

(1) பக்கங்களின் எண்ணிக்கை

58

(2) புதுக்கித் திருப்பிய நாள்

(3) ஆதாரப் குறிப்பவர் சுருக்கொப்பம்

58 53

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

Judicial

திரு

அரசாணை எண்.

மு. கோப்புத் தாள் எண்.

558

அச்சகம்

பலவகை

நாள் :

26. 6. 1882

199

மடிக்கவோ கண்படி கையாளவோ கூடாது.

38
Coroner's (Amendment) Act 1881

Memorandum by Chief Presidency
Magistrate

The Population of Madras has become so diffused that it is not easy to draw any line making a justifiable distinction between the residents on either side of that line.

2. If it be deemed that the Ancient Office of Coroner be still a necessity, the need for that Functionary's Services is likely to be exemplified in the outlying as well as in the inlying portions of the Town; though an enjoyment of the privilege of being the subject

of

of a foroner's inquest is one of which the departed are unconscious and which the survivors may regard as a questionable benefit.

3. A foroner interferes only in cases of death from

- (a) Accident
- (b) Homicide
- (c) Suicide
- (d) Sudden death from cause unknown and
- (e) Death in prison.

4. Since the days when Sir Robert Peel reformed the Police of England, I do not think there has ever been an instance in which the perpetrators of a homicide have been brought to justice by means of a foroner's Inquest; and the evasive verdicts given in cases of suicide are due to sentiments begotten of

Ecclesiastical

E.N.
Ecclesiastical law and practice.

5. That there should always be some enquiry into the circumstances attendant on every unnatural death is essential. The question is: - Who is to undertake the responsibility of making this enquiry?

6. As matter of fact it is the Police who now set the foroner in motion, provide him with information, and when there is reason to suspect foul play - take all effective steps, independently of the foroner, for bringing guilty persons to justice.

7. In Scotland there are no Coroners. The duty of inquiring into the circumstances of sudden deaths being efficiently discharged by the Procurator-Fiscal, who would in the Presidency Town be well represented by the Commissioner.

Commissioner of Police.

In England since the introduction of Public Prosecutors in 1879 the importance of Coroners' Inquests has decreased, and these ancient tribunals will no doubt in time everywhere follow Dead ands Courts, leet and other venerable judicial make-shifts, into honorable retirement.

8. If the money now expended on the Coroner's Department were entrusted to the Commissioner of Police, I have no doubt that Officer would be able to organize an effective system of Criminal investigation without any increase of expenditure and with great public advantage.

9. In my humble opinion, looking to the difficulty of justifying a distinction between the

the inhabitants of different parts of the Town, and, having regard to the insensible measure of relief which would be afforded by an exclusion of outlying, thinly populated portions of the Town from the Coroner's jurisdiction, the duty should be performed either by the coroner, or by the Commissioner of Police for all, but not by both, unless the Commissioner of Police be appointed a Deputy coroner or the coroner a Deputy Commissioner of Police - an arrangement which I do not think would give satisfaction.

10. As the law ^{it is said that} stands, the coroner is bound to hold an inquest in every case of death in the circumstances detailed above - / para: 3/. The coroner informs us that numbers of inquests are held for which - except

Except for the stringent provisions of the Act - there was no real necessity. If the proposal to place some portions of the Town under the Coroner be acted on, the Commissioner of Police would exercise a beneficial discretion denied to the Coroner.

11. The question of relief to the Coroner is really one of expense, and, owing to the extended area of this Town, 27 sq. miles. no fair comparison can be made with the other Presidency Towns.

12. Assuming the continuance of the office of Coroner, the relief which I think is called for is, to amend the foroner's Act, not by making invidious distinctions between different portions of the Town but, by giving

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giving the foroner a discretion as to dispensing with inquests where from information which he should be empowered to require from the medical and police departments, he is satisfied that there are no grounds for suspicion that the cause of death was due to criminality in some shape. Provision to be also made rendering it imperative on the foroner to hold an inquest if required to do so by a Superior Officer of Police, or by any friend or relative of the deceased.

13. Government may probably be under the impression that a Deputy foroner is provided by the state, but it is not so - The foroner may appoint a Deputy, but his Deputy receives no salary and is functus Officio if the foroner be in Madras and not physically incapacitated from acting. This difficulty could be amended by excluding the Town of Madras from

from the operation of the proviso
to Sec: 38 of the foraners Act
1871, and by adding in Sec:
36, after the word "Coroner",
the words: "and in the Town
of Madras the Deputy foraner"

14. I submit these remarks
with great diffidence, being
aware of the difficulty of
re-opening a legislative question
so recently disposed of. The
number of inquests held in
1881 was only 95. Possibly, the
necessity for any immediate
action in pursuance of Act X
of 1881 may not arise.

Madras }
20. April 1882 } Mellor

55/5

5/5

Coroners Amendment Act
1887.

Memo: by
Chief Presidency Magistrate
Dated 20. April 1882.

North

Proposed boundary line. All parts
of the town northwest and south of
which to be out of the Coroners
jurisdiction.

From Palmyra Yard on East coast
along Cull Mantapam Road, then
north up Cappel Polor Chetty street
along Baloo Moodelly street, then
south down Soliyappan street, then
west along Cothunda Rameer land
to Durmarapa Civil street down it
south to Anne Ganger street along
which west to Basavayam street
down it south to Yagappa Basir
street along which west to Munnappa
Moodelly street along which north to
Thagappa Chetty's road and along it
west to where it joins the Quare
Road and then on in a straight line
west to Cochrane's Canal and
along the Canal to the Basin.
Then from Cochrane's Basin west along
the Attary Wallah including Powder
Magazine

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Magazine follow bullah to extreme
Municipal boundary west.

Then re-enter Municipal boundary
at the Toll Gate Poonamallee Road
and follow Poonamallee Road east
to junction with Mr. Nicholls Road,
along which south over Kumbakonam
Bridge into Kumbakonam High
Road and cross Kumbakonam Road into
Cathedral Road along which to
Royapettah High Road along which
continue south into Brodie's Road
along which to the small bridge
to road south of Admiralty and
thence by margin of swamp to the
sea.

Home Police
Commissioner's Office
19 May 1882

M. H. S.
Sd/- Commissioner of Police

5/6

Proposed boundary line
altering the District jurisdiction
Madras

5/6

Coroners (Amendment) Act X of 1881
Memorandum by the acting Commissioner
of Police

1879 -	132
1880 -	137
1881 -	95

The Returns of the Coroners show that during the last 3 years. Inquests were held as noted in the margin, this gives an average of 121 Inquests annually or rather less than one Inquest in every 3 days. This of itself cannot be considered heavy work and in fact inconvenient to the Coroner chiefly arises, when, as often happens, several Inquests have to be held on the same day or same afternoon. This difficulty would be met if Concurrent Jurisdiction were given to the Deputy Coroner in such cases as might be delegated to him by the Coroner.

2. Some measure of relief as regards distances to be traversed by the Coroner, will be given if our proposed alterations

of

of Jurisdiction is approved, but as the most thickly populated parts of the City have been left within the Coroner's jurisdiction the majority of inquests will still have to be held by that Officer, I therefore think that the remedies our Committee have suggested, would give the Coroner far more relief than any curtailing of Jurisdiction.

3. In considering this question the Convenience and Comfort of the population of this City has also to be thought of and as far as the Native population is concerned I think the majority of our fellow Citizens would prefer to oust the Coroner's jurisdiction altogether, as being of necessity too dilatory and Cumbersome for this Country. Delay in holding an Inquest is often most offensive and annoying to the caste prejudice, as while a Corpse is lying in a street or door way, the neighbours are frequently unable even to eat food until it has been removed, and in cases where persons

56/9
are found drowned in wells and tanks attached to Pagodas religious rites and ceremonies have often to be suspended, until the Coroner can attend and permit the bodies of such persons to be carried away for burial.

4. Under the Criminal Procedure Code an Inquest could be held without any delay and as in this City medical evidence is at all times procurable, I venture to think there would be no danger to the interests of Public Justice if the duty of holding Inquests was altogether entrusted to the Police and Magistracy.

5. As a matter of fact in all cases of homicide, it is the Police who initiate proceedings and carry them out to the end. It is true the Coroner has to be called in, but only to confirm what is already known and although he does commit

the accused persons for trial before
the High Court the whole enquiry
has to be given over again by the
Police putting the case before a
Magistrate.

Two such cases were tried at
the last Criminal Sessions of the
High Court where the Coroner
after his enquiry committed the
accused persons for trial on a
charge of Culpable Homicide and
the other of wilful Murder.

In the first case the Police had
to step in again and in consultation
with the Government Solicitor and
Crown Prosecutor charged the
accused person also with Murder
under Section 302, on which charge
as well as under Section 304

(Culpable Homicide) the Magistrate
committed him for trial and in the
second case as the accused person
was undoubtedly mad the Police
had again to interfere and put the
prisoner

56/2
prisoner up before a Magistrate
with the result that the Magistrate
found the prisoner to be insane and
incapable of making a defence
and sent him to the Lunatic Asylum
instead of committing for an unnecessary
trial before the High Court.

6. I think that the money now
expended in the Coroner's Department
might be used with great advantage
in organizing a better system of
criminal investigation in connection
with the Madras City Police, so as
to place it on equal terms with
the Calcutta and Bombay City
Police and render it more efficient.

Madras Police
Commissioner's Office
19th May 1882

W. H. M.
Ag. Commr of Police

55/11

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11

Colonel's Amendment Act
X of 1881
Memo by Ag Comd of Police
dated 19th May 82

558
11

Colonel's Amendment Act

Memoandum to the Governor

1. Although I am aware that the object of our Conference was fully satisfied when we had pointed out the proposed new limits of the Governor's jurisdiction, yet I am constrained to append this memorandum, partly with the view of affording additional information to your Majesty in connection with the work, and partly lest it be supposed that I acquiesce, either in the wisdom of the changes which have been thrown out by the members of the Commissioner of Police and of the Chief Presidency Magistrate, or in the correctness of the data upon which their suggestion is based.

2. I have been invited to abolish the Colony and to hand over to some other authority to the Commissioner of Police. While it is impossible not to smile at this proposal - I proceed to dispose of it as briefly as possible. I must respectfully point out that when the Governor's jurisdiction shall have been, as proposed, by the Chief Presidency Magistrate, with the acceptance of the Commissioner of Police as first proposer, the person who should

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to charge the duties of that defender official ought
to be anybody rather than the head of the Police. I
believe it is an accepted maxim of Statecraft
that the defence and the judicial, or quasi-judicial,
functions shall not be concentrated in the
same person, or set of persons. In this country,
where the promotion of the members of the Police
depends in a marked degree upon the number of
convictions they can secure, to invest the Com-
missioner with the former would be to place
a perpetual source of oppression within the reach of
his subordinates. The danger and wisdom of
uniting the two offices in the hands of the
Commissioner is best illustrated in the case which
Your Official has self taken, in para 5 of
his memorandum, of the late disturbance
which the Commissioner is called upon to investigate. It is
true, as he states, that the Commissioner has to be called
in, but only to confirm what is already known.

The Chief Justice, highly aptly describes
his reputation for a very long series of years when
he grants his utmost sanction to the prosecution
presumably in the interests of the community —
that for the future every man engaged in the cause
of death shall be transferred from an officer
who convinces it to be his own to hold an
impartial and independent investigation
to an officer who is not biased for the
purpose of proving his formal devotion to the
persecution themselves of his agents.

3. The Chief Justice, highly aptly
has drawn an analogy between the officer

5/3
The Director Fiscal in Holland and the Commissioner
of Police in Madrid which, I believe, exists nowhere
save in paragraph 7 of his memorandum. The Prosecutor
Fiscal is an official wholly independent of the Police.
They cannot be in his documents; nor to be biased in
his favour by any unnatural sympathy which
are the offspring of common training and a common
profession.

4. Will not follow the Chief Commissioner
into his speculations as to what form of inquest
the majority of nations may or may not desire. But
let us leave to himself the statement that inconvenience
or annoyance is caused to settle prejudice by any
delays in the part of the Commissioner. What obj. so
far as the Commissioner has been affected to for the
removal of a case the pressure of which has been
imposed with a delays in proceeding. The corpus
is immediately removed by my order, and the pro-
ceeding will be not delayed. Occasionally, but
very rarely, it has been represented to me that a whole
that must be fully believed if the inquest could
be accelerated. On these very infrequent occasions
I have usually been able to hold the inquest.

5. The Chief Commissioner of Police complains
of the delay in the process whereby a man guilty of homicide
is tried twice once before the Commissioner, and subsequently
before the Magistrate. I am at one with the Com-
missioner in his complaint. The process is tedious,
and unnecessary. If the Commissioner can be trusted with
the power of commitment to the Magistrate, it seems to
me that he will not require the confirmation of a
Committee by the Magistrate, and therefore that power.
The Commissioner cites two cases in paragraph 5
of his memorandum, by way of specimens of
illustration the incompetence of the former Court

(1925) 10-11-25

17 Oct. 1882.

stair wheel and a
family.

of the results of the above decision will be to
show in the frontier the raising of ^{the large number of} soldiers, & 2
additional 39 regiments.

So this time he also added the
wrong number of advanced inquiries for
the last 10 years. That number is 17. which
swells the total up to 27.

27 May 1882.

Landy Horton
Lover

55/6

55/10
Coroner's Amendment Act.
X of 1881.

Memorandum by the Coroner.

Settled 27 May 1882.

Memorandum.

55/19

The following are the portions of Ambros
City and Suburbs proposed to be omitted
from the Coroner's Jurisdiction

1/1

So much of the Municipal 1st
Division lying north of Kulmuntapam
Road, Saperarayanpettah and Thagappa
Chetty road.

So much of the 4th and 5th
Municipal Divisions lying west of
Cochran's Canal and north of the
Altary Kullah.

1/2

So much of the 5th Municipal
Division lying south of the Ponawalla
Road and west of St. Nicholas Road.

1/2

So much of the 6th Municipal
Division lying west of Kingumbanham
High Road and so much of the 7th
Division lying west of the Cathedral
and Rayapettah High Roads
and

1/2

So much of the 8th Municipal
Division lying west of Brodie's Road
and south of Luckhoo Island.

Accom. Police
Commis. Office
17 June 1882

Attest
by Comd. of Phil

5/18

New Memo. of p.
port boundary
of Coromandel jurisdiction.

56
5/56

North

Proposed boundary line. all parts of the town north
west & south of which to be out of the Coromandel jurisdiction

From Palmyra yard on East Coast along Cull's Wharf
Road, then north up Cufful Polos Chetty Street along
Baloo Moodelly Street. then south down Solhyaper Street,
then west along Gtunda Ramier lane to Dalmatya
Civil Street down it south to Annee Gangen Street
along which west to Basavayan Street down it
south to Gagappa Naik Street along which west
to Maunappa Moodelly Street along which north
to Thagappa Chetty's Road & along it west to
where it joins the Ennore Road & then on in
a straight line west to Cockman's Canal &
along the Canal to the basin
Then from ~~the~~ Cockman's basin west
along the Poring Nullah including powder
Magazine follow nullah to extreme
Municipal boundary west

Then re-enter Municipal boundary at the
Toll gate Porramallee Road & follow
Porramallee Road east to junction with Mr.
Nicholls' Road along which south over Munda
Bridge into Nungumbankum High Road & cross
Mound Road into Cathedral Road along which to
Rajapettah High Road along which continue
south into Bronis Road along which to the small
Wedge to Road south of admiralty & thence by
way of ramp to the sea

COMMISSIONER'S OFFICE,
MADRAS POLICE,

17th June 1882

Dear Forbes

S/P

As requested in your
d.o. of 15 inst. I send you a fresh
memorandum which I think
will give the data on which
a notification can be issued
altering the Colonel's jurisdiction

This constitutes the same
boundary as marked on the
Map & as it is a very

clearly defined boundary,
there will be no difficulty
in recognizing it
when the anticipation is
opened

Yours truly

W. H. H. H.

5/10

Dear Heile-

Before going
up to India in the matter
of the former jurisdiction
then (vide the Committee's
letter of the 26th May) I
am desired to return
the accompanying memo.
and in which formal

An enclosure to the
 above & request -
 that it may be
 placed for the purpose
 of a notice as to
 under the of the
 limits referred to
 in the copy of the
 report submitted to the

5/12/37
 i.e. from Palmyra
 on the coast. ^{in the neighbourhood}
 Madras consists of 23
 separate villages in the
 Municipal Division
 and I am to suggest
 that the notice
 might not be framed
 with reference to the

on the above I send
you copy of letter for
their goods. I send
of 17th Jan'y 1880,
which please return
with your reply.
J. H. C.

+ to be returned by him

From

No. 1778. *Jul.* DEPARTMENT.

5/24
Messrs. H. H. H. - W. H. H. &
H. H. H. of 24th May 1882
do - as to the measure
of which that may be
afforded the same
by altering the limits

FOR ORDERS.

J. H. C.

Before sending up to India,
(1) write d/o to H. H. H. & ask
him to send a H. H. H. C/o
subscribed by H. H. H. - Send him
our letter to India No 115
Ind. of 17th Jan'y 1880 - Point
out that H. H. H. consists of
23 separate villages, and on the
other hand of 8 Municipal
Divisions - ask whether by
taking the villages on the M. H. H.
- one, he cannot make a weaker
H. H. H. - Can anything be done
from his present position, by
"From Palmyra road."

on East Coast?"

(2) Referring to suggestion

(1) in para 3 of the
Comm. Res. letter - have
we not an opinion from
Ady Genl that inquiries are
unnecessary when he knows
it is his friend that has been
in foul play? This was in
Sir Dove's case - since James
East. Please show papers

(3) Referring to suggestion

no (2) of the same Committee.
Note that the Ady Genl's
opinion with support of the
Committee writes to be
declared reasonable - see
in G.D. 19/6/7 & no 12461

[Signature]

55/1
25

55/20

Recor. to the S^t James's
with their names.
of Coroner's jurisdiction

572
400

27/6 R13/6/82 R20.5 R22.6

18 N^o 558 Just before

To the G. L. H. H. H.

Mr. 558/20

Adverting to the correspondence
ending with Mr. Cattan, May 21st
inst., regarding the reduction of the
territorial jurisdiction of the Province
of Madras - I am directed to transmit
for the sanction of Secy. of Govt., a notice
which it is proposed to issue on the
subject - ~~Enclosed~~

30th Oct/80
No 1172.
(Judicial)

Nobis } 2. A Map of the City of St
Madrid, ~~the whole~~ accompanied, showing
the parts of the present jurisdiction which it is
excluded. I have &c.

Under the provisions of Sect 3 of Act No IX of 1871
(an Act to amend the former Act 1871 & for other
purposes) the G. M. C. is pleased, unto the previous sanction
of the G. M. C. to notify that the area comprised within
the ~~limits~~ undermentioned specifications, being a portion
of the local limits of the ordinary Original Civil jurisdiction
of the High C^t of Madras shall from & after the day
of , 1882, be excluded from the local limits of
the Commissioner's jurisdiction :- viz.

1st. That portion of the 1st Municipal Division which is north of Kalmantapam Road, Sanjivarayanpettai, and Tyagappa Chettai Road.

2. That portion of the 4th & 5th Municipal Sections respectively, which lies west of Cochrane's Canal & north of the ~~Abasco stream~~ Otévi channel.

3^d That portion of the 5th Municipal Session, at the
South of the Poonamallee R^d & west of Mac Leods Road.

2^d ^{That portion} ^{of} ^{the} ^{6th} Municipal Div. is also

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west of Nanganakam High Rd.

5th That portion of the 7th Municipal Serv. St. lies west of the Cathedral & Nagapetali High Roads

6th That portion of the 8th Municipal Serv. St. lies west of Bourdieu's Rd. & South of Double Island.

Notarized
26th June/12.

58/12

MS

26TH JUNE 1882, No. 558, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

LETTER—to the Secretary to the Government of India, Home Department, dated Ootacamund, 26th June 1882, No. 558, Judicial.

Adverting to the correspondence ending with your letter marginally noted, 30th October 1880, No. 1172 (Judicial), regarding the reduction of the territorial jurisdiction of the Coroner of Madras, I am directed to transmit, for the sanction of the Governor-General in Council, a Notification which it is proposed to issue on the subject.

2. A Map of the City of Madras accompanies, showing the part of the present jurisdiction which is to be excluded.

(Signed) C. G. MASTER,
Chief Secretary.

NOTIFICATION. 1881

Under the provisions of Section 3 of Act No. X of 1871 (An Act to amend the Coroners' Act 1871 and for other purposes), the Governor in Council is pleased, with the previous sanction of the Governor-General in Council, to notify that the area comprised within the undermentioned specifications, being a portion of the local limits of the ordinary Original Civil Jurisdiction of the High Court of Madras shall, from and after the day of , 1882, be excluded from the local limits of the Coroner's jurisdiction, viz. :—

- 1st.—That portion of the 1st Municipal Division which lies North of Kalmantapam Road, Sanjivarayanpet and Tyagarappa Chetti's Road.
- 2nd.—That portion of the 4th and 5th Municipal Divisions, respectively, which lies West of Cochrane's Canal and North of the Oteri channel.
- 3rd.—That portion of the 5th Municipal Division which lies South of the Poonamallee Road and West of McNicol's Road.
- 4th.—That portion of the 6th Municipal Division which lies West of Nangambakam High Road.
- 5th.—That portion of the 7th Municipal Division which lies West of the Cathedral and Rayapet High Roads.
- 6th.—That portion of the 8th Municipal Division which lies West of Brodie's Road and South of Quibble Island.

(By order of the Right Honorable the Governor in Council.)

C. G. MASTER,
Chief Secretary.

Exd. T. O'Connor.

P. from C. 226 Re 23/6 1882

Col. of [1682] [illegible]

JUDICIAL.

July 25th 1882. No. 718.

Whereas, the [illegible] of the
[illegible] Court, [illegible] [illegible]
[illegible] to [illegible] the [illegible] of the
[illegible] [illegible] of the [illegible]

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5/2

30-11-94

1-8-13

30-11-94

11-1-18

15-7-17

28-7-17

28-7-17 133/000

556/28

[11]

PRESS.

Jude
DEPARTMENT.
G.O. DATED 26 Jan. 12
No. 538

First copy sent to Press.

Returned for signature.

Despatched in print.



[Despatch Abstract.]

Coroner. Transmitting
for the sanction of the
Board in Council
a draft which it is
proposed to send on
the subject of the reduction
of the territorial jurisdiction
of the Coroner of Madras.