

# MADRAS RECORD OFFICE.

Government of Madras.

*Judicial* DEPARTMENT.

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|------------------------|--------------------------|
| G.O. No. 1850          | Presse<br><del>Mis</del> |
| Dated 22 - 11. 49-1866 |                          |

Not to be folded or roughly handled

b/6

No. 1850

A. J. ARBUTHNOT, Esq.,  
Chief Secretary to the Government of Fort Saint George,

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,  
JUDICIAL DEPARTMENT.

SIR,  
In forwarding to you the annexed copy of a letter from the Collector of Bellary, relative to a Commission issued by the Judge of Kulladghee, for the examination of a witness, under Act VIII of 1859,

Dated 30th August 1866, No. 65.

"I have the honor to be,

Your most obedient Servant,

FORT SAINT GEORGE  
22nd November 1866

From the Collector of Bellary, to the Secretary to Government, Fort Saint George ;  
dated 30th August 1866, No. 65.

I have the honor to request the early instructions of Government as to the course to be pursued in regard to the procurement of the evidence of the Jaghiredar of Sundoor, residing in the limits of this District.

The Judge of Kulladghee, in the Bombay Presidency, forwarded certain queries to be put, and answers recorded; and I instructed my Head Assistant to have

do by proposing to meet the Jaghiredar in his own territory. The latter objects to give evidence in this fashion, and I am not aware that he has been exempted by law from appearance in a British Court; copy of his Sunnud is forwarded. If authorised, I will send the interrogations direct to him; but whether this would be a legal mode of obtaining his sworn testimony, I am unable to say.

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No. 542 of 1866.

KULLADGHEE ADALWOT.

Bhojnarao bin Dowlatrao and Anna Sahab bin Dowlat-  
rao Ghorpada, resident of Gajendragad. } Plaintiffs.

Kallajee Rao bin Dowlatrao Ghorpada, resident of Gajend-  
ragad. } Defendants.

Original No. 2 of 1866.

Amount of Claim 6,49,414-5-8

From the Judge of Kulladghee, to the Collector of Bellary, dated 7th August 1866.

Under the provisions of Section 177, Act VIII of 1859, I have the honor to transmit, here-  
with, a paper of queries, with a Commission, and  
request you will have the goodness to return  
them to me, with the answers of the witness  
indicated in the margin.

2. Postage stamps, to the value of Rupees 5-12-0, are forwarded to cover the expense.

Forwarded, with five enclosures, to the Head Assistant Collector, for the needful to be done,  
and to reply direct to the Judge of Kulladghee, and report to this office his having done so.

BELLARY,

(Signed) A. WEDDERBURN,

Collector.

13th August 1866.

From the Head Assistant Collector, Bellary, to the Collector of Bellary, dated Humpasagur,

25th August 1866, No. 36.

I have the honor to return, herewith, letter, No. 542, from the Judge of Kulladghee, with  
enclosures, transmitted to me on the 13th instant,  
Letter from the Head Assistant Collector to the Jaghiredar  
of Sundoor, dated 21st August 1866, No. 147, having been unable to execute your directions  
Letter from Jaghiredar of Sundoor to the Head Assistant  
Collector, dated 23rd August 1866, No. 16, regarding it, as will be seen from the correspond-  
ence noted in the margin\*, and herewith forwarded

From the Head Assistant Collector of Bellary, to the Jaghiredar of Sundoor, dated Hospett, 21st  
August 1866, No. 147.

The Judge of the District of Kulladghee having issued a Commission for the taking of your  
evidence in a certain case pending in his Court, I have the honor to inform you that I shall be  
prepared to meet you at Ramandroog, on Tuesday, the 28th instant, for the purpose of recording  
your answers to certain interrogatories.

From the Jaghiredar of Sundoor, to the Head Assistant Collector of Bellary, dated Sundoor,  
23rd August 1866, No. 16.

In reply to your letter, No. 147, of the 21st instant, informing me that you will be prepared  
to meet me at Ramandroog, on Tuesday, the 28th instant, for the purpose of recording my answers  
to certain questions proposed by the Judge of the District of Kulladghee, in a Commission issued  
by him, and forwarded to you, I have the honor to inform you that the ordinary procedure in  
such cases is for the Judge of the Court to forward the Commission to the Officer presiding over  
my Sudder Court. If the Judge will follow this course, or, if you feel justified in sending the Com-  
mission, my answers shall be recorded, under solemn affirmation, in the usual way. It would  
evidently subject me to much inconvenience were I liable to be summoned as a witness to the  
Court established under the authority of Her British Majesty's Government.

To

SIVA SHUNMUKA ROW GHORPADAY,

Jaghiredar of Sundoor.

His Excellency the Governor in Council of Fort Saint George, has been pleased to renew in  
your name the Sunnud granted to Venkat Row Ghorpaday, under date the 12th January 1841,  
conferring on him and his heirs, for ever, in Jaghire, the lands of Sundoor, free of Peishkush, and  
pecuniary demand.

2. You shall have the entire management of the Revenue and Police of your Jaghire, and  
also the duty of administering Civil Justice, subject to the undermentioned conditions.

3. You shall at all times maintain faith and allegiance to Her Majesty's Government; their  
enemies shall be your enemies; their friends shall be your friends. You shall assist Her Majesty's  
Government to the utmost of your power against foreign and domestic foes; you shall maintain a  
strict watch over the public peace in your Jaghire. You shall not afford an asylum to offenders  
from the Districts of the Government of India, but shall either deliver them up or assist the Officer  
of Her Majesty's Government who may be sent in pursuit of them. You shall cause justice to be  
rendered to inhabitants of the Districts of the Government of India, and others who may have  
pecuniary claims on any of the inhabitants of Sundoor.

4. In the administration of Criminal Justice within your Jaghire, you shall abstain from the  
punishment of mutilating criminals, and shall not sentence capitally, or execute persons capitally  
convicted, without the sanction of Government previously obtained, but shall refer all cases appear-  
ing to you to call for such punishments for the consideration and orders of the Governor in Council.

5. You shall be answerable to Her Majesty's Government for the good government of your  
Jaghire, and if ever it should happen that, in consequence of misgovernment, the interposition of  
Her Majesty's Government should become necessary, the Governor in Council of Fort Saint George  
will, in such case, take such measures as may appear just and proper for restoring order and pro-  
viding for the security of the people.

Given under the seal of Her Majesty's Government, and signature of the Governor in  
Council in Fort Saint George, this thirteenth day of October, one thousand eight hundred and  
sixty-three.

Seal.

(Signed) W. T. DENISON.

(Signed) E. MALTBY.

Entered in the Chief Secretary Office.

By Order of the Governor in Council.

(Signed) A. J. ARBUTHNOT,

Chief Secretary.

(True Copy)

(Signed) A. WEDDERBURN,

Collector.

Exd. J. H. Burns.

To Order.

There are no precedents.

The pay him has is a pen duty  
I think his own credit. He says so  
he has.

I do not see how to pay him.  
He has been told not to write the  
pay him has is a pen duty  
He says so he has.

cannot compel the Right to pay his  
man in a way that he does not like  
and would find his answer to Bon by  
and recommend that his writing  
waited in the manner that he pro-  
- It would have been better had  
Lilly sent him and explained  
the then he would probably have  
in his answers without difficulty

1866 DEPARTMENT.

The Collector of

Ellory.

Revenue Secretary  
to Government.  
Madras

Dated 30th August/66

Received 31st August/66.

Despatched 31st August/66.

No. 65

Enclosure 2

Respecting instructions  
as to the course to be  
pursued in regard to the  
proceedings of the  
of the Department of  
as 2

No. 15  
BELLARY COLLECTORS OFFICE.  
30th August 1866.

From  
A. Wedderburn Esquire,  
Collector of  
Bellary.

To  
J. D. Sim Coquire  
Secretary to Government, Revenue Department,  
Madras.

I have the honor to request the early instructions of Government  
as to the course to be pursued in regard to the procurement of the evidence  
of the Jageerdar of Sundoor, residing in the limits of this District.

The Judge of Kulladze in the Bombay Presidency forward  
certain queries to be put, and answers recorded, and I instructed  
my Head Assistant to have the needful done, which he attempted to do  
by proposing to meet the Jageerdar in his own territory. The latter  
objects to give evidence in this fashion, and I am not aware that  
he has been exempted by law from appearance in a British Court -  
copy of his summons is forwarded. If authorised, I will send the in-  
terrogations direct to him; but whether this would be a legal mode  
of obtaining his sworn testimony, I am unable to say.

I have the honor to be,  
Sir,  
Your Most Obedient Servant

A. Wedderburn  
Collector

correspondence  
enclosed, and  
copy of summons

*[Handwritten notes in left margin, including:]*  
I am sorry to hear that the  
Jageerdar has been a witness in the  
Court of the Judge of Kulladze  
and that he has been sworn to  
give evidence in this fashion.  
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Jageerdar has been a witness in the  
Court of the Judge of Kulladze  
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give evidence in this fashion.

To  
The Secretary to the Government  
of India, Bombay  
Judicial Department.

Sir,

I am forwarding to you  
the annexed copy of a  
letter from the collector  
of Bellary relative to  
a commission issued  
by the Judge of Kulladze  
for the examination of  
a witness under Act  
VIII of 1859, I am directed  
by the Governor in  
Council to recommend,  
under the circumstances,  
that the evidence of  
the Jageerdar may  
be obtained in the  
manner proposed by  
him. He is a Jageerdar  
and has his own power

Dated 30th Aug 66 No 65

Mr. Wedderburn should  
not have kept back the  
Commission issued by the  
Kulladze Court & should  
have sent it to some one, &  
may be that person is an  
employee in the Coondoor  
Court. To know if it had been  
passed on, all the  
compos we have been  
doing - W.D.

