

MADRAS RECORD OFFICE.

Government of Madras.

Individ DEPARTMENT.

G.O. No.	35	Press
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	3-4	
Dated	9 - 1 -	1918

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 12th January 1858.

No. 3. Read the following letter from C. F. CHAMIER, Esq., Acting Register to the Court of Sudr Udalt; to T. PYCROFT, Esq., Chief Secretary to Government, dated 3rd December 1857, No. 114.

SIR,

1. With reference to the closing lines of para. 2 of the Extract from the Minutes of Consultation, under date the 21st Ultimo, the Judges of the Sudr Udalt direct me to explain that they are not aware of any defect in the present system of retaining deposit monies in the Court treasuries. Under their Circular Order of the 3rd July 1845, a half-yearly schedule of all monies in the official custody of Judicial officers is submitted to the Judges of the Sudr Udalt, who direct sums, which have been long unclaimed, to be carried to the credit of Government, and issue such orders concerning the schedules as may appear necessary. The Circular of the 18th January 1855 requires a note to be appended to these schedules, to the effect that the orders of the 15th December 1834, as to the mode of keeping the accounts, has been duly attended to. The larger proportion of the Court deposits is sent to the Collector for safe keeping; but where as in Combaconum there is much judicial business, a considerable sum must necessarily be kept in the Court chest for current purposes.

2. Referring to the orders contained in the previous part of the same para, I am directed by the Judges to commend to the favorable consideration of the Government, the case of the judicial officers who severally presided over the Civil Court of Combaconum when the frauds in question were committed, with a view to their being relieved from pecuniary responsibility. Should the Government see fit to relax their orders in this respect, in consideration of the very heavy amount of business which they were required to perform, when in charge of the Court, and the consequent impossibility of their subjecting the accounts to that constant scrutiny and strict supervision, without which, it would have been difficult to have detected the frauds which were being practised by their subordinates.

3. The Civil duties in Combaconum are so onerous as to require an Assistant Judge and two Principal Sudr Améens, in addition to the Civil and Subordinate Judges, to perform them; and are probably tenfold heavier than in the lightest Court.

4. If the principle of casting the responsibility in such cases upon the presiding officer, be carried out too strictly, the administration of justice must suffer from an undue share of the officer's attention being given, in self-defence, to the supervision of the Court accounts, and some of his more important duties being slurred over or indifferently performed.

5. A point which the Judges consider should not be lost sight of, in considering the position of the Civil Judges under the present constitution of the Courts, is, that they have been deprived of the services of Zillah Registers, on whom formerly devolved the supervision of the accounts; whilst far more laborious duties have been imposed upon themselves.

(Signed) C. F. CHAMIER,
Acting Register.

No. 4. ORDER THEREON, No. 35; dated 9th January 1858.

The Right Honorable the Governor in Council must decline to relieve the late Judges of the Combaconum Zillah Messrs. Silver, Fisher and Ellis, from pecuniary responsibility on account of the frauds committed by the public servants of the Court during the period that they were severally in charge of it. He is unable to admit the validity of the plea advanced in their behalf by the Sudr Adawlut or to allow that, however onerous the duty at Combaconum may be, it is such as to preclude the Judge from maintaining such check over the accounts and cash in the Treasury as would have prevented the embezzlements now in question.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Carledge.

Sumo.

As a reference will have to be
made to the Court of Directors
about the retired servants & ap.
Whom for the largest amount
of defalcation stands, perhaps
the case of Hon. Mr. in the Sec-
-ion may be referred at the
time
some - or may be on pending
the Court's answer in regard
to the other Judges -

02

I cannot understand
the labor and difficulty

10.12.57

No reason for allowing
 Judges of their responsibility
 No difficulty whatever
 exists in this portion of the
 Ledger work - no Ledger
 ever complicated of -



Then tell the French
Ambassador ex. above
detract the contribution
of the French as if he
should like to see
the contribution
corrected.

Judicial Department

N^o 35

Extract from the Minutes of Consultation
Dated 4th January 1858.
at the General Assembly.

Read the following letter
from the Ag. Register to the
Court of his Excellency.

Peru enter 3^d December 1857
At 11^h

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of the plea advanced
in

At
By
J
well

in case of any person who
is found to be guilty of any
fraud or other offence
connected with the Court
the Court shall have power
to order that the same be
paid out of the public funds
and to order that the same be
repaid out of the public funds

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repaid out of the public funds

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in their behalf by the
Chief Adawlut - or to show
that, however onerous
the duty at Combaloom
may be, it is such as
to preclude the Judge
from maintaining such
check over the accounts
and cash in the Treasury
as would have prevented
the embezzlements now
in question.

J.P.

Chief Adawlut Sept. 15th

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Thos. Dawut

