M.R.O. 1—39,009—15-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	1219	Press Mis.
6-8		
Dated	10-9- ~~19~~	1889

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 10th to 16th September 1859.

No. 6. Read the following letter from R. BURGASS, Esq., First Judge of the Madras Court of Small Causes ; to the Chief Secretary to Government, Fort Saint George, dated 31st August 1859, No. 109.

I have the honor to state the following circumstances for the information of His Excellency the Governor in Council and to solicit his orders thereon.

In an action of Ejectment in the Madras Court of Small Causes No. 8869 of 1859, the Plaintiff sought to recover certain premises which he had mortgaged with one Mooneappa Maistry who shortly after the mortgage was convicted of felony and transported. The Plaintiff stated that on Mooneappa Maistry's return form transportation he paid him the mortgage money and submitted that he was therefore entitled to recover the premises.

The Court however considering that the mortgage money, as being the property of a convicted felon, had become the property of the Crown adjourned the case until it should be ascertained whether the Crown meant to enforce its rights to the mortgage money which amounts to about 350 Rupees.

No. 7. From CONNERY CHETTY, residing at Royapett in Ummencovil Street ; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 5th September 1859.

I beg most respectfully to bring to your kind notice the following circumstance with a hope of its being submitted to His Excellency the Governor in Council for favorable consideration.

I have mortgaged my house situate at Royapett with one Mooneappah Maistry for Rs. 350 in 1849. In 1850 the said Maistry was convicted of felony and transported for 7 years. The Maistry was relieved about 2 years ago but did not return to Madras as he is engaged in the erection of the Government Barracks at Turry. However agreeably to his letter to me, I have paid Rupees 350 in May last into the hands of his family and redeemed the mortgage.

To eject the tenants from the house in question I have filed an action of Ejectment in the Madras Court of Small Causes at No. 8869 of 59, and I regret to learn that the Court entertains an opinion that the mortgage money being the property of a felon should be delivered to the Crown, and it has in consequence adjourned the case until the 1st Proximo, to enable him in the meanwhile to refer the question to Government, and ascertain its pleasure thereon. The Court told your petitioner if I wish to make my appeal to Government, and I have heard that the Court has since made the intended reference to Government on the 31st Ultimo.

I therefore most respectfully beg to state that I am in very indigent circumstances and I have after a toil of about 12 years secured Rupees 350, and if I am now ordered to pay a like sum to the Crown to obtain possession of my house which is not worth more than 500 Rupees, I shall not only have to forfeit my house but be reduced to beggarry as I have little or no chance left to recover from the family of the Maistry, the amount paid to them.

In bringing the above fact to your kind notice, I entirely put myself under the protection and mercy of Government hoping to be relieved from my double payment for the mortgage alluded to.

No. 8. ORDER THEREON, 10th September 1859, No. 1219.

The Government do not propose to enforce the rights of the Crown to the mortgage money of the premises mortgaged to Mooneappa Moodelly, a convicted felon.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

To Judge

Read letter from the 1st Judge Madras C. of J. Causes - 31 Aug 59.
" R. Conery Chitty - Ryapettah — 5 Sept.
order thereon 10th September 1859 No 1219-

The Government do not propose
to enforce the rights of the Crown
to the mortgage money of the
premises mortgaged to
Govindappa knowingly & collected

J. M. Nelson J.P.

To the Judge of the Madras Court of Small Causes
R Conery Chitty - Royapettah

dollars had ordered thereon.—

In an action of Ejectment on
Madras Court of Small Causes A
of 1859 the Plaintiff sought to recover
premises which he had mortgaged with
Mooneasse Macaley who absolutely ass
Mortgage was executed of Feloney and
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Mooneasse Macaley's Petition shew ed
tation he paid him the mortgage mo
and submitted that he was therefore en
to recover the premises.—