

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 984

Press
~~Mis.~~

3-4

Dated 21-7-1918

Not to be folded or roughly handled

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Fort St. George, Judicial Consultation, 27th July 1858.

Read again letter from the Civil Judge of Masulipatam, dated 10th June, and recorded in Consultation 2nd July 1858.

No. 3. Read also the following letter from G. F. FULLERTON, Esq., Acting Deputy Register to the Court of Sudder Udalt : to T. PYCROFT, Esq., Chief Secretary to Government, dated 10th July 1858, No. 52.

SIR,

1. I have the honor by direction of the Judges of the Court of Sudder Udalt to acknowledge the receipt of copy of a letter addressed to Government by Mr. Cotton, Civil Judge of Masulipatam, on the subject of a theft that was lately committed in his Court and forwarded to this Court for the remarks of the Judges.

2. I am directed to state that there is nothing set forth in Mr. Cotton's letter to induce the Judges to alter or modify the opinion expressed in their letter to Government of the 12th May, namely, that it was owing to Mr. Cotton's disregard of the rules laid down by this Court for the securing of money and valuables forwarded to the Courts, that facilities were afforded for the commission of this theft, which could not otherwise have been effected; the rules in question being clearly intended to apply to the care of property forwarded to the Courts under the circumstances that the property now referred to was entrusted for security to the Civil Judge of Masulipatam.

3. In bringing this matter to the notice of Government, the Judges felt it to be their duty to state their opinion as to the degree of culpability attaching to Mr. Cotton, but they consider it out of their province, to make any suggestions or remarks on the request of Mr. Cotton that the penalty imposed by Government should be remitted, as an act of grace; but while refraining from any observation as to the advisability or otherwise of acceding to the request, the Judges must express their entire dissent from the principle upon which Mr. Cotton urges his claim to be so relieved.

4. In the 15th para. of his letter, Mr. Cotton urges, as a reason, why favorable consideration should be showed to him, that the property in the coins, &c., had not actually vested in Government, at the most could only be "arbitrarily" claimed by it in virtue of its prerogative, and that consequently, as it had not yet been brought to the credit of Government, no actual loss was sustained by its theft. Even if this were the case, the Judges consider the remission of the penalty on such grounds would be most objectionable, as doubt or uncertainty as to the real ownership of valuable property entrusted to a Court for security can never be allowed to form a valid excuse for carelessness on the part of those bound to take all proper measures for its care. But it is clear that loss in such case does fall upon Government, for until duly brought to account Government was responsible for its value to any one who might establish his claim to it, and when once brought to the credit of Government, no matter in virtue of what prerogative, it forms as much a part of its assets as revenue derived from any other source.

No. 4. ORDER THEREON, No. 984; dated 21st July 1858.

The Government see no reason to modify their orders of 22nd May 1858, No. 671, holding Mr. J. J. Cotton answerable for the value of the property stolen from the office of the Nazir of the Court of Masulipatam.

(Signed) T. PYCROFT,
Chief Secretary.

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Judicial Department

N^o. 1241.

From the Acting Registrar of the Court of Sessions
Dated 10th July 1858

For orders

And say, the Court see no reason
to modify the orders already
given on the subject of

I thought it had been
decided to dispose of the
C. letter as now proposed
without referring it to the F. A.
The reference having been given
the

The reference was
made as
directed in
Committee
meeting
to K. H. 2nd
to K. H. 2nd
President
15-7-58.

Woulde of writing a long letter
which was not required
W. H. L.

14-

[Faint, mostly illegible handwritten notes]

No 984

Extract from the Minutes of Consultation
dated 25 July 1858

Read again letter from the
Civil Judge of Masulipatam dated 10th
June recorded in Cons 20 July 58.

Read also the following letter
from the Acting Deputy Registrar to the
Court of Sudder Adalat

[Handwritten initials]

(Here enter 10th July 58 No 52)

The Government see no
reason to modify their orders of
22d May 1858 No 671, holding Mr
J. S. Cotton answerable for the
value of the property stolen from
the office of the Nazim of the
Court of Masulipatam.

Copy to Civil Judge of Masulipatam }
" Sudder Adalat. } July 23d

[Handwritten signature]

[Handwritten initials]

Judicial Letter to Cong?
7th Sept 17-13 of 1853
Pam 33834

3041

in Sept 1851: 27 July
Judicial 1850 deph 91

019904

Abstract of 1850

27 July 1853

Sp 1388-Com: 10th Sept 1853