M.R.O. 1—29,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 662 Press ~~His.~~

213-215

Dated 26-4-1862 ~~H~~ .

5/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 26th April 1862.

Read the following papers:—

No. 213. Proceedings of Government in the Public Works Department, dated 22nd March 1862, No. 531.

Referring letter from the Deputy Chief Engineer Southern Circle, in view to the necessary orders being issued in the Judicial Department for the recovery of the value of the property (under attachment of the Court of Tellicherry) of the Prisoner Francis Lins D'Almeida sentenced to 7 years' imprisonment with hard labor in irons, he having forged a cheque for 500 *Rupees, on the Wainad Treasury.*

(Vide Proceedings Public Works Department, dated 22nd March 1862, Nos. 400-401.)

Referred to the Government Pleader for his advice as to the course to be taken for the recovery of the Prisoner's property.

FORT SAINT GEORGE,
28th March 1862.

(Signed) T. PYCROFT,
Chief Secretary.

No. 214. From CLEMENT DALE, Esq., Government Pleader Sudder Adalat; to the Honorable THOMAS PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 14th April 1862, No. 68.

Paragraph 1. I have the honor to acknowledge the receipt of the Proceedings of Government, under the date and number noted in the margin; and to report for the information of the Honorable the Governor in Council that I am not aware of any process in the Mofussil Courts by which the possession of a felons' goods which have become forfeited can be obtained for the use of the Crown; the Advocate General can effect such object within the limits of the Supreme Court, and probably can also do so in the Mofussil, but as it is a proceeding that, if feasible, must be adopted by that Gentleman, I deem it more correct not to offer an opinion upon it.

28th March 1862, No. 608, Judicial Department.

2. I consider it right to draw attention to the 62nd Section of Act No. XLV of 1860.

3. I return the papers which accompanied the Proceedings noted above.

No. 215. ORDER THEREON, 26th April 1862, No. 662.

A reference will accordingly be made to the Advocate General.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cattledge.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Endorsement of the Deputy Chief Engineer, Southern Circle, dated Chepauk, 6th March 1862, No. 11,174.

Read the following letter from Captain J. BEAN, District Engineer Malabar, to Colonel W. I. BIRDWOOD, Deputy Chief Engineer, Southern Circle, dated Calicut, 21st February 1862, No. 319:—

SIR,

1. In reply to your Proceedings No. 9,715, dated 23rd January last, requesting me to expedite the submission of the report called for in Government Order, dated 18th idem, No. 29, regarding the forgery of a cheque for 500 Rupees on the Wainád Treasury by the Acting Accountant of the Range, I have the honor to inform you that the Session Judge of Tellicherry has sentenced the above individual to seven years' imprisonment with hard labor in irons.

2. I beg to enclose a copy of a report of the case as disposed of by the Session Judge, together with copy of a letter* from the Collector of the District, to whom I had applied to know whether any portion of the sum drawn† on this cheque had been recovered from the prisoner.

* Dated 19th instant, No. 561.

† Rupees 500.

3. Mr. Grant informs me that the money has not been recovered, but the personal property of the prisoner has been placed under attachment, valued at Rupees 181-3-2.

4. As regards the remarks of the Civil Judge on the loose system of leaving the cheques in a place accessible to every one, I have to observe that Lieutenant Smalley's Range Office had only lately been established and that no furniture had been supplied to him. I cannot however justify his carelessness in not keeping his cheque book under lock and key.

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1 Original letter with two enclosures, No. 319, dated 21st February 1862.

1. Submitted for the information of Government with reference to their Proceedings No. 29, dated 18th January 1862.

2. Government will observe that the Session Judge of Tellicherry, has sentenced the prisoner Francis Lins D'Almeida, to seven years' imprisonment with hard labor in irons.

‡ Rupees 500.

3. No portion of the money‡ drawn by the prisoner, on the forged cheque, had been recovered from him; but his personal property valued at Rupees 181-3-2, has been placed under attachment. The Collector is of opinion that the property in question, cannot be sold without a Decree of the Court, authorizing such a step, inasmuch as no fine has been awarded by the Judge in restitution of the money obtained by the prisoner, so as to warrant a distress. Under these circumstances, the orders of Government are solicited, for taking the necessary steps for recovering as much money as possible from the prisoner.

4. Although Lieutenant Smalley's Range Office had only lately been established, and that no furniture had been supplied to him, yet the District Engineer does not "justify that "Officer's carelessness in not keeping his cheque book under lock and key." As there is no reason why the Government should suffer any pecuniary loss, owing to the sheer carelessness of their Executive Officers, the Deputy Chief Engineer, Southern Circle, is of opinion that the Range Officer Lieutenant Smalley, should be held responsible for any balance that may be required to make up the total amount obtained by the prisoner, viz., Rupees 500, after deducting the sum that will be realized by the sale of his (the prisoner's) personal property.

(Signed) W. I. BIRDWOOD, Colonel,
Deputy Chief Engineer, Southern Circle.

ORDER THEREON, 22nd March 1862, No. 531.

1. With this Endorsement the Deputy Chief Engineer, Southern Circle, submits a further report from the District Engineer Malabar, regarding the forgery of a cheque for Rupees 500 by an Accountant in his District.

2. The man has been convicted by the Sessions Judge and sentenced to seven years imprisonment with hard labor in irons, but no portion of the money had been recovered, though property of the prisoner, valued at Rupees 181-3-2, has been retained under attachment by the Magistrate.

3. The Deputy Chief Engineer's letter will be referred to the Judicial Department, with a view to the necessary orders being issued in that Department, for the recovery of the value of the prisoner's property.

4. As the forgery is shown to have been the result of carelessness on the part of the Executive Officer Lieutenant Smalley, the Government desire that any deficiency shall be made good by him.

(True Extract.)

Lieut.-Colonel,
Secretary to Government.

To the Deputy Chief Engineer, Southern Circle.
" Judicial Department, with papers.

Exd. S. T. Augustin.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers—

Pros: of Govt. in the
Pub. Wks: Dept.— Dated 22nd Mar. 62 No. 531.
Letter from the Govt.
Pleader ——— 14th April —— 62.

Order — 26 April 1862 No. 662

A reference will accordingly be made to the Advocate Genl.—

The Govt. Solicitor — Milth
No. 531/1862 P. W. D. & 3 Enc: } Despd. 28th "
" Pub: Wks: Dept: Despd. 28th "

213.

No. 608
Read 29 March 1862
Govt. Pleader
Pros: of Govt. in the Pub. Wks. Dept. No. 531 dated 22nd March 1862.
Letter from the Govt. Pleader dated 14th April 1862.

Referring letter from the Govt. Pleader & Chief Engineer and requesting that the necessary orders may be issued in the case referred to therein for the recovery of the Revenue Tank Bund & Sluices at Pallicherry & the Anicut & Channels at Tanjore & Vellum with the Revenue & Police Establishments & Charges thereon.

Referred.

Read 29 March 1862

Referred to the Govt. Pleader for his advice as to the course to be taken for the recovery of the Revenue Properties.

Fort St. George
29 March 1862.

Chief Secretary

To the Govt. Pleader
with 3 Enclosures } Despd. 28th

Proof April

Judicial 1862. Department.

No. 662

PROCEEDINGS OF GOVERNMENT.

Dated 26 April 1862

Fort 1282

Referring to the Advocate the Proc of the P. W. Dept for the recovery of the value of the property of the prisoner F. L. De Almeida Sentenced to 7 years imprisonment he having forged a Cheque for 500 Rs on the Nainad Treasury.—

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[203] Madras—Printed at the Government Press