

80
104
19-5-93
2/5/93
பு.பி

(1) பக்கங்கலின் எண்ணிக்கை

(2) புதுக்கித் திருப்பிய நாள

(3) ஆதாரங் குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

தி.தி. துறை

அரசாணை எண்.

மு. கோப்புத் தாள் எண்.

1241

அச்சகம்

பலவகை

நாள் :

19-6-1878 199

தி. மாண்பு

மா. கண்டபடி கையாளலோ கட்டாது.

JUDICIAL DEPARTMENT.

Coroner.

No. 1241.

FROM

THE HON. D. F. CARMICHAEL,
Chief Secretary to the Government of Fort St. George,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

Adverting to the extensive area of the town of Madras—twenty-seven square miles—and to the fact that, frequently, two, three, or more inquests are held, the same day, in different quarters of the town; the Coroner has applied for the grant of an allowance of 100 Rupees a month (which is to cover carriage allowance) to his Deputy, and for an establishment for that officer of an Interpreter on 50 Rupees and a Constable on 25:—these salaries also to be inclusive of carriage allowance.

2. His Grace the Governor in Council is of opinion that the application is a moderate one and should be allowed. He observes that the cost of the office of Coroner at the three Presidency towns is as under:—

	Budget, 1877-78.
	RS.
Calcutta	12,000
Madras	8,400
Bombay	15,600

The population of the three towns is, in round numbers, respectively 450,000, 400,000, and 675,000; but the area of Madras is not approached by either of the others, and it is this which demands the constant services of a Deputy Coroner.

3. The Act, No. IV of 1871, provides that the Coroner is, with the previous sanction of the Government, to appoint his own Deputy; and "that no such Deputy shall act except during the illness of the Coroner or *during his absence for any lawful or reasonable cause.*" The Advocate-General, having been requested by Government to advise on the precise meaning to be attached to the words in italics, has furnished the Opinion enclosed; viz., that, in the circumstances of Madras, it is a lawful and reasonable cause for the absence of the Coroner and the acting of his Deputy on an inquest, that the Coroner was engaged in holding another inquest.

A similar ruling, I am to observe, is to be found in Reg. v. Perkins (Queen's Bench Reports, Vol. VII, page 165) on the English Statute, 6 and 7. of the Queen, C. 83. S. 1; from which Section 38 of the Indian Act is taken, *verbatim* nearly.

4. A tabular statement accompanies.

I have the honor to be,

Sr,

Your most obedient servant,

OCTACANT NO.

19th June 1878.

Chief Secretary.

From H. STANBROUGH, Esq., Coroner of Madras, to the Chief Secretary to Government, dated Madras, 24th May 1878, No. 15-A.

I have the honor of bringing to the notice of His Grace the Governor in Council that inquests are almost of daily occurrence and that frequently two, three, or more occur in a single day. For instance, I may have fixed an inquest to be in the afternoon at the Adyar, another death is reported in quite an opposite direction and an inquest must be held the same evening, for the following reasons, viz. :-

Firstly.—The body lies exposed in a public thoroughfare.

Secondly.—That decomposition may set in if the body be kept till the next morning, when a *post-mortem* might be rendered impossible and prevent the causes of death being discovered.

Thirdly.—That it would be of great annoyance and inconvenience to the public, more especially to the residents of the street in which the body is lying.

Fourthly.—That, if an unnatural death occurs in a public street and be reported to the Coroner, the Hindoos who live in that street and even their disposed of by the Coroner

one or more inquests, as above stated, are to be held the same day at street extremities, I am often compelled to call upon the Deputy Coroner to take one or more of them so that the public may have no cause for complaint, but that officer will not do so without remuneration.

3. I further beg to point out that when two or more inquests are to be held simultaneously and the Deputy Coroner be called upon to assist, he is unable to do so without an establishment, for I take with me the only Interpreter and Constable attached to the office. I therefore beg to suggest an establishment consisting of a Deputy Interpreter on a salary of 50 Rupees and Deputy Constable on a salary of Rupees 25 be allowed to him.

4. I further beg to state that in the year 1873, when I brought to the notice of Government the necessity of erecting dead-houses in the six health districts into which this town is divided, the Government, by their Order, dated 10th October 1873, No. 1630, informed me that they were not prepared to sanction the arrangement suggested, and decided that the needs of the case would be fully satisfied by an additional supply of tents of a light description with a fly, and also suggested that three such tents for the Black Town, Royapooram, and Egmore Police Stations would be sufficient.

5. In G.O., dated the 18th March 1874, No. 466, the Governor in Council sanctioned the sum of Rupees 1,485, the cost for making up three tents being made, the Government, by their Order. Again, on a further representation made to hire carts and bullocks, when needed, for carrying the tents to the place of inquest, and also directed that the peons attached to my office must, with the aid of

two or three coolies, pitch the tents whenever required and the charges being included in the monthly contingent bill of my office.

6. The above arrangements appeared to me so very expensive that I have deferred having the tents made and continue holding the inquests wherever I can procure a shady place.

7. Under the foregoing circumstances, I respectfully suggest that His Grace the Governor in Council may be pleased to grant an allowance of Rupees 100, inclusive of carriage, to the Deputy Coroner; that he be allowed an establishment consisting of a Deputy Interpreter on 50 Rupees and a Deputy Constable on a salary of Rupees 25, both inclusive of carriage allowance.

The Advocate-General is requested to advise on the following point. Clause 3, Section 38, of the Coroner's Act, 1871, runs as follows: "Provided that no such Deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause." Is absence from the local limits of the High-Court's Original Civil Jurisdiction the only absence contemplated; or would it be lawful for the Deputy to take an inquest at Royapooram while the Coroner is engaged on similar duty at the Adyar.

(True Extract)

(Signed)

D. F. CARMICHAEL,
Chief Secretary.

OPINION.

I think that Clause 3, Section 38, of the Coroner's Act, 1871, intends that the absence of the Coroner shall be absence from Madras (as in the case of leave of absence) and that in general it would not be lawful for the Deputy Coroner to hold an inquest at Royapooram while the Coroner was engaged on similar duty at the Adyar. If, however, the Coroner could not hold both inquests within a reasonable area, or if the Coroner held another appointment under Government which would render his absence either from Madras or from the district in which the Deputy Coroner would be entitled to act. Where the jurisdiction of the Coroner extends over a large area absence for the purpose of holding other inquests would be reasonable, which might not be so in a limited area. An inquest held by a Deputy Coroner would be *prima facie* good in almost every case and yet the Coroner may not have been acting within the spirit of the Act in authorizing the Deputy to hold a particular inquest.

2. The only general rule which can be laid down is that the Coroner is himself bound to hold inquests if he can do so, and it will depend upon the facts in each case or number of cases whether the absence of the Coroner was lawful or reasonable so as to authorize the Deputy to act for him.

(Signed)

P. O'SULLIVAN,
Advocate-General.

[illegible]

MEMORANDUM

The Superior Officer of Police sent to Coroner in occasion of any sudden death or body found.

Neto
Gross

Ther
Cler

527

425

1245

1878 I was about
Christie G. Corp. 20 years
Cecil Park

The husband was
found hanging
in the room
of the house
to his husband
the body

at 10.35 AM on 4/10
of the immediately reported
circumstances to the
of the House of the
Police for information
being named the member.

The Corner

உணவுப் பருகியுள்ளதென

Aug 5/1919.

5/14.78

William

MEMORANDUM

By Superior Officer of Police sent to Coroner on occasion of any sudden death or body found.

By Superior Officer of Police sent to Coroner on 06-08-1947

Date.	Place.	Sex.	Age.	Remarks.
Jan 4-98	Washington D.C.	Male	about 10 years	From Alaska coming was found sleeping in a stable with himself of Indian Country of Alaska and Kuskokwim

20

The Corner In The Town of Wilmington
Delaware
 2185 1885 1885 1885 1885

For August 11th to be looked after
 at the 11th evening
 5th April 1878
 W. J. Constance
 Coroner

ORDER BY CORONER.

MEMORANDUM.

By Superior Officer of Police sent to Coroner on occasion of any sudden death or body found.
 அதிகாரத்தால் பார்க்குமாறு மாவட்டத்திலுள்ள அல்லது பிரதேசத்திலுள்ள அல்லது சமயத்திலுள்ள சிலர் கொல்லப்பட்டிருக்கிறார்கள்.

Date. தேதி.	Place. இடம்.	Sex. புருஷ அல்லது பெண்.	Age. வயது.	Remarks. குறி.
5th April 1878.	Kadavallur Pillay Street Narasimhaiah near the Smithfield Market.	Female.	70 years.	The Permeal Naik reported to Police that at about 6 A.M. this day, his mother Narayanaiah aged about 70 years accidentally fell into a well in his sister's house and got drowned. From enquiry it appears that one Saranga Pandey Naik, a tenant in the same house hearing a noise as of something heavy falling into the well, ran up and saw a female struggling in the water. He at once raised an alarm when a crowd collected, among whom was deceased's son, the Complainant, who at once got in and pulled her out. She was quite dead. Deceased has a wound 2 1/2 inch long on her forehead. A new female's cloth, belonging to deceased was found.

To

The Coroner

Harold
Stirling 1918.

Harold Stirling 1918.
I suspect he had a
fall from the building.

W. H. Lawrence
Coroner

Sergeant E. Brown

Mr. J. Payne

ORDER BY CORONER.

was a rope with me in the room -
was also found hanging from the wall -

MEMORANDUM.

By Superior Officer of Police sent to Coroner on occasion of any sudden death or body found.
அகலமாகத் தாய் பாடுவது மரணமடைந்த அல்லது பிழைத்தேற அல்லது உயிர்ப்பலி கொடுத்தோர் மரணம் அல்லது உயிர்ப்பலி கொடுத்தோர் உயிர்ப்பலி கொடுத்தோர் இயற்கை.

Date. தேதி.	Place. இடம்.	Sex. பாலம் அல்லது பாலம்.	Age. வயது.	Remarks. குறிப்பு.
5th April 1918.	General Hospital	Male	40 years	A man named Perrin, was while varnishing the roofing of a building at the Carriage Factory, when a fall to the ground.

To The Coroner
He was immediately conveyed to the
General Hospital, but shortly after
expired.
Thos. Payne.
Sergeant G. Division

MEMORANDUM.

By Superior Officer of Police sent to Coroner on occasion of any sudden death or body found.

அகலித்தாய் காணாத மரணமடைந்த அல்லது பிரதேசம் அப்பாடல் சமயத்தில் மோலக் மெரிய உத்தியோகஸ்தன் காரோனரதுகைக்கு அனுப்பவேண்டிய இயர்தல்து.

Date. தேதி.	Place. இடம்.	Sex. புருஷ அல்லது எத்திரிஜாதி.	Age. வயது.	Remarks. ஏனா.
1878 April 5 th	Mayapetta High Road	Male named [illegible] in inmate of St. Peter's Hospital	68 years about	Found lying dead in verandah of a shop with a wound on head & a large quantity of blood on floor round about him was subject to fits.

To

The Coroner

காரோனரதுகைக்கு.

[Signature]

[Signature]

[Signature]

[Handwritten text]

[Handwritten text]

ORDER BY CORONER

[Handwritten signature]

ORDER BY CORONER.

4. 98
The largest fund to be held at the
Yorkston Prison - 10/10/10
W. J. L. L. L.
L. L. L. L. L.

To
The Coroner of Madras

Sir
A woman named Lulihmameh
who was brought to Hospital this morning
by the Police severely injured having
received several severe cuts and
scalds on the head, chest, neck and
arms, and whose dying declaration
was taken this morning by the
Police Magistrate expired this
evening at 4:45 o'clock.

Yours Respectfully
Norman
Madras D. Apotea

Recd at 5.30 P.M. 5.4.78
M.C.

No. 8
From
Patrick A. Shaw Esq^r
Esq. former of Madras.
To
H. Hambrough Esq^r
Esq. former of Madras.

Sir,

With reference to your letter
dated the 27th Ultimo, requesting me
to hold an inquest at No. 1 Police
Station at Washermanpettah as you
were engaged in holding two others -
Inquests on the same day I have the
honour to inform you that I have
been
Compelled

Compelled ^{by} with your request.

I have therefore the honor to
request that you will be pleased
to recommend me to Government
and obtain for me such an allowance
as you may think reasonable for
my holding the said request, together
with Conveyance Allowance.

I have the honor to be,

Sirs

I enclose — Your most Obedt. Servant,

Commo's Office

2nd April 1878.

Wm. D. Shaw

By Order.

... ..

4

70.

11

Bornes' Route

Bongal

Madras &

Bombay

for 1873-8

1871 398000
1872 670870
1873 447601

Judicial DEPARTMENT.

6
13

Extract from Department of India.		Office to which the proposition refers.	NATURE OF CHARGE.		PROPOSITION.						Grounds of Proposition.	Local Government's recommendation.	ORDERS OF THE GOVERNMENT OF INDIA.				
					REVENUE.		CHARGES.		TOTAL.				NET.		Department.	Financial Department.	
					Year.	Ordinary.	Extra-ordinary.	Ordinary.	Extra-ordinary.	Revenue.			Charges.	Surplus.		Deficit.	Remarks.
No.	Date.		Present Scale.	Proposed Scale.	Increase per Month.	Decrease per Month.	Increase per Month.	Decrease per Month.	Casual or Extraordinary.								
		Coroner of Malabar.	Coroner 350. 0. 0.	Coroner 350. 0. 0.						Vide letter to Govt. of India dated 19 June 1878. No. 1241.	Favorable						
		Coroner's allowance 80. 0. 0.	Coroner's allowance 80. 0. 0.														
		1 Interpreter 70. 0. 0.	1 Interpreter 70. 0. 0.														
		D. allowance 50. 0. 0.	D. allowance 50. 0. 0.														
		1 Clerk 25. 0. 0.	1 Clerk 25. 0. 0.														
		1 Constable 50. 0. 0.	1 Constable 50. 0. 0.														
		D. allowance 10. 0. 0.	D. allowance 10. 0. 0.														
		1 Head Tally 10. 8. 0.	1 Head Tally 10. 8. 0.														
		5 Tally 35. 0. 0.	5 Tally 35. 0. 0.														
		4 Constable 25. 0. 0.	4 Constable 25. 0. 0.														
			Total 708. 0. 0.	Total 383. 8. 1/5.													

Department of the Government of India

FORT SAINT GEORGE.

187

Forwarded for sanction to the

No.

Department of the Government of India

Chief Secretary to the Govt. of Fort St. George.

Sept 3/77

N^o 1241

Ind. Sep 2

To Secy. Gov India

From Secy

Sir

Adverting to the extensive area
of the town of Madras - 27 square miles -
and to the fact that, frequently, two, three
or more inquiries have to be held, the
same day, in different quarters of the town,
the Coroner has applied for the grant
of an allowance of 100 Rs a month (as is
to cover carriage allowance) to his deputy,
and for an establishment for two officers of
an Interpreter on 50 Rs & a Constable
on 25 Rs per month.

2. The Secy. has inf. is of opinion that
the application is a moderate one & that he
allowed. He thinks that the cost of the
Office of Coroner at the three Presidencies
to be is as under:-

	1877-8
Calcutta	Rs. 12,000
Madras	Rs. 8,400
Bombay	Rs. 15,600

The pop. of the three towns is, in round
numbers, respectively 2 1/2 millions, 4 millions
and 6 3/4 millions; but the area of Madras
is not approached by either of the others, and it
is this which demands the constant services of
a Deputy Coroner.

3. The Act, No IX of 1871, provides that the
Coroner is, with the previous sanction of the Govt.,
to appoint his own deputy; and "that he

"such defects shall not
 "except during the absence of his former
 "on during his absence for any lawful
 "or reasonable cause" The Adm. Genl.,
 having been requested by Govt. to advise
 on the propriety of allowing to be attached to
 his works in it also, has furnished the
 opinion enclosed; viz, that, in the
 circumstances of Madras, it is a lawful
 and reasonable cause for the absence of the
 Government, the acting of his deputy on an
 urgent duty, that his former was engaged in
 an important and was in quest. A similar
 finding, I am to observe, is to be found
 Reg. v. Perkins (Queens Bench
 Reports Vol VII, p. 165) on the
 English Statute, 6 & 7 of the Queen,
 c. 23, s. 1; from which Sect 38 of
 the Indian Act is taken, verbatim
namely.

4. A tabular statement accompanies.

Cotacaimul,
 19 June 1878

18/6/78

No 15-A

200

From

Henry Stanbrough Esq.
 Coroner of Madras.

To

The Honorable D. F. Carmichael
 Chief Secretary to Government

Sir,

I have the honor of bringing to
 the notice of His Grace the Governor in Council
 that inquests are almost daily occurring
 and that frequently two, three or more occur
 in a single day. For instance I may have
 fixed an inquest to be in the afternoon
 at the Adyar, another death is reported in quite
 an opposite direction and an inquest must be held
 the same evening, for the following reasons viz
 1st The body lies exposed in a public thoroughfare
 2nd That decomposition may set in if the
 body be kept till the next morning when a
 Post mortem might be rendered impossible
 and prevent the causes of death being discovered
 3rd That it would be equal annoyance and
 inconvenience to the public more especially to

the residents of the street in which the body is lying.
4th That if an unnatural death occurs in
a public street and be reported to the Coroner
the Hindoos who live in that street and even
their children are obliged to stand till
the matter is disposed of by the Coroner
and the body ordered to be removed.

When 2 or more Inquests as above
stated are to be held the same day at different
extremities, I am often compelled to call upon
the Deputy Coroner to take one or more of them,
so that the public may have no cause for
complaint but that Officer will not do
so without remuneration.

I further beg to point out that when
2 or more Inquests are to be held simultane-
ously and the Deputy Coroner be called upon
to assist he is unable to do so without an
Establishment, for I take with me the
only Interpreter and Constable attached to
the Office. I therefore beg to suggest an
Establishment consisting of a Deputy Interpreter
on a salary of 50 Rs, and Deputy Constable
on a salary of Rs. 25, be allowed to him.

I further beg to state that in the year
1873, when I brought to the notice of Government

1630
the necessity of erecting dead-houses in the
North District into which this Town is
divided the Government by their Order
dated 10th October 1873, No 1630 informed me
that they were not prepared to sanction the
arrangement suggested, and decided that
the needs of the case would be fully satisfied
by an additional supply of tents of a light
description with a fly, and also suggested
that three such tents for the Black Town,
Rajapooram and Egmore Police Stations
would be sufficient.

Government Order dated the 18th March
1874, No 466, the Governor in Council
sanctioned the sum of Rupees 11-85 the cost
for making up three tents referred to in the
foregoing G. O. Again on a further representa-
tion being made the Government by their G. O.
dated 17th June 1874, No 1154, authorized me to hire carts
and bullocks when needed for carrying the
tents to the place of Inquest, and also directed
that the Peons attached to my Office must,
with the aid of two or three Coolies pitch the
tents whenever required and the charges being
included in the Monthly Contingent Bill of my Office.

The above arrangements appeared to me

so very expensive that I have deferred
having the tent made and continue holding
the inquests wherever I can procure
a shady place.

Under the foregoing circumstances
I respectfully suggest that His Grace
the Governor in Council may be pleased
to grant an allowance of Rs 100 inclusive
of Carriage to the Deputy Coroner, that he be
allowed an Establishment consisting of
a Deputy Interpreter on 50 Rs and a
Deputy Constable on a salary of Rs 25
both inclusive of Carriage allowances.

I have the honor to be

Sir,

Madras }
Coroner's Office } Your Most Obedt Servt

24th May 1878 }
H. Hanington
Coroner.

1-16-2-78-85-90-93.
 " 22-1-79-4-83-5-86
 " 17-6-74-11-79-150.
 " 18-5-74-11-79-150.
 " 10-10-75-31-79-
 155-27-15-21-79

Just (1878) DEPARTMENT.
 (Coroner)

From
 The Coroner of
 Madras

No. 15. A.

(3)

Dated 24 } May 17
 Received 27 }

No. 1463

No 70

Suggesting the
 grant of an allowance
 of Rs 100 monthly
 carried to his private
 & an establishment
 of a deputy-interpreter
 on Rs 50 & a deputy
 constable on Rs 25.

Judicial Department.
 1878

PROCEEDINGS of the MADRAS GOVERNMENT.

Of Colar. 17th April 80
 No 812

Read the following letter

The Adverser is requested to
 advise on the following point.
 Para 3 of the former Act, 1871,
 runs as follows: "Provided that
 "no such deputy shall act for
 "any such Coroner except during
 "the absence of the said Coroner,
 "or during his absence for any
 "lawful reason."
 Is absence from the local limits
 of the High Ct original civil juris-
 -diction the only absence con-
 -sidered; or will it be lawful for
 the deputy to take an inquest at
 Royapuram while the Coroner is
 engaged on similar duty at the
 Adyar.

Lt. Col. 17-4-80

To The Advocate General
 Madras.
 Dated 17/4.

19

205-P

Opinion

With reference to the proceedings of Government, Judicial Department, dated the 17th April No 812 I think that Clause 3 Section 38 of the Coroners Act (1871) intends that the absence of the Coroner shall be absence from Madras (as in the case of leave of absence) and that it would not be lawful for the Deputy Coroner to hold an inquest at Royapuram while the Coroner was engaged on similar duty at the Adyar. If however the Coroner could not hold both inquests within a reasonable time, or if the Coroner held another Appointment under Government which would

Govt. of 1871 Madras.

To

Dated
Recd.

}

187, No.

Nos.

render his absence either from
Madras or from the district
lawful, the Deputy Coroner would
be entitled to act. Where the
jurisdiction of the Coroner extends
over a large area absence for
the purpose of holding other for
inquests would be reasonable
which might not be so in a

a. An inquest held
by a Deputy Coroner would be
prima facie good in almost every
case and yet the Coroner may
not have been acting within the
spirit of the Act in authorising
the Deputy to hold a particular
inquest.

The only general rule which can
be laid down is that the Coroner
is himself bound to hold inquests

if he can do so and it will depend
upon the facts in each case for
number of cases whether the
absence of the Coroner was lawful
or reasonable so as to authorise the
Deputy to act for him -

J. Sullivan
Advocate General

Obtained 11th May 1878.

Memorandum to Capt. 10/18/78
22
My dear Mr. Fairchild
Many thanks for
your letter, but I think
a second letter or
any appearance to one
would be such a bother
as far as I am bound
by the Act to hold all
business except from taking
a chance from the
more over

of women with great
 experience. ~~hand~~ ^{extra}
 as to the 9th the small
 allowance to the Deputy
 to enable him to travel
 about when necessary
 is all that is needed &
 with which he would be
 quite satisfied, as of
 course he does not like
 to do the work for nothing
 In sincerely
 H. Harwood

\$50 per annum for carriage allowance
 would be ample - that over any
 reason last month for an in-
 crease of carriage allowance
 to the Crown - as I intended
 to have the same over ^{myself}

24

... ..
... ..
... ..

1915

25

5)

use to the
rail's opinion
in print in
rail 1868
as to whether
lawful
ty corner
Inquest
am while
s engaged
but - - -

with proper
time that
the

James M. Smith

(11)
 Adm. Gen.
 at the
 Council of Adm.
 — 2

The Commission
 was taken up
 from matters in
 Council — the
 result is an
 — of the

Council has
 with papers

Council now
 2ndly 28th for
 Division of the
 2 Councils

Madras 26th April 1878
 26

My dear Mr. Carmichael
 I send you the incloses
 as to the Coroner and
 Deputy Coroner question

Yours very faithfully
 W. Sullivan

The Honble D. H. Carmichael
 Chief Secretary
 Ootacamund

1871
 1872
 1873
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 1897
 1898
 1899
 1900

On Her Majesty's Service only.

27
 11/4 -
 Chief Secretary.

Cr. 28

Hi
If you want
more details
than our brief

Example - let us
have 1000 copies
of our book, please
3/12

Comman. Court. for 1877-8

28A

Bengal.

Bombay

1 Commr ——— including 4012
 enjoyment allowance }
 1 Surgeon ————— 6000
 10012

1 Commr ——— incl Rs.
 enjoyment } 5100
 allowance }
 1 Surgeon ————— 6000

Established

Established

1 Clerk & Interpreter 720.
 3 Servants ——— 216 936

3 Clerks & Interpreters 2400
 2 Servants ——— 200 2600

Contingencies

Contingencies

Office expenses ——— 1032
 Rs. 12000

Office expenses & hire: ——— 1900
 Rs. 15300

Station Rs. 8400

Adams.

1 Commis. including
conveyance allowance } \$160
2 Clerk & his family including
conveyance allowance } \$150
1 Constable ——— \$60
10 Servants ——— \$802. 313

Contingents.
Office of Justice King R. 108
His allowance. \$840.

29

My dear Mr. Carmichael

Thanks for your note
as to the Coroner's question
I sent for the Case mentioned
and I have sent you another
opinion somewhat different
from my first one. I
don't know how the question
has arisen in the present
Case and this opinion
is intended as a general

one with reference to the
relations created between the
Govt and the Coroner by
the Act. The actual
legality of any proceeding
on the part of the
Coroner would be tested
in the High Court.

Yours very sincerely
P. J. Sullivan

Provincial House 004
11th May 78

30

Court of Queen's Bench
 gave the following
 ruling in 1825 in the
 Case of Reg. v. Perkins -
 "Under Statute 6 & 7
 Victoria c. 83, s. 1, it
 is a 'lawful and reason-
 -able cause' for the
 absence of the Coroner,
 and the acting of his
 deputy, on an inquest,
 that the Coroner was
 held had an interview with
 his deputy, Edw. Moore,
 who had been duly appointed,
 under Statute 6 & 7 Vic.
 c. 83, s. 1. Mr. Moore stated
 that he had named a jury
 for an inquest to be held the
 day on E. Hasall.

+ The facts of this case
 were as follows:
 "Jervis in last Parliament
 obtained a Rule calling on R. D. B.
 one of the Coroners for Worcestershire
 to show cause why an inquest
 should not be quashed.
 "E. Hasall, Esq. not being present
 from the affidavits on both
 sides it appeared that R. D. B.
 the Coroner for the County, on
 7 Sept. 1844 attended at the
 holding of an inquest com-
 menced by himself on a
 preceding day & and on his
 way to the place where the
 adjourned inquest was to be
 held had an interview with
 his deputy, Edw. Moore,
 who had been duly appointed,
 under Statute 6 & 7 Vic.
 c. 83, s. 1. Mr. Moore stated
 that he had named a jury
 for an inquest to be held the
 day on E. Hasall.

desired him to hold that "the Deputy, he should
 inquest & himself pro-
 ceeded to hold the adjourned
 inquest. After having done
 W. Docker went to the house
 where the inquest upon E.
 Hasall was going on & it
 had been commenced by
 Mr. Moore, and the jurors
 had been sworn before
 him. Mr. Docker remained
 present at the inquest,
 but did not sum up, or
 sign the inquisition, nor
 did he view the body.
 The objections taken in
 this case were that the
 Coroner actually was pre-
 sent with the jury, that
 therefore the inquest was
 before the Coroner & the de-
 puty should have been that of the
 Coroner simply; and further,
 that it is impossible to say
 that the Coroner was absent
 from any lawful or reason-
 -able when he was in fact
 present.
 "Continue holding the inquest
 to its conclusion, although
 in course of it, the
 principal Coroner may
 be accidentally present.
 "This inquisition held
 by the Deputy is pro-
 perly described as taken
 before the principal
 Coroner.
 "And it is properly
 signed in the name of
 the principal Coroner
 by E. M., his
 [Queen's Bench Rep.
 Vol. VII, p. 165.]
 2. Section 1 of the Statute
 above

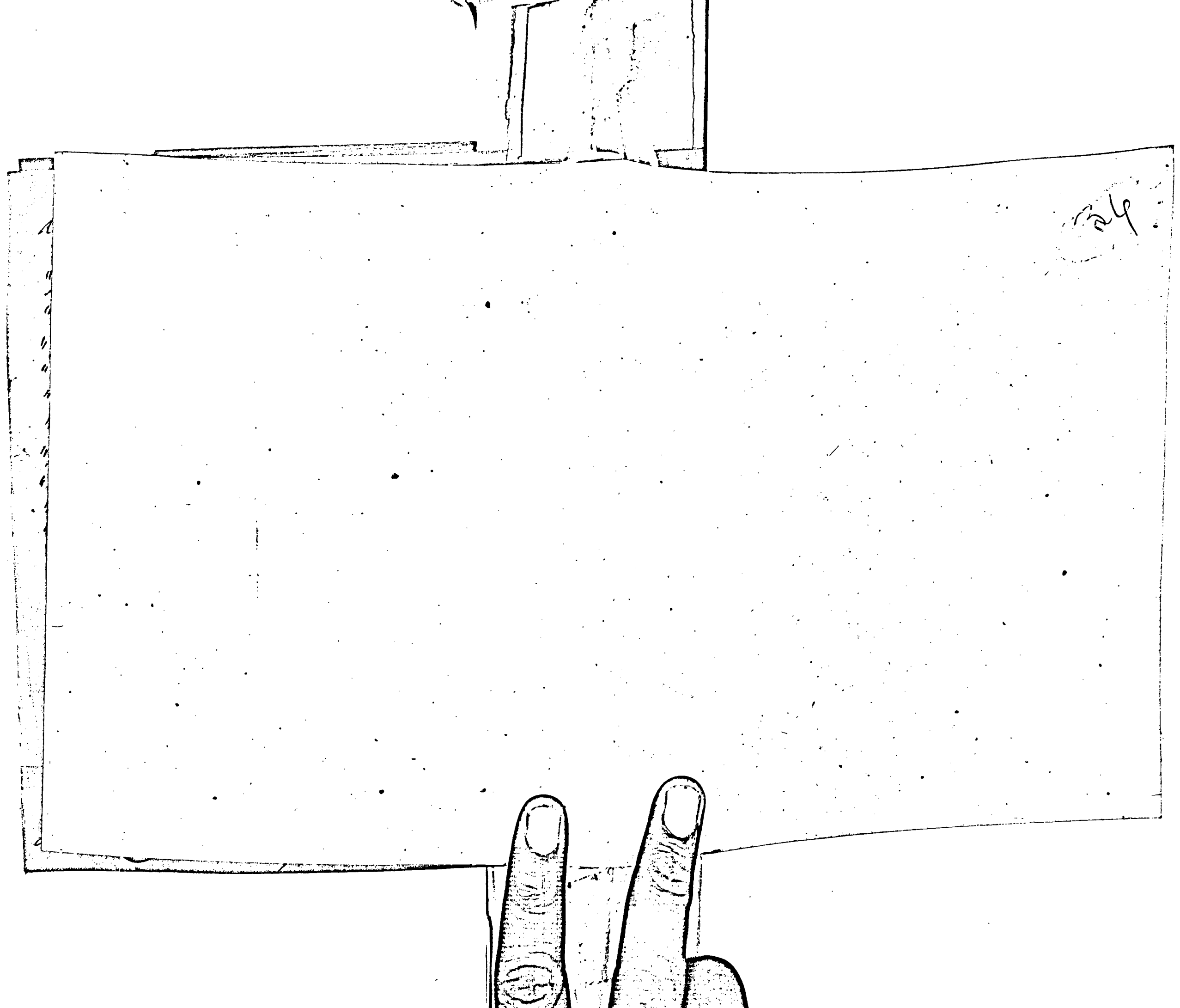
above Statute is as follows:-

"It shall be lawful for every coroner of every County, City,
"riding liberty or Division, and he is hereby directed
"by writing, under his hand & Seal, to nominate and
"appoint from time to time a fit & proper person
"such appointment being subject to the approval of
"the Lord High Chancellor, Lord Keeper, or Lord Steward
"in Prisoners of the Great Hall, to act for him as his deputy
"in the holding of inquests; and all inquests taken
"and other acts performed by such deputy coroner
"under & by virtue of any such appointment shall
"be deemed and taken to all intents and purposes
"whatsoever, to be the acts and deeds of the coroner
"by whom such appt was made. Provided always
"that no such deputy shall act for any such
"coroner except during the illness of the said
"coroner, or during his absence from any lawful
"reasonable cause: Provided also that every
"such appointment may at any time be cancelled & revised
"by whom the same was made."

J. Section 38 of the
Indian Coroners' Act No IV

almost verbatim
of 1871 corresponds
with the above quoted
Section of the English
Statute; it was originally
imported into Act IV
of 1848, no doubt, from
that Statute; & was
re-enacted when the
latter Act was repealed
& the law relating to
Coroners consolidated by
the Act of 1871.

4. It is presumed
that, in giving his opinion,
the Ad-
that it would be law-
ful for the Deputy Coroner
to hold an inquest at
Rorapoor, while the
Coroner was engaged on
similar duty at the
Rorapoor.
the ruling of the Court
of Queen's Bench above
quoted. (The 5.77)



1261

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My dear Sir,
Please attend to this -
Yours truly
Wm. Lusk 5/6/28

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21

UNITED STATES
DEPARTMENT OF DEFENSE

OFFICE OF THE
SECRETARY OF DEFENSE

MEMORANDUM FOR THE
SECRETARY OF DEFENSE
SUBJECT: [illegible]

DATE: [illegible]
BY: [illegible]

1947-10-11

11-1-18

Approved: [illegible]
Special Agent in Charge
[illegible]