

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	559	Press
	16-17	~~Mis.~~
Dated	7-5-1958	

Not to be folded or roughly handled

[Signature]

Fort St. George, Judicial Consultation, 11th May 1858.

No. 16. Read the following letter from GEORGE ELLIS, Esq., late Acting Civil and Session Judge of Combaconum ; to T. PYCROFT, Esq., Chief Secretary to Government, dated Cuddalore, 14th April 1858.

SIR,

At the risk of appearing intrusive and importunate, I have to request that the Right Honorable the Governor in Council will permit me to offer a few remarks on the Extract from the Minutes of Consultation, Judicial Department, under date the 8th March 1858.

2. I bow to the decision of Government which declares me justly liable for certain defalcations in the Combaconum Court Treasury during my tenure in office.

3. I however now beg to appeal "*ad misericordiam*" of the Right Honorable the Governor in Council, and in support of that appeal would urge,

1st. That, as it is stated in para. 3 of Minutes of Consultation under acknowledgment, that the Court of Sudder Udalt are incorrect in stating that the money was proved to have been embezzled whilst I was in charge of the Court, so far an inference may be drawn in my favor that such embezzlements were not caused by my neglect;

2ndly. That the decision of Government is tantamount to imposing a fine upon me for neglecting to ascertain by reference to the Cash Book that the money had been paid into the Cash Chest ; and that such a mode of marking the displeasure of Government, is, though perfectly legitimate, unusual.

4. I have stated that the decision above referred to, amounts to a fine, and for this reason.

Had I refused, (as I am now prepared to admit, as pointed out by Government, was my proper course) to disburse this money, the party to whom it was due, though he might have had to wait some time while the accounts were being adjusted, would ultimately have received it from the hands of Government, and though I was guilty of omission in not referring to the Cash Book, the only result of my act was to anticipate what undoubtedly would have been the equitable decision of Government though at a later date.

5. Had I disbursed Government money recklessly and wastefully, I should not have attempted any justification ; and I am only induced at present to trouble the Right Honorable the Governor in Council with any further observations in the hope that as this is the first occasion on which I have incurred the censure of Government for any official act, and that as in reality Government have not been put to any loss by the act which has called forth their remarks, the Right Honorable the Governor may on these grounds be pleased to remit the fine which has been imposed on me.

No. 17. ORDER THEREON, No. 599; dated 7th May 1858.

The Government cannot alter the orders already passed in this case.

Mr. Ellis' letter urges nothing new. He has disbursed public money without authority and must refund it.

It is so important to enforce the exercise of *ordinary* care and circumspection on Officers entrusted with Government money, that no excuse can be admitted for the omission of such obvious precautions.

(Signed) T. PYCROFT,
Chief Secretary.

20
Mr. Miller says nothing new
and the appeal of miseri-cordiam
only apply if the expenditure
was so large as to place him
in difficulties. Oh. It is not.

It is so important to enforce
the exercise of ordinary care
& circumspection on officers
entrusted with the disbursement
of public money that ~~that~~
~~that~~ no excuse sh^d be
admitted for the omission of
such obvious precautions.

M. G. - had no authority
to disburse Govt money -

Having done so - he
 must refuse it -
 26
 H. H.

Received
 14 April 1858.

From
 George Ellis Esq.
 Late Acting British Consul
 of Bombay and

To
 J. Pycroft Esq.
 Chief Secretary to Government

At the risk of appearing in-
 trusive and importunate, I have the re-
 spect that the Right Honble the Governor
 in Council will permit me to offer a few
 remarks on the Extracts from the Minutes
 of Consultation printed by the Government and
 dated the 5 March 1858.

2. I bow to the decision of Govern-
 ment which declares me jointly liable for
 certain defalcations in the Comptroller of
 Public Treasury during my tenure in office.

3. However poor may be my appeal -
 "a de misericordia" of the Right Honble
 the Governor in Council, and in support of
 that appeal would urge

1st That, as it is stated in Para.
 3 of Minutes of Consultation under a
 Resolution of the

acknowledged that the Com. of Soldiers
accounts are incorrect in stating that the
money was proved to have been embezzled
while was in charge of the Com. so far
an inference may be drawn in my favor
that such embezzlements were not caused
by my neglect;

2nd That the decision of Government
is tantamount to imposing a fine upon
me for neglecting to ascertain by reference
to the Cash Book that the money had
been paid into the Cash Chest, and that
such mode of marking the displeasure
of Government, is, this perfectly legitimate
punishment.

I have stated that the decision
above referred to, amounts to a fine, and for
this reason.

Should I refuse, (as I am now
prepared to admit, as pointed out by Govern-
ment, was my proper course) to disburse
this money, the party to whom it was due,
he might have "had to wait some
time while the accounts were being adjusted,
would ultimately have received it from
the hands of Government, and this is
guilty of an error in not referring to the
Cash Book, the only result of my act was

I am for the
the decision
at this time

to anticipate what undoubtedly would have
been the inevitable decision of Government
at a later date.

Should I disburse Government
money recklessly and wastefully, I should
not have attempted any justification; and
I am only induced at present to trouble
the Right Honorable the Governor in Council
with any further observations in the hope
that as this is the first occasion on which
I have incurred the censure of Government
for any official act, and that as in reality
Government have not been put to any loss
by the act, which has called forth their
rebuke, the Right Honorable the Governor
may on these grounds be pleased to
remit the fine which has been imposed
on me.

Submitted
14 April 1850

Shave the honor to be
Yrs.
Your trust obdient
servant
Nancy Allen

Take Acty. Genl. Adm. Secy.
Combacon of

Very truly
Yrs.
Nancy Allen
I have been
examined
and have been
found guilty
of neglect
I have
been
disbursed

No. 597.

The fort cannot alter the order
already passed in this case -

Mr Ellis' letter says nothing
new - He has disbursed public
money without authority & must
refund it -

It is so important & of such
the exercise of ordinary care &
circumspection on officers
entrusted with fort money - that
no excuse can be admitted for
the omission of such obvious
precautions

Ex-8387/1000
1000 2/18 1897
C. J. Ellis
Sept 11

JP

C 127. 1000 1/18 1897 1000 1/18 1897

Charles J. Ellis to Genl
1000 1/18 1897 1000 1/18 1897

1897.

in the 8th Nov. 11th Oct. 1897.
No. 1838 1000 1/18 1897

1000 1/18 1897 1000 1/18 1897

1000 1/18 1897 1000 1/18 1897

No. 6000

1000 1/18 1897

1000 1/18 1897 1000 1/18 1897

Will be order