M.R.O. 1—29,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1636 Press ~~Mis.~~

1-2

Dated 6—12— ~~19~~ 1917

Not to be folded or roughly handled

1636

No. 1. Read the following letter from J. J. COTTON, Esq., Session Judge of Masulipatam; to T. PYCROFT, Esq., Chief Secretary to Government in the Judicial Department, Fort Saint George, dated 7th December 1857, No. 584.

SIR,

1. A number of persons (8) have been sent to the Jail under my charge for confinement and safe custody by the Acting Magistrate and Acting Joint Magistrate of this District, and as one or two of them appear to be desperate characters, I have been compelled to place them in hand-cuffs, especially as I learnt, on what I conceive to be reliable authority, that they had been plotting to create a serious disturbance in the Jail during which they hoped to make their escape together with some 60 others whom they are said to have banded with them under an oath.

2. I have taken the best precautions in my power to check the first indications of disturbance, by mounting the guards with their pieces loaded and arming the Jailor (an European) with my own revolver (that indented for not having yet been furnished,) and as these preparations were purposely made in presence of the Convicts, (the suspected ringleaders of which, I at the same time harangued) to show them what would be the consequences of any disturbances, I have every reason to believe that all will continue quiet for the present.

3. I have considered it my duty to report the above circumstances for the information of Government, and to state that I should be inclined to treat such attempts at breaking Jail as offences punishable under Act XIV of 1857, unless this construction shall be overruled by His Lordship in Council.

(Signed) J. J. COTTON,
Session Judge.

No. 2. ORDER THEREON, No. 1636; dated 16th December 1857.

1. The Government approve the precautions taken by the Session Judge of Masulipatam as described in the foregoing letter.

2. All ordinary cases of misconduct on the part of prisoners would seem to be sufficiently met by the provisions of Regulation X, 1832. If any graver cases should arise at Masulipatam, the Commissioner will consider whether they should be dealt with under Act XIV of 1857, and act accordingly.

(Signed) T. PYCROFT,
Chief Secretary.

Ed. F. Cartledge.

Judicial Department

No. 2036.

From the Superior Judge of Masulipatam

Dated 5th December 1857

To Ditto

Three prisoners Nos not-come
before them last Sessions

They certainly cannot be tried under
XIV/1857 but they might be under XVI/1857 Should
know who these persons in confinement
may be, but they appear to have been in
an [illegible] rebellious intentions of
to an [illegible] break jails destroy the
[illegible] and decently in my opinion bring
them within the scope of the [illegible]

Sales Clerk

that in times like the present, the duty of every officer entrusted with the punishment of crimes & the preservation of the peace & activity, promptitude & energy & to check the smallest attempts at violence or outbreak

Any act of unlawful resistance of authority will probably set the whole neighborhood in a blaze & once the water is out, who can stop it? We must support the Local officers as much as possible & not unless they exceed their authority or illegally. The jury has not done this in the present instance also. The same many juries should be addressed in the future & they & the Court should be sustained.

But if they are guilty of any contempt of court such as would render them liable to trial before the Sup. Ct. I think they can be tried by that Ct. in this capacity of commissioner - if he does not to do so. Offenders by Prisoners in Jails do not require the interference of the Grand Jury to bring them before the Court & this will be in reference to this - that I would see Judge Peck to be consulted with a discretion as to how much of that -

Yrs.

12 M

XIV: 1857
Apps- ⊕

From J. J. Cotton Esqre
Sessions Judge of Masulipatam

To

T. Pycroft Esqre
Chief Secretary to Government
in the Judicial Department
Fort St George.

dist

No. 1836

The post appears to be cautiously taken by the Sessions Judge of Masulipatam as described in the preceding letter —

All ordinary cases of misconduct on the part of prisoners would seem to be sufficiently met by the provisions of Reg X. 1832 — If any grave cases should arise at Masulipatam the Court will consider whether they should be dealt with under Act XIV 1856 and if so will act accordingly

I have &c
(Signed) J. J. Cotton
Sessions Judge
16th December 1857

Received 23rd Dec.
Entered
Sent to Govt Law Dept
Forwarded to Chief Secretary to Government
Judicial Dept
for information
(Signed) T. Pycroft
Chief Secretary to Government
Judicial Dept
24th December 1857

Copy to the Judge of Masulipatam
in J. J. Cotton Esq. Court of Masulipatam

Judl. Dept. to Govt. 29th March 1858 — Paras 1 to 4 — Read — Ordered that Steps as to extent thereof be taken under Act XIV of 1857 — Copy to the Judge of Masulipatam in J. J. Cotton Esq. Court of Masulipatam

No 2

same time harangued) to show them what would be the consequences of any disturbances, I have every reason to believe that all will continue quiet for the present

3. I have considered it my duty to report the above circumstances for the information of Government, and to state that I should be inclined to treat such attempts at breaking Jail as offences punishable under Act XIV of 1857, unless this construction shall be overruled by His Lordship in Council.

Beyond its proper ... I concur ... offences are neither offences against the State ... Mr ... for ...

Masulipatam Session Court 7th December 1857

I have the honor to be
Sir
Your most Obedt. Servt.
H Holton
Session Judge

Recd 8th Instt

Ex[d]
Rate Fraser

[illegible]