

MADRAS RECORD OFFICE.

Government of Madras.

Administrative **DEPARTMENT.**

G.O. No.	1561	Press
		~~Mis.~~
Dated	30. 9 -	19-1867

290-291

6/7

Not to be folded or roughly handled

No. 86
Coimbatore Magistrate's Office
Coimbatore 13th September 1867.

From J. Grant Esq.
Magistrate of Coimbatore
To The Honble A. J. Arbuthnot
Chief Secretary to Government
Fort St. George.

Sir, A man named Anthony Vellayes, an
East Indian, was lately found at the
Pothanore Railway Station in a state rendering it
dangerous to allow him to be at large. He appeared
to be either mad or suffering from an attack
of Delirium Tremens. The Police brought him before
the Head Assistant Magistrate. The medical
officer of the station on being referred to,
stated that it was necessary that he should
have an opportunity of observing the man for some
time, as he could declare whether he was mad
or not.

2. As the Head Assistant Magistrate
has no place at his disposal in which to place
a person believed to be unsound mind and
dangerous to society, this man was sent to the
Central Jail, as it was considered that the
spirit of G. O. dated 20th July 1867 No. 1163, would
be applicable to this case. You will however
observe by the enclosed original correspondence
that

that the Inspector General of Jails objected to the Proceedings and directed that the party should be handed over to the Committing Magistrate, which was accordingly done.

3. The man improved during his confinement in Jails and was eventually sent to Rangoon, where it was discerned that he had friends.

4. But I request the instructions of Government for my future guidance in similar cases, as it is obvious that, as the Law now stands, a Magistrate is placed in a very anomalous position, for if a person, whom he has reason to believe

it is dangerous to allow to be at large is brought before him, he must necessarily detain him for the safety of society, but in the first place it is doubtful whether he can legally do so, and secondly he has no place in which to confine him, in view to the Medical Officer observing him and declaring whether he is a lunatic or not.

I have the honor to be
Sir,

Your most obedient servant
R. E. C.
Magistrate.

R.

*Proceedings of the Madras Government, Judicial Department,
30th September 1867.*

Trichinopoly and Erode. This order is clearly inapplicable to the present case. The warrant does not recite the Act under which the committal is ordered, but, as it specifies that under which the release is to be made, viz., XXXVI of 1853, the presumption is that the committal was made under the same Act, which, indeed, is the only one I am aware of which treats of the disposal of dangerous lunatics not charged with any specific offence. That Act, however, relates to Lunatic Asylums, and not to Jails. Moreover, even in the case of an Asylum, it is essential that the order of the Committing Officer should be accompanied by a Medical Certificate, prepared under the circumstances, and according to the form, prescribed by the Act. This course, however, does not appear to have been followed upon this occasion, and although the Act gives the power to amend the order and Certificate, it gives no power to supply the latter when it has not been originally furnished, and it is evident that it could not do so, inasmuch as the examination of the patient by the Medical Officer must precede the committal. I am, therefore, of opinion that you have no authority to detain the lunatic, or supposed lunatic, Menzes, and I request that he may be discharged from custody on receipt of this, unless the Medical Officer should consider that he is dangerous; and in that case you should communicate this letter to the Committing Magistrate, and request him to send an escort for Menzes, in order that he may be disposed of according to Law.

2. I have sent a copy of this letter to the Magistrate.

No. 291. ORDER THEREON, 30th September 1867, No. 1561.

The Governor in Council is of opinion that any person who is deemed to be a lunatic, or dangerous by reason of lunacy, should, under the provisions of Clause IV of Act XXXVI of 1853, be detained in custody by the Magistrate, until a Medical Officer shall have had an opportunity of observing him, and determining whether or not he is a lunatic.

2. At Coimbatore, the Cells set apart in the Central Jail for lunatics should be made use of for the detention of such persons.

(True Extract).

Chief Secretary.

To the Magistrate of Coimbatore, with two enclosures, returned.

Inspector General of Jails.

Magistrate of

Exd. J. H. Burns

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The Magistrate of Coimbatore

Dated 13th Sept 1867

No 1995

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Respectfully submitted as per order of the Government of Madras

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*Proceedings of the Madras Government, Judicial Department,
30th September 1867.*

No. 290. Read the following letter from the Magistrate of Coimbatore, to the Chief Secretary to Government, Fort Saint George; dated Coimbatore, 13th September 1867, No. 86.

A man named Antony Menzes, an East Indian, was lately found at the Pothanoor Railway Station in a state rendering it dangerous to allow him to be at large. He appeared to be either mad, or suffering from an attack of Delirium Tremens. The Police brought him before the Head Assistant Magistrate. The Medical Officer of the station, on being referred to, stated that it was necessary that he should have an opportunity of observing the man for some time, ere he could declare whether he was mad or not.

2. As the Head Assistant Magistrate has no place at his disposal in which to place a person believed to be of unsound mind and dangerous to society, this man was sent to the Central Jail, as it was considered that the spirit of G. O., dated 20th July 1867, No. 1163, would be applicable to his case. You will, however, observe, by the enclosed original correspondence, that the Inspector General of Jails objected to the proceeding, and directed that the party should be handed over to the Committing Magistrate, which was accordingly done.

3. The man improved during his confinement in Jail, and was eventually sent to Beypore, where it was discerned that he had friends.

4. But I request the instructions of Government for my future guidance in similar cases, as it is obvious that, as the Law now stands, a Magistrate is placed in a very anomalous position; for if a person whom he has reason to believe it is dangerous to allow to be at large is brought before him, he must necessarily detain him for the safety of society; but, in the first place, it is doubtful whether he can legally do so, and, secondly, he has no place in which to confine him, in view to the Medical Officer observing him, and declaring whether he is a lunatic or not.

From the Inspector General of Jails, to the Magistrate of Coimbatore; dated Ootacamund, 24th August 1867, No. 1077.

I have the honor to enclose copy of a letter to the Superintendent of the Central Jail regarding one Antony Menzes, committed by the Acting Head Assistant Magistrate, on the 13th instant, as a dangerous lunatic, which committal appearing to me irregular for reasons stated in the said enclosure, I have directed his discharge if, as there is reason to believe, he is not a dangerous lunatic, but simply suffering, as the Medical Officer states, from something approaching to Delirium Tremens. If, on the other hand, the Medical Officer should consider him dangerous, I have requested that he be made over to the Head Assistant, to be disposed of according to Law.

From the Inspector General of Jails, to the Superintendent of the Central Jail, Coimbatore; dated Ootacamund, 24th August 1867, No. 1075.

With reference to your letter of the 20th instant, No. 49, enclosing copies of one to your address from Mr. Galton, Acting Head Assistant Magistrate, dated 13th instant, and of a warrant, of the same date, directing you to receive an East Indian, named Antony Menzes, "believed to be dangerous by reason of lunacy," I have the honor to state that, as far as I am able to judge from these papers, the sufficiency of the warrant is very doubtful. Mr. Galton speaks of an Order of Government as his authority for sending the man to the Central Jail, and, although he does not mention either the date or number thereof, it appears from your letter to have been that noted in the margin, in which the confinement of Native

Judicial Department, 20th July 1867, No. 1163.

Lunatics in the Central Jail is sanctioned, pending the completion of the line of Railway between

Memorandum
Letter from Magistrate of Coimbatore
of 13th Sept 1867 - No. 86

In this letter he
seems to request in
struction as to whether
a person whom he has
reason to believe it
is dangerous to allow
to be at large can be
detained in custody?
He further states
that he is doubtful
whether he can legally
do so - and that he has
no place in which
he can confine such
a person -

Act No XXXVI
of 1858, and Chapter
XXVII of the Code of
Criminal Procedure
relate to lunatics
in lunatics and
insane and
Chambers

of the Act refers
to persons found
wandering at large
within the District
who are deemed
to be lunatics, &
whose behavior
is dangerous
to reason or human
life. Authority having
been found in a State
rendering it danger-
ous to allow him
to be at large. He
appeared to be
either mad or super-
stitious from an attack
of delirium tremens.
And it seems that
under the spirit of
Chapter IV. of the
Act XXXVI of 1858,
he might have
been

Section 510.
of the P. C.

been detained by
the hospital.
The Penal Code does
not provide for
a case like Mendy
while in intoxication
is merely punish-
able with imprison-
ment. He
was extended to two
four hours.

There are five
cells set apart in
the Central Jail at
Coimbatore Express
for lunatics. It
is not likely that at
any time the whole
of these cells will be
occupied, inasmuch
as all confirmed
lunatics are in
various

was by transfer
 to a lunatic asylum.
 Under these circum-
 stances there can
 be no possible objec-
 tion to a person
 in the position in
 which Anthony Messer
 was found being
 kept in one of the
 cells until the
 Medical Officer can
 confidently report
 on his state of mind
 or until the magis-
 trate can obtain
 the orders of a
 magistrate as to how the person
 should be dealt
 with.

306-32
 207-57
 Mr. H. M.
 told
 Mr. H. M.

Judicial Department. 41
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PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the Magistrate
 of Coimbatore.
 (Date letter 13 Sep. 1867 No. 86)

Order thereon 30 Sept. 1867 No. 1561.

The Governor in Council
 is of opinion that any person
 who is deemed to be a lunatic
 or dangerous by reason of
 lunacy should, under the
 provisions of Clause IV of
 Act XXXVI of 1858, be detained
 in custody by the Magistrate,
 until a medical officer shall
 have had an opportunity of
 observing him and deter-
 mining whether or not he is
 a lunatic.

JH
 Wd

2. At Coimbatore the
 cells set apart in the Central
 Jail for lunatics should be

after as
 the
 28th
 1867
 28th
 1867
 28th
 1867

be made use of for the
detention of such persons.

[Handwritten signature]

To the Magistrate of Combitator.
— Suspt. General of Police —
All Magistrates —

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21-4-10

Judicial 1867 Department.

No. 1581

PROCEEDINGS OF GOVERNMENT.

Feb. 97/70.

Dated 28th March 1867.

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