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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

G.O. No.	124	Press.
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Dated	10.2.1868	197

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Not to be folded or roughly handled

OFFICE OF CONTROLLER OF MILITARY ACCOUNTS,
Fort St. George, 17 December 1867.

No. 932.

124
1

From

The Controller of Military Accounts,

Fort St. George,

To

Doctor J. S. Main

Crooner

Madras.

Sir,

Enclosed I forward to you a cheque on the Circular Bank for Rs. 50 being the amount of a Decree served on me by a Crooner's Inquest for the accidental death of an old man who was run over by one of my Carriage Horses when the animal was loose.

2. In forwarding to you the Decree, I protested against the penalty as being unsuited to the times and under any circumstances, & advised you accordingly where the cause of death was caused by

by the Surg. to be purely accidental, and
intimated to you at the same time that
I would take steps to bring the subject
under the consideration of those who were
competent to deal with it.

3. You were good enough to promise
that you would bring the question to
the notice of Government, and under this
assurance I will not take further or other
action until I am made acquainted
with the result of your references.

4. May I request, therefore, that
the Coroner's Inquest with all the circum-
stances connected with it, be submitted
to Government with the request that the sum
imposed on me be permitted, and the amount
which I paid under protest returned to me.

I have the honor to be,

Sir,

Your Obedient Servant

Thos. Ross, Colonel,
Controller of Military Accounts

No. 44.

128/3

From

R. S. Mair Esq.
Acting Comr of Madras

To

The Honorable R. S. Ellis C. B.
Chief Secretary to Government.

Sir,

I have the honor to submit for the consideration of the Right Honorable the Governor in Council the accompanying letter from Col. McQueen protesting against a Deduction of Fifty Rupees levied on him as the owner of a horse which caused the death of one Annoonther on the 5th November last.

The circumstances of the case as elicited at the Inquest are briefly as follows:-

About 7 P.M. on the 5th November last, the horse referred to was being groomed in Col. McQueen's Stable by two horse keepers, while another horse keeper was holding a rope attached to the horse's head. The horse was startled by another horse running on the road, when it started off, running out of Col. McQueen's compound into the street, where it struck the deceased (Annoonther).

From
R. S. Mair Esq.

The Controller of Military Accounts,
Fort St. George,

To
R. S. Mair Esq.

No. 44.

Dated 19th November 1859.
Received 19th November 1859.

Enclosure.

Relative to the remuneration of a dead-end cavalry a Company's Sergeant.

Received 18th Dec 1859.

By R. S. Mair 11/1859.

ground) and inflicted the injuries which caused his death.

In my summary of the evidence at the Inquest I remarked to the Jurors that as every reasonable care and caution appeared to have been taken of the horse whilst it was being groomed, I did not think that this was a case calling for a Verdict.

The Jurors however formed a different opinion and coupled their Verdict of Accidental death with a ^{Verdict} of Fifty Pounds.

I beg to forward copy of the evidence given at the Inquest and have the honor to request that I may be favoured with the decision of the Right Honorable the Governor in Council with reference to the Verdict referred to.

I have the honor to be

Sir,

Your most Obedient Servant

R. Main

Acting Coroner

Madras

Coroner's Office

3rd January 1868.

124/3

Madras
to Wit

Information of Witnesses severally taken
and acknowledged on the behalf of Our Sovereign
Lady the Queen touching the death of Ancoomath
in Mr Kay's garden Parchy at Mungampatti
within the limits of Madras on the Sixth day
of November in the year of our Lord One Thousand
Eight Hundred and Sixty Seven Before me
Robert Slater Esquire, Her Majesty's Acting
Coroner for Madras, on an Inquisition there and
there taken on view of the body of the said
Ancoomath there and there lying dead as follows
to wit,

Mondaycunnon on solemn affirmation in the
Tamil language saith I am a junkah puller and
live in this Parchy. I have seen the body of the
deceased with the Acting Coroner and Chy. It is
that of a man named Ancoomath. On Monday
last about 8 o'clock at night I was pulling the
Punkah at Mr Arathoon's house compound. The
deceased was lying down beside me. I heard the
noise of a horse running and by the same I lifted

Refered to

124.
1210.

Relative to the revision
of the second series
by a Coroner's Inquest.

13th January 1868.

Dr. R. S. Main
Coroner.
Madras.

Just 1868 Deposition
1868

13th January 1868
124.
1210.

up my head I saw the horse near the deceased. The horse was still running when it approached the deceased it jumped over him and while jumping I saw the horse rest its hind leg on the left side of the deceased and its fore leg struck the deceased on the forehead. The horse continued to run on after it passed over and struck the deceased. I spoke to the deceased immediately after, but he did not answer. He was bleeding from the wound on the forehead and also from a wound on his elbow. I shouted out that a horse had trampled on the deceased, when Mr. and Mrs. Arathorn and some others came out of the house. Mrs. Arathorn gave the deceased some brandy and had the wound washed and then told us to carry him away in a Dhester. The deceased was brought here to his house that same night. Yesterday morning I saw the deceased seated in his house. He said that he would not live and was praying to his God. He complained of pain in his liver and was breathing with difficulty. I did not see him alive after that and I heard this morning that he died last night about 9 o'clock. There was no one with the horse when I saw it running towards the deceased. I did not observe whether it had any harness with

12 1/2 4
or not. It was dragging a rope. The horse belongs to Col. McGowan, who lives in the second house from Mr. Arathorn's. The horse now produced I identify as the one who struck the deceased on Monday night. The horse was running fast when it went over the deceased. It ran along the whole compound and then out on the road.

Marked Monday morning
George Whitaker Walter Esq. on being duly sworn deposes and says that Sam acting surgeon of the 3 District. The body of the deceased, which I have now seen is that of a man between 60 and 70 years of age in a tolerably well nourished condition. There were several contusions and abrasions on both sides of the chest. especially on the left, there was also a slight abrasion at the left elbow. I did not observe any wound about the head. On opening the body I found 6 of the central ribs on the left side were fractured and 3 on the right. The broken extremity of the 6th rib had penetrated the left lung and produced copious hemorrhage into the lung and cavity of the pleura. There was a good deal of emphysema about the left side, the result of the injury to the lung, caused by the fracture of the ribs; all the abdominal organs were

fully

healthy. I have no doubt that the cause of death
of the deceased was pulmonary hemorrhage caused by
fracture of the ribs. Fracture of the ribs may be caused
by external violence. The bumping of a horse's feet on
the side of the body would be quite sufficient to account
for all the injuries I saw on the deceased. Such fracture
of the ribs as the deceased had might be caused by
a fall from a very considerable height or a knock
down by considerable violence.

Signed J. W. Walton

Surgeon

U.S. Surgeon - 3^d District

Ragoo on solemn affirmation in the Tamil language
thitt I am the wife of the deceased. He was brought to home
from Mr. Arathoon's house compound on Monday night
about 8 o'clock. He told me that a horse had kicked
him. He was suffering very much when he was brought
home and he told me not to touch him, that he would
die. I got no doctor and applied no medicine to the
deceased. He died last night about 3 am.

Signed Ragoo.

Ramasamy on solemn affirmation in the Tamil
language thitt I am one of Col. McGowan's horse
keepers and his house is 3^d house from Mr.
Arathoon's

12/5
Arathoon's. The horse now produced is the property of
Col. McGowan and I am the horsekeeper of it. On Monday
evening about a quarter before seven I was grooming the
horse. The horse was not tied up in the usual way or
one man was holding the leading rope attached to its
head, while I and another horsekeeper were groom-
ing it. The horse heard the noise of another horse
running on the road when it started off and ran out
of the compound. I went after it and found it at
Atkinson's Hotel near here. The horse never started
off in this way during the one year I have had charge
of it. We were grooming the horse in the stables and
not in the open compound. I am not in the habit of
tying up the horse when it is worked up before
grooming it. I never tie up this horse at any time
when grooming it. The horse is usually a quiet horse.
I do not know the value of the horse.

Signed Ramasamy.

A True Copy

R. M. M.

Acting Commr.

124/8 6

Madras
to wit

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An Inquisition taken for Our Sovereign
 Lady the Queen in Mr. King's Garden Partery at
 Tungampak within the limits of Madras on the
 Fourth day of November in the Year of Our Lord
 One Thousand Eight Hundred and Sixty Seven
 before me Robert Slater Esquire, Acting
 Coroner of Our Lady the Queen, for the said Town
 of Madras, and places thereto adjacent, on view of
 the body of Anomunthen then and there lying
 dead upon the Oaths and solemn affirmations of
 Messieurs John George Anon, Tirumpet Govindas Pillay,
 Samuel Dorasamy Pillay, Daniel Sivasamy
 Pillay, Timothy Tharasia Pillay, and Catherine
 Serrama Pillay good and lawful Men of the said
 Town, duly chosen, and who being then and there
 duly sworn affirmed and charged to enquire for Our
 said Lady the Queen, when, how, and by what
 means the said Anomunthen came to his death,
 do upon their Oaths and affirmations say that the
 said Anomunthen was the Fourth day of November

From the 11th of Nov
 to the 14th of Nov.

in the year aforesaid at Mr. Waltham's Garden at
Mungumpaike within the Local limits of the
Criminal Jurisdiction of the High Court of Jus-
tice at Madras aforesaid being then and
there lying down It is happened that a certain horse
then and there being in the said Garden then and
there struck the said Anoomunthen with one of
his hind feet on the left side of him the said Anoomunthen
by means whereof the said Anoomunthen then and
there accidentally casually and by misfortune re-
ceived mortal fractures of the ribs of the said
Anoomunthen of which said mortal fractures the
said Anoomunthen from the said fourth day of
the said month of November in the year aforesaid
until the sixth day of the said month of November
in the year aforesaid in Mr. Waltham's Compound
aforesaid and also in his dwelling house did lan-
guish and languishing did live on which said last
mentioned day at his dwelling house aforesaid the
said Anoomunthen of the mortal fractures aforesaid
did die and so the Jurors aforesaid upon their oaths
and affirmations aforesaid do say that the said
Anoomunthen

124/97
Anoomunthen accidentally casually and by misfortune
in manner and by the means aforesaid came to his
death and not otherwise and that the said horse
was moving to the death of the said Anoomunthen
and is of the value of Rupees Fifty and is the pro-
perty and in the possession of Colonel McGowan
of Madras aforesaid. In witness whereof as well the
said Jy. Coroner as the Jurors aforesaid have to
this Inquisition set their hands and seals on the day
year and at the place first above mentioned.

A True Copy

R. M. M. ai
Acting Coroner
of Madras

Recd. 15. Feb. 1868. In 124

In 124

N^o 31.
Madras 17th January 1868.

From.

H. J. Brockman.

Government Solicitor, Madras.

To.

The Honble R. S. Ellis, Esq.
Chief Secretary to Government.
Madras.

Sir

Dated 13. Jan. 1868
and made on letter
from Acting Commr
of Madras to Govt.
of the 3rd Dec. 1867.

1. I have the honor to acknowledge the order of Government noted in the margin, with its enclosures, requesting the Advocate General's opinion as to whether a Decree can be lived under any law in force in India.
2. I have submitted the matter for the consideration of the Advocate General; and I now forward a copy of his opinion.
3. I likewise return the order and papers above noted.

I have the honor to be.

Sir.

Your most Obedient Servant

H. J. Brockman
Government Solicitor

Opinion

12/11/10

1. In answer to the question referred to me by the Government, whether a Decadant can be legally levied in India, I have the honor to reply in the affirmative.

2. The coroners powers in India are created by the Charter Act of 33 Geo. 3. ch. 52. s. 107. Thence the Indian coroners were invested with all the powers, which coroners in England had at that time. Among these was the levy of Decadants. Decadants, so far as England is concerned, have been abolished by 9 and 10 Victoria. ch. 2. s. 1. But that Act does not refer to or include India: nor is the power conferred on coroners by 33 Geo. 3. ch. 52. s. 107 taken away, altered, or in any way limited by the successive Charter Acts of Geo. 3, William IV. and Victoria, or by the Act of Victoria vesting the Indian territories in the Crown. All the provisions of 33 Geo. 3. ch. 52, except so far as they have been altered by the subsequent Charters, are expressly preserved in Statu Quo.

3. The time has arrived, when Decadant may well be abolished in India; but that is the task of the Legislature.

4. Having thus answered the question on which the Government wished to be informed, I would respectfully submit that this is not a case, in which any action should be taken by Government.

12/11/10

1858 Decadant

1858 Decadant

1858 Decadant

1858 Decadant

1858 Decadant

12/11/10

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I should be of the same opinion, if I thought that the imposition of the Decedent was illegal.

5 For, it forms no part of the official duties of Col. M^r Now to keep a horse that kills a booby; nor can he take the matter out of the category of his private affairs, by writing a letter to the Coroner, as "Controller of Military Accounts," though I observe that the Coroner appeared to have intimated his readiness to show Colonel M^r Now a cheap and speedy cut to his heels against the fine which he had levied.

6. If Colonel M^r Now questions the legality of the fine, his course is very simple, like that of every other private individual, to quash the Coroner's verdict or certiorari. If it be illegal, that is his remedy; nor, I apprehend, would the Government pass any other order in the matter than to refer Colonel M^r Now to his heels by law. If it be legal, as I am of opinion it is, there can, of course, be no ground for Government's interposition. In neither case, I respectfully conceive, is Colonel M^r Now entitled to the benefit of the gratuitous opinion of the Law Officers of Government.

7. Colonel M^r Now ^{invades} against the authority of the Decedent. The Law

is that the value of the thing ^{passing} or moving to the death, is the measure of the Decedent: and the Jury, perhaps, stretched a point in estimating the horse as only worth 50 rupees.

/Signed John Bruce Norton
Secy. Genl.

16th July 1865.

(True copy)

A. Prosser
Government Secretary

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