

- (1) பக்கங்களின் எண்ணிக்கை 14
 (2) புதுக்கித் திருப்பிய நாள் 10-93
 (3) ஆதாரங் குறிப்பவர் சுருக்கொப்பம் 8/

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

JUDICIAL குறை

அரசாணை எண்.	762	அச்சகம்
மு. கோயுத் தாள்-எண்.	(59-61)	மலவகை
நாள் :	7-6-1871	199

8/

மடிக்கவோ தண்டபடி வையாளவோ கூடாது.

*Proceedings of the Madras Government, Judicial Department,
7th June 1871.*

Read again Proceedings of Government, dated 14th April 1870, No. 476.

No. 59. Read also the following letter from the Coroner of Madras, to the Acting Chief Secretary to Government, Fort St. George, dated Madras, 17th May 1871, No. 22:—

I have the honour to bring to the notice of Government that, in paragraph 2 of the opinion of the Acting Advocate-General, communicated to me in Government Order, No. 476, dated 14th April 1871, that officer says "I am not aware of any law which exempts a Coroner's Jury from being sworn or admits of a solemn affirmation instead."

2. There are no Priests at present attached to the Coroner's Office, and I am unable, therefore, to administer an oath to Hindoo and Mahomedan Jurors.

3. As it is evident from the Proceedings of the Madras Government, Public Department, 5th April 1864, that oaths were intended to be abolished in the case of Hindoos and Mahomedans, I beg that His Excellency the Right Honourable the Governor in Council will be pleased to give such orders on this subject as may appear necessary.

No. 60. ORDER THEREON, 7th June 1871, No. 762.

It appears from the Acting Advocate-General's opinion referred to in the foregoing letter that—although the words "oath" and "sworn" as used in the "Coroner's Act, 1871," will, under the operation of the General Clauses' Act I. of 1863, mean "affirmation" and "affirmed" with reference to all persons who are allowed by law to affirm, instead of to swear—there is no law which exempts a Coroner's Jury from being sworn, or admits of a solemn affirmation instead; and that the provisions of Act V. of 1840, and Section 9 of Act XVIII. of 1863, under which Hindoos and Mahomedans are allowed to make a solemn affirmation instead of any oath which may be required by law, are applicable only to witnesses and not to jurors.

2. The Government resolve, therefore, to submit the correspondence on this subject to the Government of India, in view to such steps being taken by that Government in the matter as they may think necessary.

3. In the meantime, having regard to the possible, and indeed very probable, event of a verdict of culpable homicide, or killing by a rash or negligent act, delivered by a Coroner's Jury, being called in question, under Mr. Mayne's opinion, if some one or more of the jurors were affirmed and not sworn, and of the Inquiry in such a case being consequently quashed, the Government deem it expedient, as a temporary measure, and pending the orders of the Government of India on the reference which will be made to them on the subject, to authorize the Coroner of Madras to obtain the services of the requisite Hindoo and Mahomedan Priests, whenever necessary, for the purpose of administering oaths to Hindoos and Mahomedans who may be summoned to appear before him as jurors.

4. The charge on account of these Priests should not exceed the amount of the salaries paid to the "Swearing Priests" formerly borne on the establishment of the Coroner, viz., Rupees 10-8-0 per mensem, and should be included in the monthly Contingent Bill of the Coroner's Office.

*Proceedings of the Madras Government, Judicial Department,
7th June 1871.*

5. The Government authorize the grant of a permanent advance of Rupees 15 to the Coroner for the purpose of meeting the charge in question.
(True Extract.)

Acting Chief Secretary.

To the Coroner of Madras.
,, Accountant-General.
,, Government Solicitor.

Exd. J. Wright.

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N^o 22

From

John Nugent Esquire

Coroner of Madras.

To

W. H. Russell Esquire

Ag. Chief Secretary to Government

Sir,

I have the honor to bring to the notice of Government that in Para 2 of the Opinion of the Acting Advocate General Commencing with to Order Government Order N^o 476 dated 14th April 1871 that Officer says "I am not aware of any Law which exempts a Coroner's Oath from being sworn or admits of a solemn affirmation instead"

2. There are no precedents at present attached to the Coroner's Office and I am unable to find any authority to administer Oath to Hindus and Mohammedans Jurors.

3. As it is evident from the Proceedings of the Madras Government Public Department

Cont. of 11871

JUDICIAL.

To THE CORONER OF MADRAS.

Dated 20th Feb.

Recd.

G. O. 7th June 1871, No 702.

JUNE
Nos. 50-61.

Intending that the correspondence relative to the question as to whether a Hindu or Mahomedan Juror can be sworn should be referred to the Government of India, and granting authority to the Government of Madras to obtain the sanction of the Government of India for the purchase of a copy of the report of the Commission on the subject of the administration of justice in India, and to be submitted to the Government of India for their consideration.

5th April 1864 that Oaths were intended
to be abolished in the case of Hindus and
Mahomedans I beg that His Excellency
the Right Honorable the Governor and
Council will be pleased to give such Orders
on this subject as may appear necessary.

I have the honor to be,

Sir,

Madras
Coroner's Office
17th May 1871

Your Most Obedient Servant

Thurston
Coroner.

PROCEEDINGS of the MARDAS GOVERNMENT.

Read the following letter again

Proceedings of Government, 14th April 1870, #476
Read also the following

Letter from the Coroner of Madras, 17th

May 1871, No 22.

Order thereon, 7 June 71 No 76

It appears from the Ag. Advocate General's opinion referred to in the foregoing letter that - although the words "oath" and "sworn" as used in the Coroners Act, 1871 will, under the operation of the General Clauses Act I of 1868, mean "affirmation" and "affirmed" with reference to all persons who are allowed by law

✓H

Adm. in ~~the~~ Church 1791 Oct 4-2 - Ad.
Adm. 5th June 1864 Aug 7 - 3
" 19th Dec " - Oct 107 - 19
" 10th March " Aug 2 - 18

Richard D. Anderson

100 L. No. 76
100 L. No. 76
The Governor of Illinois.

Wm. J. Phelps Secretary to Govt.
 dated 6/7. Decy 1871.
 Greenw. 6/17 - 1872

1899.

Respect to Mr. (Mr.) Governor
and Council with the pleasure
to send back Orders, and bring
up your Proceedings, and the
subject of Administration
and call to the attention of
the Governor and Council.

1866
1867

affirm, instead of to swear & there is no law which exempts a Coroner's Jury from being sworn, or admits of a solemn affirmation instead; and that the provisions of Act V of 1840 and section 9 of Act XVIII of 1863, under which Hindus and Mahomedans are allowed to make a solemn affirmation instead of any oath which may be required by law, are applicable only to witnesses, and not to jurors.

2. The Government resolve, therefore, to submit the correspondence on this subject to the Government of India, in view to such steps

steps being taken by that Government in the matter, as they may think necessary. } 10
3. In the meantime, having regard to the possible, and indeed very probable, event of a verdict of culpable homicide or killing by a rash or negligent act, delivered by a Coroner's jury, being called in question ^{under Mr. Maule's opinion} if some one or more of the jurors were affirmed, and not sworn, and of the Inquisition ^{such a} in the case of such a jury, being consequently quashed, the Government deem it expedient, as a temporary measure, and pending the

orders of the Government of India on the reference which will be made to them on the subject, to authorize the Coroner of Madras to obtain the services of the requisite Hindu & Mahomedan Priests, whenever necessary, for the purpose of administering oaths to Hindus and Mahomedans who may be summoned to appear before him as jurors.

4. The charge on account of these Priests should not exceed the amount of the salaries paid to the "swearing Priests" formerly employed in the establishment of the Coroner, viz Rs. 10-8-0 per mensem.

There were three Priests employed in the Madras Establishment viz. one Brahmin, one Mahomedan & one Christian - each receiving Rs. 10-8-0 per mensem.

The salaries of the Priests of India for the Madras Establishment.

47a
and should be included ^{monthly} in the Contingent Bill to be submitted ^{monthly} of the Coroner's Office. ^{for the sanction of Govt.}

5. The Government authorize the grant of a permanent advance of Rs. 15-0-0 to the Coroner for the purpose of meeting the charge in question.

L.B.

To the Coroner of Madras. }
- Accountant General. }
- Gnt. Secy. }
1870

Cont. of 1871 Orders.

General

To the former of houses
see.

Date June 7. } 1871, No. 702.
Recd.

Nos. 59-61.

Discharge of the subject
of the land of the subject
produce relative to the
question as to whether a
house or landowner
who as a person who
should be known or affected
and standing out in the
existence of the subject of
houses to obtain the services
of the requisite number and
proportion of the subject
necessary for the purpose of
achieving the subject of
the subject and the way of
summoned to appear before him

1871
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113100

as known.

1871