M.R.O. 1—29,000—16-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1197 Press ~~Mis~~

28-29

Dated 6 — 9 — 1859.

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 3rd to 9th September 1859.

No. 28. Read the following letter from H. YOUNG, Esq., Chief Secretary to the Government of Bombay; to the Chief Secretary to the Government of Madras, dated Bombay Castle, 22nd August 1859, No. 1997.

* No. 988, dated 4th August 1859.

With reference to the accompanying copy of a communication* from the 1st Assistant Magistrate in charge, Dharwar, I am directed by the Right Honorable the Governor in Council, to request that the Magistrate of Bellary may be instructed to remit to Dharwar, the sale proceeds of the cart and bullock alluded to therein.

From STEWART St. J. GORDON, Esq., First Assistant Magistrate in charge, Dharwar; to H. YOUNG, Esq., Chief Secretary to Government, Bombay, dated 4th August 1859, No. 988.

In acknowledging the receipt of the Government Resolution No. 1775, dated the 25th Ultimo, I have the honor to point out for the information of the Right Honorable the Governor in Council, that I have been favored with no instructions on the subject of the last paragraph of the Magistrate's report which was as follows:—

"The Magistrate takes this opportunity of remarking that in the case of an impressed cartman belonging to Savanoor in this Zillah who died of cholera in the Bellary Districts and whose bullocks were sold, the Magistrate of Bellary declined to remit the proceeds to the Magistrate of Dharwar for delivery to the deceased's heir, who was thus subjected to the additional hardship of having to proceed more than once to a considerable distance from his home, to prove his claim in a part of the country infected with pestilence."

2. A further reference to Savanoor has been made, but the owner is now ill and he protests against being obliged once more to go all the way to Bellary. He says that he has already been there once without success and most people would "decamp" under such circumstances. It is not astonishing that a stranger should be unable at Bellary to prove his right to property about which no kind of doubt can exist at his home in Savanoor and it seems ungenerous to the Nawab who did his best to aid a Detachment passing through his Estate to refuse on such technical grounds to comply with his request, that the cart and the proceeds of the sale of the bullocks should be returned to him, to be made over at Savanoor to the rightful owner. It would be a very different matter if the cart had been sent of the owner's free will to Bellary in the ordinary way of trade and if the driver had then died of cholera. In such a case the matter should naturally be settled according to the rules in force at Bellary. But the cart was pressed into the public service in the first instance, and it is very hard treatment after taking it to Hurryhur to take it still further to Bellary and then to refuse to make all the reparation that is possible, because the driver died at Bellary, where he went with his cart against his will.

3. I am sure I should be the last person to trouble Government with this case if it stood alone, but as will be seen from my previous report, this is far from being the case.

4. I append copies of the Magistrate's letter to Bellary and of the reply thence received.

From T. OGILVY, Esq., Magistrate; to the Magistrate of Bellary, dated Dharwar, 7th June 1859, No. 733.

I have the honor to bring to your notice that a Detachment of Madras Troops in passing through these Districts a few months since, took from Savanoor to Bellary a cart and bullocks driven by a man named Eerbudrapa who died of cholera at Bellary. The cart and bullocks appear to have been sold by the District Officer of that place who has declined to deliver over the proceeds to a nephew of the owner, though he took with him a letter from myself on the subject, addressed to the District Officer, and another from the Dewan of the Nawab of Savanoor.

2. May I request, therefore, that you will have the goodness to remit the sale proceeds of the cart and bullocks to my office for payment to the party to whom it is due.

Proceedings of the Madras Government, Judicial Department, from 3rd to 9th September 1859.

From A. HATHAWAY, Esq., Magistrate of Bellary; to the Magistrate of Dharwar, dated Ramandroog, 20th June 1859, No. 165.

With reference to your letter of the 7th Instant, No. 733, I have the honor to enclose 4 Canarese translations of urzees addressed by the District Officer at Bellary to my Assistant, and his yadast to me.

2. From these it appears, that a man called Gonappah (nephew to Eerbudrapa who died at Bellary) came to the latter place; and claimed the cart and bullocks belonging to the deceased; but before the matter was finally disposed of, he decamped apparently from inability to prove his claim.

3. The bullocks only have been sold, and the price thereof is in deposit; but it and the bandy cannot be remitted to your office, unless Gonappah appears and proves his claim.

(True Copies.)

(Signed) S. ST. J. GORDON,
First Assistant Magistrate in charge.

(True Copies.)

(Signed) H. YOUNG,
Chief Secretary to Government.

No. 29. ORDER THEREON, 6th September 1859, No. 1197.

Ordered that the Magistrate of Bellary be instructed to take measures for remitting to the Magistrate of Dharwar, the sale proceeds of the bullocks referred to, and for ascertaining the wishes of that Officer in regard to the disposal of the bandy which, it appears, is still unsold.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Departt

Proceedings of the Madras Government

Read the following letter

Read letter from the Chief Secy to the Govt Bombay — Recd enter 22d Augt 1859. No 1955 —

Order thereon 6th Septr 1859 No 1197 —

Ordered that the Magr of Bellary be instructed to take measures for remitting to the Magr of Dharwar the sale-proceeds of the bullocks referred to and for ascertaining the wishes of that Officer in regard to the disposal of the bandy which, it appears, is still unsold

To the Magr of Bellary Septr 9th

Lie 16 5/8

Bom Govt Sel

Judicial 1859 Sept

№ 1197.

Proceedings of Govt

Dated 6 Sept 59.

Instructing the Magistrate of Dharwar to take measures for remitting to the Magistrate of Dharwar the sale proceeds of the Bullocks referred to in his letter to the Secy to the Govt of Bombay d/ 11 Aug 1859 & ascertaining the wishes of that Officer to the disposal of the boundary which it appears is still unsold.

Mr 1536

28 & 29