

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1258 Press
52-56 ~~Mis.~~

Dated 7.8.1862 49.

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
7th August 1862.

Read the following papers :—

No. 52. From E. B. FOORD, Esq., Acting Magistrate of Bellary ; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 27th June 1862, No. 30.

In reply to the Proceedings of Government, No. 952, of the 21st instant, I have the honor to inform you that the orders alluded to in the concluding portion of paragraph 2 of the said Proceedings, are enforced in this District by strict injunctions being issued on the subject, and punishment inflicted for non-compliance.

No. 53. From A. WEDDERBURN, Esq., Magistrate of Cuddapah ; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Judicial Department, Fort Saint George, dated 5th July 1862, No. 22.

With reference to the Order of Government, dated 21st June 1862, No. 952, paragraph 2, directed to Magistrates, adverting to reported number of suicides by drowning, and requesting to know whether the orders which require all wells to be walled round are strictly enforced, I have the honor to state that all perpendicular wells, and pits, have, for long, been directed to be walled round, and the order (which so far as I have seen appears to be in general operation) has been enforced by fines inflicted on the head of the village and owner of the well, in every case, whenever it appears to have been disregarded.

2. Draw wells, as a rule, in all villages, are surrounded by a wall or barrier. It is not often in these that bodies are found. But the term well for want of an English equivalent is applied to all excavated reservoirs containing spring water, used for drinking or irrigation. These ~~reservoirs~~ ^{are} leading down to the water's edge, and no wall round the top, without at the same time preventing the use of the well, would prevent a person intending to commit suicide from descending the steps. In fact no wall would, in any way, prevent deliberate suicide.

3. As a means of checking the disproportionate number of female reported suicides, and accidental deaths by drowning, viz., 62 female to 14 male suicides, and accidental deaths, 92 to 70, I issued a circular requiring the age of the female and her circumstances, single, married, or widow, to be stated, and required a special investigation to be always made, when the female was in the prime of life ; a preponderance of alleged suicides and accidental deaths by drowning, of females in the prime of life may possibly indicate murder, as the desire of life, is stronger during its prime. Jealousy, and the hiding of disgrace, are the instigating causes of such murders, but when it is known that female drowning is to be more rigourously investigated, that ages are to be recorded, and social particulars stated, and that a valid reason for suicide or accidental death has to be produced, and that a water vessel or a garment left on the brink, will not by itself be accepted as a proof of accident, and that the

appearance of the corpse, in reference to signs of suffocation,† must be noted, it will probably have the effect of deterring persons from the practice of avenging family disgrace by a simulated suicide or accident.

4. It is little that the Police can do, when the public keep silence, but by following the above instructions, some data may be elicited, which may lead to further enquiries, and, at all events, when the people see that the preponderance of female deaths has attracted the attention of the authorities, there will be a greater fear of resorting to such crimes.

* The almost invariable cause of accidents in wells arises from the few steps being ~~slightly~~ ^{from the green deposit of} the water, when the water falls in the well, as it does whenever used for irrigation, and after continued drought.

† Cuddapah District Gazette, 14th June 1862, Circular No. 23.

Judicial, Department.

Proceedings of the Madras Government, Judicial Department,
7th August 1862.

No. 54. From P. GRANT, Esq., Collector of Coimbatore; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 18th July 1862, No. 53.

Adverting to paragraph 2 of the Proceedings of Government, dated 21st ultimo, No. 952.

Proceedings of the Poudjaree Udalur, dated 21st December 1810, paragraphs 33 to 35.
Extract Minutes of Consultation, 9th March 1841, paragraph 11.

I beg to report that the orders contained in the papers noted in the margin, requiring the proprietors of wells to render them as secure as possible against accidents to travellers or other persons who may be in the habit of using them, have been repeatedly published throughout the District, and whenever instances of accidental deaths from the want of any precautionary measures on the part of the proprietors of the wells, have occurred, such proprietors were visited with a penalty of a slight fine and induced to erect walls around their wells and to widen the steps and keep them clear. Under the present Penal Code, I do not see how all well owners can be punished for neglect in this respect. By Section 308 of the Criminal Procedure Code, No. XXV of 1861, Magistrates are empowered to issue orders requiring owners to fence such tanks or wells as are situated adjacent to any public thoroughfare to prevent danger arising to the public, and by Section 311 the penalty prescribed in Section 188 of the Penal Code can be enforced in cases of disobedience of such orders. I doubt if wells not situated in public thoroughfares can be brought under the provisions of Section 308 of the Criminal Procedure Code, and the owners punished under Section 188 of Act XLV of 1860 for disobedience of orders.

Referred for the opinion of the Government Pleader.

FORT SAINT GEORGE,
23rd July 1862.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

No. 55. From CLEMENT DALE, Esq., Government Pleader, Sudder Adawlut; to A. J. ARBUTHNOT Esq., Acting Chief Secretary to Government, Fort Saint George, dated Madras, 24th July 1862, No. 105.

Paragraph 1. I have the honor to acknowledge the receipt of the Order of Government under date the 23rd instant, noted in the margin, and to report to the Honorable the Governor in Council as my opinion, that Section 308 of the Criminal Procedure Code, No. XXV of 1861, refers to tanks and wells adjacent to a public thoroughfare; and that to give a Magistrate jurisdiction, the tank or well need not be situated in a public thoroughfare as surmised by the Collector of Coimbatore. It however appears to me that in framing that 308th Section, the Legislature did not intend to give Magistrates jurisdiction over tanks and wells in private grounds, and so situated that no danger would arise to the public in general, while pursuing the ordinary thoroughfares.

2. I return the letter and order.

No. 56. ORDER THEREON, 7th August 1862, No. 1,258.

A copy of the Government Pleader's opinion will be furnished to the Magistrate of Coimbatore.

2. The Governor in Council would add that in his opinion, the Magistrate is authorized under Section 308 of the Criminal Procedure Code to order any tank or well situated in private ground, but to which the public are allowed to resort, to be fenced in in such a manner as to prevent danger arising.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters.

From the Magistrate of Bellary.

Received 27th June 1862 N° 30.

" The Magistrate of Chudayak - " - " 5th July - " N° 22.

" The Collector of Coimbatore - " - " 16th July - " N° 53.

" The Govt. Pleader S.A. - " - " 24th July - " N° 105.

Order thereon 7th Aug 1862. N° 1258.

A copy of the Govt. Pleader's opinion will be furnished to the Magistrate of Coimbatore.

2. The Governor in Council would add that in his opinion the Magistrate is authorized under Section 308 of the Criminal Procedure Code to order any tank or well situated in private grounds.

Will

Will

ground but to which the
public are allowed to resort
to be fenced ⁱⁿ in such a
manner as to prevent any
danger arising.

W. H.

To J.
The Magistrate
of Comintatore } People's
Government Reader & Co.

W. H.

W. H. 2nd ed.

West 1862. Department.

No. 1258

PROCEEDINGS OF GOVERNMENT.

Dated 12th Dec 1862

Informing the Magistrate
of Comstock that it
authorised under Act 305
Quinn. Sec. Code to order
any land or will situated
in any private ground to
which the public agent is
fenced as to prevent
danger arising.