

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 159

DATED 24th Jan. 1895

INDEXED.

[Despatch Abstract.]

SUIT AGAINST THE SUPERINTENDENT, CENTRAL JAIL, SALEM.

Approving the proposal to compromise the -- and providing the necessary funds in the first instance, but directing the recovery of the whole sum (Rs.120) in such instalments as the Inspector-General thinks fit from the jailor who is reported to be responsible for the wrongful release of one Chinnaswami Chetty, a civil debtor.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C.	440		1895				

Extract from the Proceedings of the District Board, Salem,
passed at its meeting held on the 17th December 1894.

PRESENT. x x x

7. Read I O of the Inspector of
of jails to Mr J P Bedford requesting
to effect a compromise in the suit
brought by the District Board
against the Superintendent of
central jail Salem.

Resolution. Without prejudice
the Board would accept
Rs 50 + cost Rs 70.

(Signed, J Stokes
President

(True copy and Extract)

Therinafathya
For President

26.12
F. L.
6/1

No. 4/18

159
Camp Madras

OFFICE OF THE INSPECTOR-GENERAL OF JAILS, ^{Prisons}

Dated 14 January 1895.

From

A. G. CARDEW, Esq., M.A.,

INSPECTOR-GENERAL OF JAILS, ^{Prisons}

To

THE

CHIEF SECRETARY TO GOVERNMENT,

SIR,

I have the honour to state that,

upon receipt of G.O. 31st October 1894 No. 2599,

I wrote a demi-official letter to Mr. Bedford, President of the Tirupattur Taluk Board, pointing out the uncertain issue of the litigation of which the Board had given notice against Mr. Young, and the probability that, even if a Judgment were secured by the Board, the damages would not cover the costs of proceedings, and enquiring whether a compromise could not be effected. It was, of course, added that this suggestion was made "without prejudice" and without authority from Government. In reply, I have received a copy of the enclosed Resolution of the District Board, Salem, dated

Two Enclosures

- (1) Joint Solicitor's Letter No. 510 dated 16 October 1894 returned
- (2) Extract from Proceedings of the District Board, Salem 21/12/Decr 1894

139	5
Jm Dep.	
enclos. No.	1
To	159
C. No.	

17th December 1894 in which the Board offers to accept Rs 50 damages plus Rs 7% costs in satisfaction of its claim.

2. It is, in my opinion, desirable to accept this offer. The Government Solicitor has advised that a suit would lie either against the Superintendent of the Jail or against Government for damages caused by the Judgment Debtor's release. (Paragraph 5 of Government Solicitor's Letter No 510 dated 16th October 1894). The Government might, therefore, be included as a Defendant, and might be cast in substantial damages, for the Debtor had only undergone a small part of the imprisonment awarded him. In view of the fact that the Judgment Debt was Rs. 744-6-0, it is unlikely that, if the Board succeeded in securing a Judgment in its favour, the damages would be assessed as low as Rs 50/- The offer to accept this figure is, I think, evidence of moderation, even supposing the Board to know, what is believed to be the fact, that the Debtor was a pauper. The costs of a suit would not be less than Rs 300 or Rs 400, and the Defendant could hardly

hardly hope to get costs given in his favour even if he escaped being mulcted in damages. From every point of view, therefore, I beg to recommend that the Board's offer be accepted. The favour of early orders is requested.

3. If the Government accepts this recommendation, I would propose that Tailor, Mr. Lynsdale, through whose carelessness the illegal release occurred, should be required to pay half the amount - viz Rs 60, the other half (Rs 60) being borne by Government.

I have the honour to be,
Sir,

Your most obedient servant
R. G. Gordon
Inspector-General of Prisons

CURRENT NO. 159

JUDICIAL.

JAIL (1895) DEPARTMENT.

2599: 31-10-94
2500: 13-10-94

From

THE INSPECTOR-GENERAL OF JAILS,

Prisons

To

THE CHIEF SECRETARY TO GOVERNMENT.

Receivers

Dated 14 }
Despatched 14 } January 1895.
Received 16 }

CHIEF SECRETARY
No. 41/8
GOVERNMENT OF MADRAS

ENCLOSURES.

pte No 5066
etc

Subject.

Submitting, for early orders,
a recommendation to Govt.
to accept the offer of the Tem-
palar Taluk Board to receive
Rs 50 of damages plus Rs 70 costs,
in satisfaction of its claim
in the Civil Suit against Mr.
Young Supot Salem Central Jail

[G
28]

200-6-8-94.

C. No. 159 of 95

Judicial
DEPARTMENT.

FOR ORDERS.

fact. must pay the
Rs 120 to begin with, of
course; but I think the
whole sum shd. be recovered
from the Jailer - in as
small instalments as the
J.G. likes - say Rs 5 per month
if he thinks Rs 10 p. m. too
much to deduct from the
Jailer's bag

Cd. 22/1/95
Order of 24 Jan 1895 No. 159

The proposal ^{Compromise} ~~be approved~~ the suit against
the Superintendent of the Central Jail,
Salem ~~is~~ approved & Govt. will
provide the necessary funds with first
instalment. But the whole sum - Rs 120 -
shd. be recovered from the Jailer who
is reported to be responsible for the
mistake in such instalments as the
J.G. thinks fit

(from order)

The J.G. of Prisons dispd 24/1/95
The Secy. Genl. despatched 28/1/95

The Taluk Board Temporal
claimed Rs 744-6-0 from Mr
Young the Supot Salem
for the wrongful release of
one Chinawami Chetty a
Civil Debtor.

The J.G. Prisons now
reports that the Board is willing
to receive Rs 50, damages &
Rs 70 costs, in satisfaction
of its claim.

The J.G. Prisons recommends
that this offer be accepted,
and suggests that Rs 50, should
be recovered from Mr. Lysadale
the Jailer, & Govt. pay the other
Rs 70 +

The compromise proposed
appears highly desirable.
18/1 The costs of the suit would
probably be at least as high as Rs 120
The punishment of Mr. Lysadale is
a matter which the J.G. should
dispose of himself, & perhaps it would
on that account be wiser to deduct
the whole amount Rs 120 with the

promise that the whole or ^{the}
at least half of it should be
recovered from Mr. Lyndale, the
false vander or other official
responsible for the mistake

2
187

24/19/1

W. Young & the Calcutta
Board of Directors

FOR ORDERS.

W. C. (from
for order)

When given for copying _____
When copied _____
When examined _____
When signed _____ } 189 .

READ AGAIN G.O., No. _____
189 , DATED _____

CURRENT No. _____

ENCLOSURES TO C. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

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A = Copy in full.
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