M.R.O. 1—39,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	305	Press Mis.—
89-90		
Dated	10-3-	19 1860.

Not to be folded or roughly handled

P.
305

Proceedings of the Madras Government, Judicial Department, for the month of March 1860.

No. 89. Read the following letter from R. R. COTTON, Esq., Civil and Session Judge of Madura, to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort Saint George, dated 25th February 1860, No. 56.

1. I have the honor, with reference to the concluding portion of the Despatch from the Honorable Court of Directors, Judicial Department, No. 7, dated 22nd June 1858, on the Proceedings of the Madras Government, removing me from my appointment of Acting Civil and Session Judge of Rajahmundry, to submit for the favorable consideration of Government, my claim to Rupees 5,584-4-6, being the pecuniary loss sustained by me, by my removal from that appointment, at the recommendation of the Court of Faujdárí Adálat.

2. My present claim is based on the fact, apparent from the enclosures, that, but for my removal, I should have been appointed Subordinate Judge of Salem, on Mr. Smollett's departure for England in September 1857, and the abovementioned sum, is the difference between what I should have received, had I been so appointed, and what I actually drew till, subsequently in May, gazetted Subordinate Judge of Bellary, together with the actual loss sustained by my removal from Rajahmundry.

3. Both the enclosures were replies to my applications for some *substantive* appointment: in that to the Private Secretary, I alluded to Mr. Cherry having been appointed Subordinate Judge of Salem, notwithstanding I had been led by Mr. Maltby, the Acting Secretary, to understand that I should be so.

No. 90. ORDER THEREON, 10th March 1860, No. 305.

The Government consider Mr. Cotton's claim, as preferred in his letter, to be wholly inadmissible—but, under the opinion expressed by the Court of Directors in the concluding part of their Despatch, 22nd June 1858, No. 7, they will allow him to draw the deputation allowance of an Acting Civil and Session Judge for the period that intervened between his giving over charge of the Rajahmundry Zillah Court and assuming charge of the Guntoor Collectorate, *i. e.*, from 27th July to 3rd August 1857.

Gazette, pages 198 *and* 261.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Memorandum.

From Wm R R. Cotton Civil & Session Judge of Madura 25th & 27th Febuary 1860.

In the above letters, Mr Cotton, on the strength of the Honorable Court's despatch of 22nd June 1858 Judicial Department No 7 submits a claim for Rs 5589—4—6 being the amount of pecuniary loss, which according to his account, he has sustained by his removal from the appointment of Judge of Rajahmundry at the recommendation of the Zonjdari.

2. In the last para of that despatch the Court remarked— "we think that, under these circumstances, an admonition pointing out the irregularity of the proceeding, and enjoining

I would at once tell Mr Cotton that Govt: considers the claim he has set up is quite untenable, & I would make no allowance on the subject to the Sec of State it appears to me to be thoroughly unjustifiable.

G

Agree with the C-in C

W

E

I concur in this

view of the claim set up by Mr Cotton. but under the decision of the Courts he is entitled to the allowances of the appointment from which he was removed, from the date of his removal to that of his appointment to an equivalent situation

more.

W
9 March 1860

more caution for the future would have met all the exigencies of the case, and we cannot approve of any measure which would injuriously affect Mr Cotton's position pecuniarily or otherwise.

3. The Court were informed in reply that Mr R. R. Cotton's removal from Rajahmundry had not affected that gentleman's position, either pecuniarily or otherwise, inasmuch as within a few days after he was removed from Rajahmundry he was appointed to act as Collector and Magistrate of Guntoor or in an office of equal emolument and consideration with that of which he had been deprived. Mr R. R. Cotton has since been appointed Sub Judge of Bellary and is now acting as Civil and Session Judge of Madura.

The order removing Mr Cotton from the Court of Rajahmundry was dated 4th July 1857. His appointment to act as Collector of Guntoor bears date 21st July 1857.

4. Mr Cotton however represents that but for the unfavorable view taken of his conduct on the occasion of his removal from Rajahmundry he would on the 16th September 1857 have been appointed Sub Judge of Salem and allowed to continue to act at Rajahmundry.

The loss which he thus incurred he calculates at Rs 5589-4-6. being the difference between what he would have received as Sub Judge and acting Judge and what he did receive as "out of employ" & acting Collector and for part of the time out of employ without any acting appointment at all. The account includes a few minor items but they are not of much consequence.

From Decr 1857 to March 1858.

5. It seems to me that this Government cannot give this money - The Government will consider whether the application should be referred to the Secretary of State, and if so what opinion should be expressed in respect to it.

JP

Displ Comm[illegible] 60

Sent

No. 305 — 10 March 1860.

The Govt. ~~are not prepared to enter-~~ consider tain Mr. Cotton's claims as preferred in his letter — to be wholly inadmissible but, under the opinion expressed by the Court of Directors in the concluding part of their Despatch, 22nd June 1858 No. 7, they will allow him to draw the deputation allowance of an acting Civil & Sessions Judge for the period that intervened between his giving over charge of the Rajahmundry Zillah Court & assuming charge of the Guntoor Collectorate i. e. from 27th July to 3 Augt. 1857.

Gazette pages 198 & 261.

JP

Mr. R. R. Cotton -
Civil & Sessions Judge of Madura } (Displ 13)
The Civil Auditor.
" Asst. Genl.

C3 March
12 "
[illegible]

Pro: 7th July 1857 - Nos 57 & 58

Jud: Letter to Govt 31st May
No. 19 of 1860.

3 Grant 89 & 90

1860 Received 10 March
Judicial Department

From,
The Civil & Sessions Judge
of Madura

To
The Chief Secretary
to Government
Judicial Department
Fort St George

Dated 25th February 1860

Rec'd

No. 56
Enclosures 2.

No. 335

Submitting claim
for loss sustained
by his removal from
the Ag Judgeship of
Rajahmundry -

With an Order.