M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1469
58-59

Press
~~Mis.~~

Dated 15-10-~~19~~ 1958

Not to be folded or roughly handled

No. 58. Read the following letter from J. ROHDE, Esq., Inspector of Prisons; to T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George, dated Ootacamund, 27th September 1858, No. 392.

SIR,

I have the honor to submit for the orders of Government the following detail connected with a reported robbery of cash and jewels from the Jailer's office at Mangalore.

2. The building in which the robbery was committed, on the 9th of December last, is the upper room of the guard house in the centre of the Mangalore Jail.

3. Entrance was effected by a window, insufficiently secured, and the drawer in which the jewels were placed was found to have been forced. No clue whatever has been obtained to lead to a discovery of the missing property and the removal of the whole of the guard on duty at the spot is the only step that could be taken and I fully concurred in this proceeding as it is hardly possible that the robbery could have occurred otherwise than by one of the party with the connivance of the rest.

4. The question now is how the claims of the owners of the property are to be met.

5. I had my suspicions that the property might not have been in the drawer at all and on visiting the Jail in April I did not feel satisfied on this point, still as the drawer had from the Sub Judge's personal observation evidently been forced I could not discredit the Jailer's statement on this subject and the conviction of a Judicial Officer on subjects of this nature, I do not feel disposed to question unless on very strong grounds.

6. There has evidently been very great negligence for a series of years at Mangalore in regard to deposits of jewels and cash, the property of prisoners. The practice of most Jails has been to retain only the cloths and other articles of small value and to deposit all jewels and cash in the Court; this course is clearly ordered in Rule 32 Foujdaree Udawlut 3rd March 1838, and the neglect of this course clearly afforded the occasion for the abstraction of the jewels.

7. For the balance of debtors' subsistence in the Jailer's hands I consider him responsible.

8. I cannot learn that any record of the deposits had been kept; had the rule been adhered to, this should have been done *in the Court*, and not in the Jail, though I have now thought it expedient to direct that such a record shall be kept in the Jails also.

No. 59. ORDER THEREON, No. 1467; dated 19th October 1858.

Resolved that the Sub Judge of Mangalore be called on through the Court of Foujdaree Adawlut to furnish a list showing as far as possible the several articles and the money stolen, with the parties to whom they belong, also to state what balance of debtors' subsistence money was stolen, with particulars of the parties and the periods for which it had been issued. The Sub Judge will likewise explain what is the practice of the Mangalore Court in regard to the issue of subsistence money, and why the order of the Foujdaree Udalut, relative to the custody of prisoners' property has not been observed, with any further explanation that he may have to give respecting the transaction generally.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department

No. 392

From,

J. Rohde Esqre

Inspector of Prisons

To,

J. Byroft Esqre

Chief Secy: to the Govt: of

Sir, Fort St. George.

I have the honor to submit for the orders of Government the following detail connected with a reported robbery of Cash and Jewels from the Jailer's Office at Mangalore.

2. The building in which the robbery was committed, and the 9th of December last, is the upper room of the guard house in the centre of the Mangalore Jail.

3. Entrance was effected by a window, insufficiently secured, and the drawer in which the Jewels were placed was found to have been forced. No clue whatever has been obtained to lead to a discovery of the missing property and the removal of the whole of the guard on

duty

* What value

duty at the spot is the only step that could be taken and I fully concurred in this proceeding as it is hardly possible that the robbery could have occurred otherwise than by one of the party with the connivance of the rest.

4. The question now is how the claims of the owners of the property are to be met.

5. I had my suspicions that the property might not have been in the drawer at all and on visiting the Jail in April I did not feel satisfied on this point, still as the drawer had from the Sub: Judge's personal observation evidently been forced I could not discredit the Jailer's statement on this subject and the conviction of a Judicial Officer on subjects of this nature I do not feel disposed to question unless on very strong grounds.

6. There has evidently been very great negligence for a series of years at Mangalore in regard to deposits of jewels

jewels and cash, the property of Prisoners. The practice of most Jails has been to retain only the cloths and other articles of small value and to deposit all jewels and cash in the Court; this course is clearly ordered in Rule 32 Foujdaree Udawlut 3rd March 1838 and the neglect of this course clearly afforded the occasion for the abstraction of the jewels.

7. For the balance of debtors' subsistence in the Jailer's hands I consider him responsible.

8. I can not learn that any record of the deposits had been kept; had the Rule been adhered to this should have been done in the Court, and not in the Jail though I have now thought it expedient to direct that such a record shall be kept in the Jails also.

I have the honor to be,
Sir,
Your Most Obedient Servant.

Cotacamund.
Off: of Inspector of Prisons
27th September 1838
Desptd: 28th " "

[signature]
Inspector of Prisons

! Why - where else would he keep it -?

No public money or deposit of any kind should be kept in a private house - There is always a deposit sheet in the Cutcherry where they can be placed

Order

Note. In a late Dispatch, the H. Ct. said they wd. prefer Govt. not deciding on such references, without consulting the Law Officer.

The Govt. Pleader, Sudder Adalut will give his opinion on this reference, & on the propriety of the decision announced in Para 7.

D. F.
6-10-58.

No. 1467.

Resolved that the Sub Judge of Mangalore be called on through the Court of Foujdarree Adawlut to furnish a list showing as far as possible the several articles & the money stolen - with the parties to whom they belong - also to state what balance of Debtors subsistence money was stolen with particulars of the parties & the periods for which it had been remitted. The Sub Judge will likewise explain what is the practice of the Mangalore Court in regard to the issue of debtors subsistence money - and why the order of the F. H. Court to the custody of Prisoners' property has not been observed - with any further explanation on that he may have to give respecting the transaction generally.

J. P.

58 & 59.

Fort St. George 19 October 1858

F. Halliday
Govt. of Prisoners

In Cons: 19 October
Judicial 1858 Department

From
The Inspector of Prisons
Ootacamund

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

Dated 27th
Desp. 28th } September 1858
Rec. 2

No. 392.

No. 1778.

Enclosures. None

In submitting an account of a reported robbery of Cash and Jewels the property of Prisoners from the Jailer's Office at Mangalore, solicits the orders of Government as to how the claims of the owners are to be met.

+ with an order +

Ex. P. 824/59