M.R.O. 1—77,006—8-6-37.

(1) Number of pages 14

(2) Date of repair 11-4-38.

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Judicial Works DEPARTMENT.

Cau 15/3/5-9

G.O. No. 560 Press Mis.

6465

Dated 12-3- 18 59.

Not to be folded or roughly handled

1B

Fort Saint George, Public Works Consultation of 15*th March* 1859.

No. 64. Read the following Extract Minutes of Consultation in the Military Department, dated 10th February 1859, No. 608.

Communicating the Proceedings of an European Court of Requests in the case of Comarasawmy Pillay, of Trichinopoly, versus Lieutenant Drever, 31st Regiment Light Infantry, in which the Plaintiff has been non-suited. } (Vide Military Consultation, 15th February 1859, Nos. 91-92.)

Stated

No. 65. ORDER THEREON, No. 560; dated 12th March 1859.

This Extract Minutes of Consultation in the Military Department communicates the Proceedings of the Court of Requests held at Hurryhur on the 5th January 1859, to enquire into the claim of Comarasawmy Pillay of Trichinopoly on Lieutenant Drever of the 31st Regiment M. N. I. and an Executive Officer in the Public Works Department for certain articles purchased by that Officer. The Court exonerated Lieutenant Drever on technical grounds, but these do not affect the merits of the case. The Government resolve therefore to require that Officer, through the Chief Engineer, to submit without any delay, a full and clear reply to the claim of Comarasawmy Pillay, either admitting it and arranging to pay, or giving reasons and circumstances in full if he denies it. In the latter case he will give full explanation as to his note held by the claimant.

(Signed) J. D. BOURDILLON,
Secretary to Government.

3 B

MILITARY DEPARTMENT.

No. 608.

Extract from the Minutes of Consultation, *10th February* 1859.

Read letter from the Adjutant General of the Army, 8th February 1859, *No.* 73 ; *to the Secretary to Government, Military Department, Fort Saint George.*

Giving instructions as to the disposal of a complaint of S. Comarasawmy Pillay against Lieutenant Drever 31*st Regiment Light Infantry, by a Court of Requests.*

With reference to Extract from Minutes of Consultation, dated 9th November 1858, No. 4033, I have the honor by order of the Commander-in-Chief to forward for submission to the Right Honorable the Governor in Council, the Proceedings of an European Court of Requests in the case of Comarasawmy Pillay of Trichinopoly, versus Lieutenant Drever 31st Regiment Light Infantry, in which the Plaintiff has been non-suited.

Proceedings of an European Court of Requests held at Hurryhur on the 5th of January 1859, *by Order of Colonel W. R. A. Freeman Commanding the same Station.*

President.

Captain Daniel 16th Regiment Native Infantry.

Members.

Lieutenant Hickman 3rd Battalion 60th Royal Rifles.
Lieutenant Hodjes 3rd Battalion 60th Royal Rifles.

The Court being assembled pursuant to order, the President and Members all present.

The Order directing its assembly is read.

The President and Members are duly sworn.

The Court proceeds to investigate the following cases.

No. 1. *Comarasawmy Pillay of Trichinopoly on vouchers Nos.* 1 *to* 5.

Versus.

Lieutenant Drever 31*st Native Infantry Rs.* 155-8-6.

Defendant present in Court, Plaintiff absent. His vouchers being furnished to the Court by the Staff Officer.

The Court observe, that the only document on which the claim of Rupees 155-8-6 is founded, is a mere Memorandum drawn up most irregularly, and purporting to be signed by Lieutenant Drever.

It is neither a Bill or a receipt, and proof of the handwriting being that of Lieutenant Drever is not adduced. It is dated April 1848, which date is admitted by Plaintiff in his own letters—the Court therefore observe that they are precluded by the Limitation act and by Para. 35 of the Rules for the guidance of European Courts of Requests, from proceeding further in the investigation of the case, and the Plaintiff is non-suited.

Communicated to Public Works Department, with reference to Minutes of Consultation, No. 4033, 9th November 1858.

(True Extract and Copies.)

2434

Acting Dy. Secretary to Government.

To the Adjutant General.
" Public Works Department. With 20 spare Copies
" S. Comarasawmy Pillay Trichinopoly.

Exd. J. Davis.

P.W. Cons. 23 Road 58 Nos 19-20

P. Works 1839 Despatches
Do to Cons & Estimates.

No. 406.

Extract Minutes of Cons
in the Military Dept.

Dated 10th
Received 19th } Feby 1839

No. 608.

No. 560 — 12 March

Communicating the Proceedings of an European Court of Requests in the Case of Cothamsammy Pillay of Trichinopoly, versus Lieut. Drewe, 31st Regt. Light Infantry in which the Plaintiff has been non-suited.

No 64.

C 23 Feby C 25th C 2d March No 10th

P.W. N° 1,106.

In May 1858 one Canarasamy Pillay, a merchant of Trichinopoly presented a Petition to Government, in which he complained that Lieut. W. S Drever of the 31st Regt Light Infantry and Executive Engineer 1st Class at Canara & Mangalore, had purchased in 1848 certain European articles at his shop on credit, but failed to pay for them, although the latter was repeatedly applied to. The Government made the following endorsement on the petition, and communicated it to the parties concerned:

E/M/L 15th June 1858
N° 2144 M.D

"Lieut. Drever should immediately settle petitioner's claims. In the event of his disputing their correctness, he will be directed to proceed to a Military Station where they can be investigated by a Court of Requests."

In October of the said year the Adjutant General of the Army Head Quarters transmitted a fresh petition from the said Merchant stating that Lieut. Drever failed to reply to two letters addressed to him since the receipt of the above endorsement.

E/M/L 9th Nov. 1858
N° 4,103
M. D.

C23 July C25th C2. Nov

1864.

Drever has been called
upon for police Enquiry.
[illegible] Steam [illegible]
I think Mr Drever
should certainly be
called upon for full
explanation why, this be
done in reference to
defense the suit before
the Court of Requests by
will which he appealed above — LG MG

endorsement. Upon this a Court of Requests was ordered to be held at Hurryhur for the investigation of petitioner's claim, and Lieut. Drever was instructed thro' the Public Works Department to attend the Court.

The Military Department now communicate the Proceedings of the Court of Requests held at Hurryhur on the 5th January 1859, from which it would seem that Plaintiff (the said Merchant) was absent on the day of enquiry, and that his claim being barred by the Statute of Limitation he was nonsuited.

E. M. C. 10th Feb'y 59
No. 608
W. D.

11 B

Public Works Dep't

No. 560.

Extract from the Minutes of Consultation
Under date the 12th March 1859.

Read the following
Q. Minute Con. in the
Military Dep't.

Rec'd here 10th February 1859
No 608

This Minute of Consultation in the Military Dep't communicates the Proceedings of the Court of Requests held at Hurryhur on the 5th Jany 1859, to enquire into the claim of Comaravanamy Pillay of Trichinopoly

on Lieutenant Drever of the 3rd Regt Mtd I. and an Ex. Officer in the Public Works Department for certain articles purchased by that Officer. The Court exonerated Lieut. Drever on technical grounds, — but there do not affect the merits of the case. The Government resolve therefore to require that Officer, through the Chief Engineer, to submit without any delay, a full and clear reply to the claim of Comaravunny Pillay, either admitting it and arranging to pay, or giving reasons and circumstances in full if he denies it. In the latter case he will give full explanation as to his note held by the claimant.

10 Copies to the Chief Engr
Dept

P.W. Corr. 23 2nd Jan. 58 19 2nd

Public Works 1859 Dept.
Dy.. to Cons: 15th March

No. 560

Extract Mins: of Cons:
D/ 12th March /59.

From the Chief Engineer D/ 2nd
Inst. /59 & No. 1059 Cons:
10th-90 17-18-

Directing Lt. Drewer
of the 31st Regiment Madras
Native Infantry and an
executive Officer in the P.W.D.
to submit through the Chief
Engineer a full and clear reply
to the claim of Comarasawmy
Pillay of Trichinopoly either
admitting it and arranging
to pay or giving reasons and
circumstances in full if he
denies it.

No 64 to 65.