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MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 1908	Press
374-75	Mis.
Dated 18	18

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
18th June 1866.*

No. 374. Read the following Proceedings of the Madras Government in the
Military Department:—

Directing the recovery, from the Agent, of the ex-
pense incurred in the conveyance of a horse } Here enter 12th June 1866, No. 1,989.)
from Cannanore to the Remount Depot at
Oosoor.

No. 375. ORDER THEREON, 18th June 1866, No. 1,903.

ACCOUNT, No. 34.

Ordered to be recorded.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

Exd. S. T. Augustin.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Pro. of Govt., No. 1732, dated 19th May 1866. Read again the paper noted in the margin.

Read also the following papers:—

Memorandum from the Adjutant General, Head Quarters, Ootacamund, 31st May 1866, No. 3/27; to the Secretary to Government, Military Department, Fort Saint George.

I am directed by His Excellency the Commander-in-Chief, to report for the information of Government, that on a perusal of the papers which accompanied Order of Government, No. 1732, dated 19th May

** Attached and marked A.*

1866, and also the explanation* of Major

Elwyn, who being at Ootacamund, was called on to give any further information he could afford on the matter referred, His Excellency is of opinion that Major Elwyn is not responsible for the railway and other charges incurred on account of the re-transmission to Oosoor of a horse sent to him, the marks on which did not correspond with the register furnished.

2. His Excellency considers that Major Elwyn was justified in declining to receive the horse, and it is clear from the letter of the Sub-Assistant Commissary General, Cannanore, dated 5th May 1866, that it was at the request of, and on the responsibility of, the mutsuddy (and not at the request of Major Elwyn, as stated in the 4th paragraph of Colonel Thompson's letter No. 16, dated 9th May) that the horse was sent back to Oosoor.

3. It appears to His Excellency that the mutsuddy should have reported the matter either directly or through the Commissariat Officer at Cannanore, and awaited instructions from Colonel Thompson.

4. That a reply would have been received by Major Elwyn (had he retained the horse) as quickly as is stated in the 5th paragraph of Colonel Thompson's letter of the 9th May, is not borne out by Major Elwyn's statement, for he transmitted the Proceedings of the Committee (which he convened to compare the horse with the register) to Oosoor, about the 16th December last, and did not receive a reply till about the 30th of the month.

5. Under all the circumstances of the case, His Excellency is clearly of opinion, that the payment of the expenses incurred on re-transmitting the horse sent with an incorrect register for the D Battery, 20th Brigade, Royal Artillery, should not be charged to Major Elwyn.

A.

From Captain (Major) J. H. ELWYN, C Battery, 20th Brigade, Royal Artillery, late Commanding D Battery, 20th Brigade, Royal Artillery, Ootacamund, 28th May 1866; to the Assistant Adjutant General, Royal Artillery, Madras Presidency, Ootacamund.

In reply to your memorandum No. 515 of this day's date, calling for further information connected with the return of a horse to the Remount Depot, (intended for the D Battery, 20th Brigade, Royal Artillery) I have the honor to state the following circumstances:—

On the 15th or 16th December 1865, 19 horses from the Remount Depot arrived at Cannanore, for the D Battery, 20 Brigade, Royal Artillery, I compared these horses with the register, which I had received from the Remount Agent, and found that one, with hoof number 43, instead of being, as stated in the register, a chesnut Australian mare 4 years' old, was a chesnut gelding, which, though marked on the side as being of the season of 1866, had all the appearances of great age, and was thought by all who saw it to be nearly 20 years' old.

I told the native who came in charge of the horses, that I could not receive the horse in question, as it did not correspond with the register I had received.

The native asked what he was to do, I told him I could give him no orders, but would give him a letter to the Commissariat Officer at the station, stating that I had refused to receive the horse from him.

I then assembled a Committee to compare the horse with the register, and to make a correct descriptive register of it.

On the completion of these proceedings, I forwarded the horse to the Commissariat Officer with a letter, (enclosing a copy of the Proceedings of the Committee and an extract of the register received from the Agent) stating that I had declined to receive the horse on account of its not corresponding with the register, but I made no request that the horse should be sent by rail to the Remount Depot.

I at the same time reported to the Remount Agent, what I had done, forwarding to him also a copy of the Proceedings of the Committee on the horse.

About the 30th December 1865, I received a reply from the Remount Agent, stating that the horse sent was the one intended for the D Battery, 20th Brigade, Royal Artillery, being a re-transfer from one of the reduced Batteries, but that by an error of one of his clerks, the register of a mare bearing the same number had been sent me by mistake, he therefore considered I had done wrong in rejecting the horse, which I should have received and then communicated with him, when the mistake would have been rectified in 4 or 5 days, and consequently he should hold me responsible for the expenses incurred on account of the horse from the date of its being tendered.

He also forwarded a register of the horse, in which it was described as being a Remount of the season 1865-66, (re-transfer from a reduced Battery) and its age was given as 6 years.

In the Agent's letter, however, it was explained, that the horse was sent to one of the Batteries, since reduced, in the middle of 1861, and that it was then 6 years' old. This would make its age nearly 13 years when sent to my Battery, instead of 6 years as shewn in the register, in which no mention was made of the date of its first admission to the service.

In reply, I stated, that I still thought I adopted the only course open to me, in refusing to receive an old horse, when, by the register sent by the Agent, a young mare should have been delivered, that the horse was marked as being of the season 1866, and had no marks or anything to show that it was a re-transfer or had ever previously been in the service, that unless I had brought it on the strength of the Battery, which I declined doing, I had no means of feeding it; I therefore sent it to the Commissariat Officer, and did not consider I had anything further to do in the matter, and could not feel myself responsible for the consequences of an error committed by one of his clerks.

I also pointed out the inconveniences which might arise from the horse being described in the register (just received) as being 6 years' old, whereas the letter shewed it to be nearly 13 years, for if the register received from the Agent was copied into the Battery register, the horse hereafter when completely worn out from old age, would by the register appear to be comparatively young.

The Remount Agent replied that he still considered I had done wrong, and quoted the similar mistake which had occurred at Trichinopoly, and the course which had been pursued there.

Not having copies of the correspondence, I have given the purport of it above from memory, but I believe I have been accurate on all material points.

I do not understand how the Remount Agent can have come to the mistaken conclusion, that I requested the Sub-Assistant Commissary General at Cannanore, to return the horse by rail to the Remount Depot, when that Officer's letter No. 36 of the 5th May 1866, annexed to the Proceedings of Government, clearly shews that the horse was so sent at the request and on the responsibility of the mutsuddy who was in charge of the horses.

Under the circumstances above stated, I trust that His Excellency the Commander-in-Chief will not consider that I was to blame in declining to receive the horse, or that I am responsible for the expense incurred in sending the horse back to Oosoor, when it was so sent, not at my request, but at that of the mutsuddy, who might well have waited at Cannanore until he received orders from the Remount Agent.

The Proceedings of Government received with your memorandum under reply are herewith returned.

ORDER, No. 1989, 12th June 1866.

The Governor in Council concurs in opinion with His Excellency the Commander-in-Chief, that Major Elwyn must be absolved from responsibility in connection with the return to the Remount Depot of the horse referred to in the foregoing correspondence.

2. The rejection of the horse by the Officer Commanding D Battery, 20th Brigade, Royal Artillery, having been due to a clerical error in the Agent's Office, and the animal having been returned to Oosoor on the requisition and responsibility of the Remount mutsuddy, the expenses consequently incurred are clearly chargeable to the Remount Department, and will accordingly be recovered from the Agent.

(True Extract.)

Marshall Major General.

Secretary to Government.

To the Adjutant General, with an enclosure.

Remount Agent, Oosoor.
Controller of Military Accounts.
Military Accountant.
Examiner Pay Department.
Examiner Stud Accounts.
Commissary General, ... } for information.
Public Works Department, ... }

With 1866 paper

Exd. J. E. Cashart.

466116

1003
Jr 1903

Beardsley

Frederick Groves
18th June 1886

8/19/89

Oct 1903 - 18 June 1911

directing the recovery from the agent of the expense incurred for the conveyance of a horse from Cambridge to the Riverport West at Boston with care &c.

[Handwritten signature]

23/11-3/12