M.R.O. 1—38,000—16-10-29.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1399 Press Mis

73-74

Dated 17 — 10 — 1985

***Not to be folded or roughly handled***

## *Proceedings of the Madras Government, Judicial Department, from 5th to 21st October* 1859.

Read the following letters.

No. 73. From E. W. BIRD, Esq., Officiating Civil Judge of Coimbatore; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 16th September 1859, No. 7.

1. The Proceedings of Government, Judicial Department, No. 1206 of the 7th September 1859, have been forwarded to me by the Acting Subordinate Judge of Ootacamund, and as I conclude, I am required to reply to the same, I do myself the honor to place before Government all the information it is in my power to afford on the subject.

2. When Mrs. Thompson died at Ootacamund, the Civil Judge, Mr. Ward, happened to be present and he therefore took charge of the Effects of the deceased, under Circular Order of the Sudr Udalut, 13th February 1858. I was not called on to interfere in the matter till some weeks afterwards, and I cannot therefore say by whom the orders were given for the interment of the deceased, nor what (if any) stipulations were made with the Undertaker regarding the expense to be incurred at the funeral.

3. I think it probable that Mr. Ward may have issued orders to Messrs. Wilson and Co., on the subject, or it may happen that Mr. King, a relative of the deceased, may have done so. I propose to request Mr. Nesbitt to make inquiry from Mr. King and Mr. Wilson on this point, and to report the result to Government, with such other information, regarding the charges as he may be able to obtain.

4. In regard to the inquiry whether I consider Mr. Wilson's Bill a fair one, I must admit that I consider the charge high, but I am perhaps not competent to decide, whether, with reference to the funeral itself (which I did not witness) it be too high. The community at Ootacamund are, unfortunately, placed at great disadvantage in respect to this department of trade, there being but one Undertaker in the place, and Messrs. Wilson enjoy a complete monopoly of the business. The complaints are loud and universal that their charges for funerals are enormous, but I know of no case in which their charges have been contested, or refused. One instance was very recently brought into the Sub Court for adjudication by Mr. Wilson, the claim being for upwards of 300 Rupees due on account of the funeral of a child of only 12 years of age, who died in 1858. The case, however, was amicably settled by the parties and the demand (which was never publicly disputed though privately I understood it was deemed very high) was compromised before the Court for 300 Rupees cash. The money was paid in my presence to Mr. Wilson. Presuming that Mrs. Thompson's funeral was furnished as described in Mr. Wilson's Bill, I am not prepared to say, considered relatively to the case I have now described, that his charge of Rupees 150 is excessively high, in the present instance.

5. I have requested Mr. Nesbitt to return Mr. Wilson's Bill to you for submission, with the report he will have to make on the subject.

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No. 74. From W. S. NESBITT, Esq., Officiating Subordinate Judge of Ootacamund; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 29th September 1859, No. 213.

1. In accordance with instructions from Mr. Bird, I have the honor to report to you the result of the enquiries, which I have made, both personally and by letter, regarding the Bill of Mr. Wilson, for the funeral expenses of Mrs. Thompson.

2. Mr. Bird requested me to ascertain from Mr. King, a relative of the deceased, and from Mr. Wilson—1st, whether any stipulations were made by the party ordering the funeral as to the expense to be incurred—2nd, whether the funeral was furnished in the manner described, and lastly to state, from the information I could collect, whether the charge of Rupees 150, in the present case, was in excess of Mr. Wilson's usual demands. To these questions I added one, vizt., "by *whom* was the funeral ordered."

3. The replies given to these questions by Mr. King are—1st, that Mr. Wilson was sent for by *him* to undertake the funeral—2nd, that *no stipulation* was made with him further than that

the deceased being the widow of a *Commissioned* (a term to be noticed) Officer, the funeral should be decent, and respectable, without any unnecessary expense, such as for scarves being incurred, but that the grave should be *bricked*, and that the funeral was furnished as described in the Bill, Mr. Wilson's replies (partly written, and partly verbal) are that he received his instructions from *Miss* King who, in answer to his first specific question as to how he was to furnish the funeral, desired that it might be done in every respect as for a *Lady*, the deceased being such, and the widow of a Lieutenant, but made no stipulation whatever regarding the expense. He, therefore, made arrangements in accordance with what agreeably to previous custom he considered requisite for a person of the class of society to which he had been given to understand the deceased belonged. On the following day Colonel Pritchard, the Officer then commanding the station, called on Mr. Wilson to see how he was proceeding with the work, and on Mr. Wilson then telling him that the cloth he had provided for the coffin would alone amount to 50 Rupees, Colonel Pritchard requested him to change it, and to keep the expense as low as possible. He at once complied with this request, and *omitted* purposely from his Bill, certain articles which were actually supplied by him, to the value of about 14 Rupees.

4. In order to be better enabled to form an opinion on the sum total of his Bill, Mr. Wilson has delivered in, at my request, a memorandum showing the separate charges for the items, classed together in his Bill, as also a memorandum for the expenses of the grave; and it will be seen from these that ½ of the whole sum is for the *bricking* of the grave, a work which was *specifically ordered* by Mr. King. As Mr. King had stated in his letter that he considered the charge of Rupees 150 "very exorbitant," I sent him a copy of this memorandum with a request that he would affix opposite each item what he deemed a fair charge, and let me know also upon what data he formed that opinion. This he has been unable to do, and has admitted that he expressed the above opinion merely upon a comparison of what had come under his observation at Madras. The state of matters however at the two places is so different, that I do not think a satisfactory conclusion can be formed by such a comparison. In reference to this point, Mr. Wilson has furnished a memorandum, shewing the charges made *here* for funerals by his predecessors, as also those prevailing at Bangalore, and these I think furnish fairer criteria whereby to judge of the matter.

5. With regard to the last of Mr. Bird's questions, Mr. Wilson, has not been able to refer me to any parties by whom he has been employed for furnishing funerals, and whom I could question regarding his previous charges, but he has informed me that he buried in June last Lieutenant Hooper, of the Cavalry, an Officer of the *same* rank as was the husband of the deceased Mrs. Thompson, and his charge then was Rupees 150, the same as in the present instance. All other funerals furnished by him have exceeded considerably this sum, except for the interments of persons quite of the poorest class. He has explained moreover to me that the circumstances to be specially considered in judging of his charges are—1st, the great difference in the cost of materials and labor here and elsewhere, that funerals are always ordered *suddenly*, and the work for them required to be done *instantly*. To meet such orders he keeps no regular establishment, and consequently is obliged to hire workmen at a moment's notice specially for the occasion, and these take advantage of the urgency to enhance their charges for labor, as also to require presents. Moreover, if he does not himself possess any materials which may be required for the funeral, he must purchase them elsewhere, when similar advantage is taken to increase their price.

6. A gentleman whom I considered most competent, from his thorough practical knowledg of the value of all kinds of labor and material, as well as from his residence for some time past here, to give a satisfactory opinion in this matter, is Mr. Rohde, and I submitted Mr. Wilson's charges to him for this purpose. By his permission I transmit his answer conveyed in a private note, from which it will be seen that he exactly confirms what Mr. Wilson has stated to me regarding the difficulties he has to contend with as to the "emergency of the work," and the high wages and presents to be paid to workmen. He considers the charges "though of full rates, not more than sudden emergency might justify, and that on the whole the Bill may pass."

7. The above explanation therefore is, I think, calculated to preclude the supposition of the charges being unreasonably high, or that any unfairness has been attempted in making them.



8. Papers, in original, as per subjoined list, are also forwarded.

1 Mr. Wilson's Bill.
1 Letter from Mr. Wilson.
2 Memorandums showing the separate charges of the items in the Bill.
1 Memorandum of previous charges for funerals at Ootacamund as also at Bangalore.
3 Letters from Mr. King.
1 Private note from J. Rohde, Esq.

No. 75. ORDER THEREON, 17th October 1859, No. 1399.

Under the explanations now submitted, Government authorise the Sub Judge to disburse the funeral expenses charged by Mr. Wilson, viz., (150) one hundred and fifty Rupees. The Sub Judge will advertise the residue of the Estate, amounting to Rupees 264-5-3, and report, at the expiration of the 12 months prescribed by Clause VII, Section XVI, Regulation III, 1802, what claims have been preferred.

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|---|---|---|---|
| Proceeds | 414 | 5 | 3 |
| Funeral | 150 | 0 | 0 |
| Rupees | 264 | 5 | 3 |

(Signed) T. PYCROFT,
*Chief Secretary.*

Exd. F. Cartledge.

Oct 10-1859.

My dear Father/

Receipts of the
W. I. Committee closed
& transferred and
herewith return all the
Papers which according to
your note of the 7th inst.
I have enclosed and
respectfully charge upon
accounts and Receipts in
support thereof all other
debts or liabilities and
on hand of these are sufficient

# Judicial. 4a

Proceedings of the Madras Govt.

Read the following letters—

From the Officiating Civil Judge of Coimbatore — Enter 16-September 1859 No. 7.

" the Officiating Sub Judge of Dotacolmund — 28" — 213.

Order—17 October 1859. No. 1399

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Proceeds — 414-5-3
Funeral — 150-....
Rs. 264-5-3.

Accounts to pay them, and may make the Estate be answered. I therefore think you may safely enter upon the duties of the Executorship by the Law and directed Rule of and administer to the Effects of the Deceased, with Executorship and Address to you.

Your very Obed.
C. A. Murphy

Regulation III 1802
what claims have
been preferred.

The Sub Judge of
Cuttack } Superior
with Original Juris-