter to
Mr. Broadfoot. The case is
one that should rest, in my
opinion, he allowed to drop.
Mr. Broadfoot has brought very
serious accusations against
Dr Thomas, and it is due to
both parties that they should
be carefully enquired into.
If Dr Thomas is innocent he
is not likely to let the matter
rest - if he is not innocent -
he ought to be removed from
the Service.

J.R.

1.7.85

Dr Thomas

Furnell

Original letter from Mr
Furnell for perusal of note
by H.E. The Com^r in Chief
of 17.85 & remarks by H.E. The
Governor dated 3.7.85
also to H.E. The Com^r in Chief
3/7/85

seen
21/7/85

RB-1/85

John B.

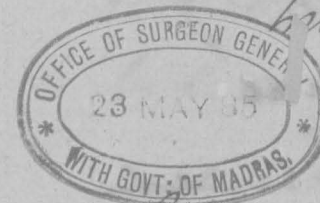
Mr. W. A. C. C.

His 20/6 H.E. the C 20/6 Re 3/7/85
11/6 11/2/7 R. G. G.

No. 3.
910

Madras 32 20
23rd May 1885.

From Surgeon G. T. Thomas
Indian Medical Dept
To the Secretary, Surgeon General
with the Govt of Madras
Fort St. George.



Sir,
In reply to your Memo No 2503 dated
18th inst I have the honour to state that
the actual services rendered in the case were
(1.) My examination of the body of
the deceased.

(2.) My medical opinion as to the
cause of death given to the Tahsildar.
2. It is not however I submit the
actual medical services only that
should be considered, but also the
length of the journey, and the difficulties
and inconvenience it entailed, as
set forth in my letter to the Surgeon
General, dated 31st March 1885.

3. In this connection I beg to
refer to the case of a Mahomedan
landowner of Panargudi, Nanguneri

Taluk, in the Tanjore District, in which the late Dr. Hastings, Civil Surgeon of the District about the year 1877, was allowed a fee of Rs 350 by the District Court. In this case although the journey was performed and the fee paid, no medical service was rendered by Dr. Hastings as he was refused access to the man in question.

4. I have the honour to recapitulate briefly the reasons that actuated me in believing myself entitled to a fee;

1. The journey was made at the suggestion of the Tahsildar in his argi to the Collector, at the special request of the Nangumani Brahmmins; at the suggestion and with the full knowledge of the Collector. As the village was a factious one, the District Surgeon's visit would probably prevent future trouble, and hasten the disposal of the body.

2. That the Police authorities

and the Magistrate, assisted by the Apothecary were justified by the evidence at hand, and by their knowledge of the case in not sending in the body, as would have been their duty, if any suspicion of foul play had existed.

3. That as a fact there was no ground for any such suspicion and my own examination of the body of an unhealthy old man led me to come to the conclusion that there was no necessity for an autopsy. If there had been such necessity, I should not have hesitated to perform this under the orders and responsibility of the Tahsildar.

5. The Collector, whom I had only known for five weeks, and by whose directions I was bound to be guided, did not order me to go out or treat the case officially. On the contrary he mentioned the difficulties in the way of my going out, and distinctly authorized me to accept payment.

I have the honour to be

Sir

Your most obedient servant

G. T. Thomas
Surgeon. I.M.S.

1885
No 2829 May

From Surgeon G. T. Thomas
Indian Medical Department
To The Secretary Surgeon General
With the Government of Madras
Fort St George.

Dated 23rd May 1885

Recd

Subject. Further explanation
of his letter 31st March 1885
called for in Memo No 2503
of 18th May 1885.

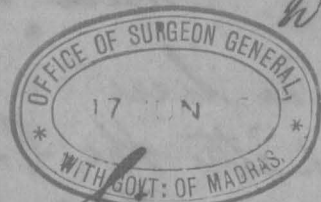
Vol 2493/85

No 10.

Madras
17th June 1885

From Surgeon G. T. Thomas
Indian Medical Department

To The Secretary Surgeon General
With the Government of Madras
Fort St George



Sir. I have the honour to inform you
as requested in your Memo No 2998
of 15th June 1885, that I was not paid
monthly, but at irregular intervals at
a monthly rate, receiving a first
payment of Rs 375 in June 1882
for medical attendance and travelling
expenses during that and the two
preceding months as stated by the
Lamindars Agent to Mr Gaster.

I have the honour to be

Sir

Your most obedient servant
G. T. Thomas,
Surgeon. I.M.D.

1885
No 3357

From Surgeon J. Thomas
Indian Medl Dept

To The Secretary Surgeon General
With the Government of Madras
Fort St George

No 10

Date: 17th June 1885

Recd

Subject: Information requested
in Memo No 2998 of 15th June
1885 regarding the haemidors
of Etthapwarc.

C22493/85

No. 112. 36

Forwarded to the
Chief Secretary for
Submission to Government
in connection with this
Office letter No. 95 dated
the 15th instant.

M. C. Sumell.
Surgeon General with Govt
Coonor 19th June 1885.

D719⁵ June 1885

Subject.

Furnishing in-
formation requested in
Hums: N. 2998, d. 15th June
1885, viz: the Zamindar
of Uthiapuram.

July 3rd 1885

I see no objection to sending to Thannai
Japur to Mr Broadfoot. It may
bring out some facts with regard
to Mr Broadfoot which the
Govt ought to know & it may
also bring out some further facts
as to Dr Thannai.

The matter has been passed
into a new phase since my note
of April 5/85 was written. We
have now had the opinion of
the Surgeon General who 2 weeks at
the matter through professional
Speakers as to the character
of Dr Thannai's proceedings in
the case of the Jir & of the Uthiapu
Zam Zamindar. I think that he
should be now sent back to the
Military department. The Com-

mandamus that informed of our
reason for sending him back
will consider whether a man
of his character can be employed
& will then determine whether
there is any cause possible except
to advise the Govt to address
the Secretary of State with a
view to Dr. Thurn's removal
from the public service.

MJ
July 3/85.

148 Mr. Gov's note
of 3 July 1885

- sending Surgeon
Thomas's papers to
Mr Broadfoot

D^r Thomas shd be
informed that his ^{very unsatisfactory}
explanation ^{of} he has volun-
teered with reference to his
transactions in Jinnah's
separate case for a more
searching investigation

that a ^{petition} raises
various questions which
the Govt will proceed to
investigate. A further com-
munication will ^{hereafter} be
made to him.

Mr Gardiner's d.o.d/
21 May 1884

Note Public C No 1423/85

D^r Thomas asks for
a formal exoneration
from Government,
after full enquiry,
as to certain charges
emanating from
Mr Broadfoot and
for leave to prosecute
his accuser.

The first matter
relative to his conduct
at the death of the
Jir of Nangueer is
referred to in the
marginally noted
paragraphs of Mr
Gardiner's report of
6 June 1884.

When allusion
was first made to
D^r Thomas's proceed-
ing I thought it



unnecessary that
 The Surgeon General
 sh^d be asked for an
 opinion in the cause
 of the Jir's death
 but suggested that
 explanation sh^d
 be obtained as to
 Dr Thomas's omission
 to give any certifi-
 cate as to cause of
 death when he was
 specially sent to
 Nanyueneri to enquire
 into this very point
 at the Sub Mag's
 Crates request. This
 however was not
 at the time considered
 necessary. Mr Garstin
 also thought there
 was no ground for

vide Hon Mr Sullivan's
 note
 his d.o. 22 May 84

d.o. 27th May 84

+ Chief Secretary's
 d.o. 2/30 May 84

paragraph 23

for calling for an expla-
 nation except as to
 fees and then only
 if Govt considered
 them excessive. He
 considered however
 that Dr Thomas was
 negligent in not
 reporting officially
 the result of his exam-
 ination and in not
 giving a certificate
 of cause of death.
 The full report on
 Dr Thomas's conduct
 with reference to the
 death of the Jir called
 for was placed before
 Govt with Mr Garstin's
 letter of 6 June 84.
 Mr Garstin saw
 no reason for suppo-
 sing that Dr Thomas's

diagnosis of cause
of death was any-
thing but right and
he held that the
questions about
fee & omission to
render a certifi-
cate might be dealt
with after hearing
Dr Thomas.

The order passed G.O. 21 June 1884
on Dr Garstin's report
related solely to Dr
Breech's Atkinson's
case & smaller mat-
ters were not touched
upon so that nei-
ther Dr Thomas nor
the Medical Dept
have had, up to date,
any opportunity
of explanation or
justification.

2

The report has
reached Dr Thomas
apparently through
Mr Breech's Atkinson
who was furnished
with a copy in the
course of his trial
and Dr Thomas now
comes up with the
requests already
described.

Looking at Dr
Thomas's explana-
tion I cannot my-
self find sufficient
justification for
his taking so high
a fee as Rs 400
for his trip to Man-
gumeri, 18 miles
back, even if
a fee was proper

at all. He was
performing a
certain duty and
he the only excuse for
receiving payment
from the parties
instead of drawing
the usual
writage was the
S. District Magistrate's
note intimating
that the Hanguai
people would pay
all expenses.
However the Singson
General might think
the fee a reasonable
one as S. Thomas
does.

Nor do I think
the omission to give
a certificate is

Quite satisfactorily
explained. If
however it was
not S. Thomas's
absolute duty to
write officially
on the subject it
certainly was the
Sub-Magistrate's
duty to have record-
ed this statement
after the examina-
tion which
short of a regular
post mortem
was apparently
conducted with
sufficient thorough-
ness.

In regard to
the other charge
relative to monetary

Transactions between
of the Zemindar of Etah
Sir Thomas more par-
ticularly described
in paragraph 32
of Mr Gorst's report
I think Dr Thomas's
present statement
is not unreason-
able. There was no
objection to his re-
ceiving a standing
fee from the Zemindar
for medical
attendance and
any suspicion of
unfairness in
granting certifi-
cates is suspicion
and nothing more.
It is a matter of
regret that these

? Amount

3/

points were not
dealt with at the
time Mr Gorst's
report was received
but as matters
stand I think
we must tell the
Surgeon General
that had Government
wished for explana-
tion from Dr Thomas
or opinion from the
Surgeon General
such would have
been called for
but that as no
reference was made
it is unnecessary
now to do more
than to record
the explanation
which Dr Thomas

has submitted.

I would add that both the Surgeon General & Dr. Thomas may rest assured that this newly affair were not even thought of in dealing with Dr. Thomas's conduct in the General Hospital case.

As to Dr. Thomas's desire to prosecute Mr. Broadfoot how ever much the Government may regret that officer's indiscretion in making statements based on mere

Shandy think this necessary but

This is all a very strange story & I am not at all sure that we have got at the bottom of it.

How members will recollect that Mr. Broadfoot must have immediately after his accusations of Dr. Thomas & Mr. B. Atkinson.

It is clear on the face of his explanation that Dr. Thomas took an enormous fee from the people connected with the Temple. To talk of the

suspicion they cannot, I think, consent to authorize further proceedings when they themselves have not considered it necessary to call for explanation or to impute blame.

YCC
3/4/85

for received by great
doctor at home &
merely to the two dead
in our eyes. What has
a public servant paid
by the State - in common
with a man who has
no salary - no duties
honorable public position
to keep up & the most
perfect liberty to take what
a patient will give.

The transaction with
the Zemindar of Etchaporam
has also a very ugly
look.

The paper is a discredit
able performance throughout
the production of a grasping

Sordid mind & no
explanation is given
of the deadly
hostility borne
towards him by James
Broadfoot. That officer
did good service in
Calcutta and although
to Mr. Broadfoot Atkinson
& if partly from his
having been ^{in Europe} ~~away~~ partly
from Mr. Gardiner's having
so lightly once ~~the~~ to Dr.
Thamain.

Our ^{own} ~~own~~ attention
was called away from
him it is not too late

to send Dr. Thamain's paper
to Mr. Broadfoot & O,
for he will appear
clear up ^{5th} 185.

To Dr. Thamain.

Ostacantund 20
16th April 1850

Dr. Sir.

In para 14 of your letter
to Mr. Lingen sent by 31st
March last (without
number) which is now
under his consideration
of the Government. you
write that you will
"presently show" that Mr.
Broadfoot had a
"criminal motive for
damaging your
reputation." your letter
however does not
contain any ~~further~~
explanation of
allusion to this matter.
and I am to call your
attention to this omission.

Accepted in

and to request you
to supply the promised
information within as
little delay as possible
Yr

Surgeon G. J. Thomas. Desford.
16/4/85

9
D.O. to Surgeon Thomas.
dated 16th April 1885

Jan 17/15/85

28 W
Stonehouse

May 9th, 85

CP
Confidential

Dear Funnell.

Mr Garstons report.

D^r Thomas' two letters.

D^r Cornish's letter.

I am directed to forward to you the enclosed papers relating to certain changes which were made against D^r Thomas when in Tinselly - I am to ask you to consider carefully the transactions which passed between D^r Thomas and the Etia puram Zamindar and to express your opinion to the propriety of D^r Thomas' conduct regarding the fees taken by him from the Zamindar, in consideration of the grant of certificates under cover of which the

Zemindar was enabled
to avoid attendance at the
District Court upon two
separate occasions. The
Government consider the
question one eminently
requiring to be ^{carefully} looked into
and reported upon.

Please return the enclosed
papers with your reply -

Ms JW
S. V.

Surg. Genl M. C. Furnell M.D. F.R.C.S.
with encl. 1423 & 1715 & 1716
& copy of 21st June 1884
No 1363 Public

7/5/84

145 the Louis note

DD to Surgeon General Funnell

dated 9th May 1885

Say to Ettraperu
Case in full before Funnell.

It has been from Dr. F. and
drawn our attention
to the matter which was
eminently one to be looked
into with respect to the fees.
paid by Zamin dar to
avoid having to attend Court

Office of Surgeon-General
the Government of Madras,
Ch. Secy. 5-1885



June 2nd 1885

Dear Furnell

With reference to your letter
No 555. d 29th May 85, regarding
Dr. Thomas' conduct in
Tinnevely, I am to ask you
to forward to me the papers
you have regarding the
Kangumeri jins' case, with
your opinion distinctly expressed
upon Dr. Thomas' conduct
in that matter.

LW/6 W

Office of Surgeon-General.

with the Government of Madras,

Madras, Comor June 5 1885.

My dear Colclati



With reference to your
demi-official of June 2nd; regarding
Mr. Thomas's conduct in Timor,
the papers you ask for are all
with you. They were forwarded
with my letter of 5th. If
you will have them returned
to me I will send in my
opinion on the Nunguii case.
If it is more convenient
to you I will, if you return

1885

my letter No 55, one body in
the one letter my opinion on
book case as I say in all intended
doing.

Yours sincerely
M. L. Samuel

Botacm
8th June 1883

Dear Funnell

I enclose you the papers
you require in J. Thomas' case.
Please deal with the Nungesser
Jr's case as soon as possible
the matter being urgent.

JW

Samuel Funnell
and his firm

6/6
Jr's 8/6/83

offered - put up the papers &c
Funnell had before -

Send the papers
and ask him to
deal with the
case as being
urgent

JW

6/6

1885

Public Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

C. 1423, 1715, 2493, 2556

3202.

Order

Submitted for consideration
in following alternative
drafts:- after the words
"are of opinion" add
"that it will not conduce
to the interests of the public
service."

or, "That Surgeon Thomas
has not shown sufficient
cause."

or, "Before of the petition
in these words.

The Government are not
prepared to sanction the
institution of legal
proceedings against Mr
Broadfoot as requested
by Surgeon Thomas -

Mr. Broadfoot's statements
are, in substance, quite true
and I do not know that the
need enter into any
discussion of their reasons

The Government have given their
best attention to the above papers,
and are of opinion that no
good would be effected by
granting permission to Dr. Thomas
to take the action he desires
in regard to the allegations made
by Mr. R. D. Broadfoot.

This has been
considered in
Council
12/8/85
The papers
above shd be printed
and forwarded to the
drafts with some notes
overleaf. It is necessary
to take action
- now 9 Jan
17/1/86

ing, here sub
and hence
a month

insist upon
my claim
in one way
of such
el

entertain
of my
with me to
in the
to lead to a
by taking

and not any
I now have
at their

our to be
in servant
as
Luzon. III

Public 1885

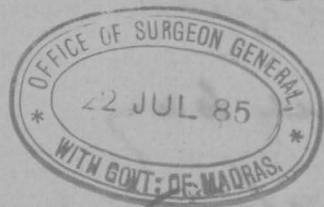
No 4067

CURRENT NO. 322

No 16

From Surgeon

To The Secretary
To The Surgeon General



Sir.

From Surgeon J. Thomas
Indian Med Dept
The Secretary
The Surgeon General
With the Government of Madras
Fort St George

No 16

Dated 22nd July

Received 25-7-85

Enclosures —

Subject: Request a speedy
settlement by Government
of certain charges made
him by Mr R. D. Broadford

all Correspondence
at Coonoor -
C. R. 2202/85
27/7/85

On the
honour to ad
Several sections
authoritative
charges brought
R. D. Broadford
prosecute in

2. In letter
18th May, and
Government,
from the Sec
Several Engin
home in or
tion of certai
ably I had
Explicit

3. To these

My last answer have
mitted on the 17th of June
being now of more than
standing.

4. I most respectfully
the indejectibility of n
to a speedy settlement
or another, of a matter
vital importance to

5. If the Government
the slightest suspicion
conduct let them per
have the question tried
in a manner most likely
decisive issue, name
it into a court of law.

6. It is this justice and
personal favour that
the honour to request
hand.

I have the honour
Sir

Your most obed
J. Thomas

4/85-24 15-25-26

N^o 247 38

Forwarded to the
Chief Secretary for
Submission to Government

M. C. Sumell

Surgeon General with Govt
Coonor 24th July 1885.

Madras
22nd July 1885

J. T. Thomas
Indian Med. Dept
Surgeon General
to the Government of Madras
Fort St George.

For orders.

I think Surgeon Thomas
may be told that the
Govt are not prepared
to sanction the institution
of legal proceedings
against Mr Broadfoot
as requested by Mr T.

E. F. W.
31. 7. 85

3rd March last I had the
honour to receive a letter to the Surgeon
General from the Government
exonerating me from certain
allegations made against me by Mr
T. C. S. with permission to
reply as accuser for defamation.
I dated respectively 18th April
15th June, the first from
the second and third
Surgeon General, three
replies have been addressed
to the further elucidation
of the point wherein presumption
has not been sufficiently

requiring 'duty' to these