

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	714	Press
		~~Mis.~~
57-53		
Dated 6 th June 1960		

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Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department,
6th June 1860.

Read the following papers:—

No. 51. From R. S. MAIR, Esq., Acting Coroner of Madras, to T. PYCROFT, Esq.,
Chief Secretary to Government, Fort Saint George, dated 11th May 1860.

I have the honor to annex copy of a letter from Mr. J. Lyons questioning the right of a Coroner's Jury to levy a Deodand, and referring to Act 8th and 9th Victoria Cap. 62. As Deodands have hitherto been levied by Coroner's Juries in Madras, I have to request that the Honorable the Governor in Council may be solicited, in order to the opinion of the Law Officers of Government being obtained on the question, whether the Act of Parliament above referred to extend to India, and whether Deodands are to be levied in future.

From Mr. JAS. LYONS, to R. S. MAIR, Esq., M. D., Acting Coroner of Madras, dated 25th April 1860.

At the adjourned Inquest which sat on the 17th instant, the Jury directed a Deodand of Rupees ten (10-0-0) to be paid by me as the owner of a shaft which was reported to have caused the death of a man, and the Deodand was paid by me on the 18th instant, into the hands of Police Constable Huggins. As it is enacted by Act 8 and 9 Victoria Cap. 62 that subsequent to September 1st, 1846, there shall be no forfeiture of any Chattel in respect of homicide nor inquiries by any Coroner's inquisition relative to Deodands, and I believe this Act of Parliament is intended to regulate Coroner's Juries in Madras, I request that you will be good enough to refund to me the Deodand of Rupees ten paid by me.

(A true Copy.)

(Signed) R. S. MAIR,
Acting Coroner.

Referred for the opinion of the Advocate General.

(Signed) T. PYCROFT,
Chief Secretary.

11th May 1860.

No. 52. From J. R. BOYSON, Esq., Government Solicitor, Madras, to the Chief Secretary to Government, dated 26th May 1860, No. 556.

Order, dated 11th May 1860, and made on letter from the Acting Coroner of Madras to Government of the same date.

1. I have the honor to acknowledge the Order of Government noted in the margin.

2. Having submitted same for the consideration of the Advocate General and conferred with him thereon, I forward a copy of his opinion.

COPY—OPINION.

The Act to which Mr. Lyons doubtless means to refer is the 9th and 10th Victoria Cap. 62, not the 8th and 9th.

That Act does not extend to India; the Law respecting Deodand consequently remains unaltered in India. Strictly speaking there is no such thing as a "Deodand of ten Rupees," nor have the Coroner and his Jury any right to levy a fine in that way.

A horse, cart, or any other thing that *moveth* to the death of a man, is forfeited, in the event of the man's death, to the King, or grantee of the Crown; but if the cart is *not in motion*, and a man be climbing up it, and is killed by falling from it, the *wheel alone* is a Deodand—1 Hale 422—2 Salk 220.

Juries, however, of late have frequently found something of trifling value to have been the cause of death, in order to mitigate forfeitures that would otherwise have been heavy; and the King's Bench have refused to interfere on behalf of the lord of the franchise to assist a claim considered odious.

Proceedings of the Madras Government, Judicial Department,
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The Jury, however, having found that an article had occasioned death and is forfeit as a Deodand, are quite right in finding its value, in order that, if necessary, the "Villata" may be charged with process for the article or, in default, for its value.—3 Edw. 3—1 Hale 419.

Mr. Lyons has no ground of complaint.

(Signed) THOS. SYDNEY SMYTH,
Advocate General.

25th May 1860.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

No. 53.

ORDER THEREON, 6th June 1860, No. 714.

A copy of the Advocate General's opinion, received through the Government Solicitor, will be furnished to the Coroner in reference to his letter of the 11th ultimo.

(Signed) T. PYCROFT,
Chief Secretary.

Proceedings of the Madras Govt.
Read the following letters—
From the Coroner of
Madras—Entered 11th May '60.
the Govt. Solicitor—26th do.—N^o. 556.

Order—6th June 1860—No. 714

A copy of the Advocate General's
opinion received thro' the Govt.
Solicitor, will be furnished to
the Coroner in reference to his
letter of the 11th ulto.

The Coroner of Madras, D^y. 9th

Coroner's letter transmitted
Govt. Solicitor's letter
10th June 1860