

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.

1118

Press
Mis.

Dated

9-9-1867

Not to be folded or roughly handled

*GP
K. S. S. S.*

*Proceedings of the Madras Government, Public Department,
9th September 1867.*

No. 94. Read the following :—

TO HIS EXCELLENCY THE GOVERNOR OF FORT SAINT GEORGE,
Madras.

* The humble Memorial of J. N. JOHNSON, Treasury Accountant, Roy Bareilly, in the Province of Oudh,

HUMBLY SHEWTH,

That your Memorialist is reluctantly compelled to lay before your Excellency the accompanying transcripts of correspondence, connected with the conduct of Dr. W. H. Roberts, Civil Surgeon of Salem, in the Madras Presidency, and to bring to your Excellency's notice that the said gentleman is indebted to your Memorialist in the sum of Rupees 661, with interest thereon since 1863, on account of rent of a dwelling house occupied by him at Seonee, in the Central Provinces, during the period that he was in medical charge of that station.

2. Your Memorialist begs that your Excellency will, after perusal of the correspondence that has passed on the subject of non-payment of rent, between the Deputy Commissioner of Seonee, Dr. Roberts, and Lieutenant Colonel Spence, the Commissioner of the Division, see into the justice of the claim now advanced by your Memorialist, who is, under the peculiar circumstances of the case, necessitated to seek redress at your Excellency's hands.

3. Your Memorialist would not have given your Excellency the trouble that this Memorial will involve, but being sanguine that your Excellency will see your Memorialist righted, and acting on the advice of the Deputy Commissioner of Seonee, contained in his letter to your Memorialist's address, dated the 23rd April 1867, your Memorialist has presumed to represent Dr. Roberts' unwarrantable conduct to your Excellency, who, as Head of the Presidency, can call on Dr. Roberts to pay his just debt to your Memorialist, who, as in duty bound, shall ever pray for your Excellency's health and equitable administration.

ROY BAREILLY, OUDH,
4th August 1867.

From the Deputy Commissioner, Seonee, to W. H. ROBERTS, Esq., M. D., Civil Surgeon, Seonee ; dated Seonee, 11th June 1864, No. 1461.

This office letter, No. 99, dated 4th of February 1863, apprized you that you were a debtor to Mr. Purcell's estate, for the rent of a house, occupied by you, from the 15th March 1861 to 31st December 1862, viz. Rupees 860 0 0

The payment acknowledged till that date were..... 389 3 0
Leaving a balance..... 470 13 0

2. Your letter, No. 6, dated 10th March 1863, stated that, besides the sum of Rupees 389-3-9 paid by you, you had executed repairs, through a person named Khundoo, amounting to Rupees 89-13-0 ; deducting this item, there now remains against you Rupees 381.

3. You also occupied the same house from 1st January 1863 to 31st July 1863, being seven months. A further balance of Rupees 280 is due, making a total of Rupees 661, which I shall feel obliged by your sending at your earliest convenience.

4. Should you be able to produce receipts for payments made beyond the figure of Rupees 470-13-0, for which credit has already been given you, of course, they will be accepted.

5. The undersigned trusts these accounts may be settled previous to your departure, or, at least, as much as possible,— monthly instalments could be accepted for any balance remaining.

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From the Deputy Commissioner, Seonee, to W. H. ROBERTS, Esq., M. D., Civil Surgeon, Seonee ; dated 14th July 1864, No. 1779.

DOCKET.—Draws attention to this Office, No. 1461, dated the 11th June 1864, and requests him to make arrangements, previous to his departure, regarding the rent due by him to Mr. Purcell's estate.

From W. H. ROBERTS Esq., M. D., Civil Surgeon, Seonee, to the Assistant Commissioner in charge, Seonee ; dated Seonee, 15th July 1864.

In reply to letter, No. 1461, and docket 1779, of the 14th instant, I have the honor to inform you that, as soon as I reach my new destination, I shall take early measures for the liquidation of my debt to the Purcell estate, by the payment of monthly instalments. I regret that circumstances will not permit of my making any payment just at present.

From the Deputy Commissioner, Seonee, to W. H. ROBERTS, Esq., M. D., ; dated 14th October 1864, No. 2762.

I have the honor to call your attention to my predecessor's letters to your address, as per margin, and your replies.

No. 1461, dated 11th July 1864.
No. 1779, dated 14th July 1864.
Your letter, dated 15th July 1864.

2. It is apparent that you are indebted to the estate of the late Mr. Purcell, of which I am appointed guardian, in the sum of Rupees 661.

3. I feel myself utterly unable to allow this claim to go unsettled any longer. The money was due by you for house rent, which you should have paid monthly.

4. I must request that you will remit me this money within one month, in default of which I shall be compelled, in justice to the orphans, to lay the whole subject before authority, with my recommendation that you will be sued in the Civil Court for the amount.

From the Deputy Commissioner, Seonee, to the Commissioner, Jubbulpore Division, dated 26th January 1865, No. 219.

It is with reluctance that I forward copies of correspondence, as per margin, for your orders.

No. 2762 dated 14th October 1864, to Doctor Roberts.
" 1461, dated 11th June 1864 to do.
" 1779, dated 14th July to do.
Doctor Roberts letter, dated 15th July 1864.

2. Mr. Purcell's orphans are dependent for their daily bread and education on the rent of the two houses at Seonee under my charge.

3. The income from these is necessarily precarious ; the houses urgently need large outlays in repairs ; but I have only Rupees 789 to the credit of the estate.

4. You will see that the sum of Rupees 661 is due by Doctor Roberts, late Civil Surgeon at Seonee, for arrears of rent, but he has not even replied to No. 2762, of the 14th October last, though written in strong terms.

5. I am aware of decrees out against Doctor Roberts, and fear a civil suit will only make matters worse, and I trust you will see no objection to his being called upon to pay a debt due to these orphans through his official superiors.

6. Doctor Roberts is now Civil Surgeon of Salem in the Madras Presidency.

From the Commissioner, Jubbulpore Division, to W. H. ROBERTS, Esq., M. D., Civil Surgeon at Salem, dated 17th February 1865, No. 854.

I have the honor to forward, for your persual, a copy of a letter, No. 219, of the 26th ultimo from the Deputy Commissioner of Seonee, to my address, relative to a large sum of money due by you to the Purcell estate at Seonee, as the rent, for several months, of a house appertaining to the said estate, which was occupied by you when you were in civil medical charge of the Seonee District.

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2. This debt has been outstanding for a very long time, and the longer the liquidation of it is postponed, the graver the case against you will become. I am averse to having recourse to any stringent measures, if there is the slightest reason to believe that the debt can be settled amicably. You are now, I believe, in medical charge at Salem, and I trust quite capable of paying up a debt due to the Purcell orphans, who are entirely dependent on the rent of the houses at Seonee (one of which you occupied) for their subsistence and education. I, therefore, earnestly solicit that, immediately on the receipt of this, you will make the Deputy Commissioner of Seonee a remittance of the sum of Rupees 661, due by you to the Purcell estate, or that you will communicate with that Officer, and arrange with him in such other way for the liquidation of the debt as shall be acceptable to him. I am, in duty bound, to record, in conclusion, that, in default of your acting promptly on this letter, I shall be compelled to refer this matter to higher authority, and that the Deputy Commissioner of Seonee must then institute a civil suit against you for the amount of the debt.

No. 855 of 1865.

Copy of the foregoing forwarded to the Deputy Commissioner of Seonee, for information, with reference to his No. 219, of the 26th ultimo, and with a request that he will inform the undersigned, after a reasonable time, if Dr. Roberts has complied with the request made from this office.

By order.

(Signed) D. S. HANNAGAN,
Head Clerk.

JUBBULPORE COMMISSIONERSHIP,
17th February 1865.

for Commissioner, Jubbulpore Division.

From the Deputy Commissioner, Seonee, to the Commissioner, Jubbulpore Division ; dated Seonee, 17th March 1867, No. 734.

In reply to your endorsement, No. 865, of the 17th ultimo, I have the honor to report that, a month having elapsed, I have as yet received no communication whatever from Dr. Roberts, late Civil Surgeon at Seonee, regarding the debt due by him to the Purcell estate.

From the Commissioner, Jubbulpore Division, to W. H. ROBERTS, Esq., M. D., Civil Surgeon, Salem ; dated Jubbulpore, 28th March 1865, No. 1581.

In continuation of my office letter, No. 854, of the 17th ultimo, on the subject of your debt to the Purcell estate, I have the honor to inform you that I learn from the Deputy Commissioner of Seonee that you had not, up to the 17th instant, communicated with him on the subject, and that I have, therefore, authorized him to institute a civil suit against you for the debt, should he fail to receive either a remittance or an intimation from you, by the 25th of the ensuing month of April, that you have made proper arrangements for the payment of the full amount of your debt to the Purcell estate at Seonee.

No. 1582.

Copy of the foregoing forwarded to the Deputy Commissioner, Seonee, with reference to No. 734, dated 17th instant, with a request that he will institute the suit against Dr. Roberts, should he fail as indicated.

(Signed) J. K. SPENCE,
Commissioner, Jubbulpore Division.

From the Deputy Commissioner, Seonee, to the Commissioner, Jubbulpore Division ; dated Seonee, 10th August 1865, No. 2184.

With reference to previous correspondence, I forwarded, in original, all letters which have passed between Dr. Roberts and myself, since your letter, No. 1581, to his address, forwarded to me with No. 1582, of 28th March 1865. I have, in spite of this, not been paid a Rupee by Dr. Roberts, and, therefore, again solicit your orders.

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9th September 1867.*

2. I consider a suit in the Civil Court would do no good. It is impossible for me, after obtaining a decree, to take out execution, as I have no idea what property he may be possessed of, and I would desire, if possible, to avoid the arrest of the person of an Officer in Dr. Roberts' position. It seems to me the best hope lays in another communication from yourself.

From the Commissioner, Jubbulpore Division, to W. H. ROBERTS, Esq., M. D. Civil Surgeon, Salem; dated 22nd August 1865, No. 4705.

With reference to this office letters, numbers and dates as per margin, to your address, I have the honor to inform you that the Deputy Commissioner of Seonee has brought to my notice that, up to the 10th of the current month, he

No. 854, dated 17th February 1865.
No. 1581, dated 28th March 1865.

had not received one Rupee from you, towards the liquidation of your debt to the "Purcell estate", contracted by you while in civil medical charge of Seonee.

2. I have to express my extreme disappointment that you should have failed so entirely to act up to your agreement for paying off this claim against you, after the great forbearance with which you have been treated in the matter. You occupied a house belonging to the Purcell estate from the 15th March 1861 to the 31st December 1862, the rent for which period, at 40 Rupees a month, amounted to Rupees 860, and out of this you paid Rupees 389-3-0 on account of rent, and Rupees 89-13-0 for repairs, leaving a balance of Rupees 381 due, and again you occupied the same house from the 1st January to the 31st July 1863, the rent for which period came to Rupees 280, making a total demand of Rupees 661, and yet, notwithstanding such a lapse of time, you have not liquidated even a portion of the debt, though you are aware that the late Mr. Purcell's orphans are dependent on the rent of the house in question and of another house at Seonee for their subsistence and education.

3. In a letter of the 16th May last, you informed the Deputy Commissioner of Seonee that you would arrange for the payment of this debt by monthly instalments of 50 Rupees, commencing from the issue of pay in June, and that you would pay the money either through Messrs. Arbuthnot and Co., by order on the Bank of Bengal, or by Bank Notes. In reply, the Deputy Commissioner informed you, in his letter, No. 1515, dated the 31st May, that, provided he received regularly 50 Rupees a month from the 15th June, until the debt was paid off, he would suspend any further action in the matter, and he begged you to understand that regularity in the payments was an absolute necessity. Again, in your letter of the 16th June, you requested that the agreement might take effect from the 15th July, instead of from the 15th June, on the ground that you had reason to expect an increase of pay from July; this request, the Deputy Commissioner very properly refused to accede to, and informed you that the former agreement must be acted up to, but, so far from paying attention to his communication, you have not made a single remittance.

4. I shall be very sorry to find myself compelled to take steps in this case which would be likely to get you into trouble, but it is impossible for me to allow the matter to run any longer in the way I have above described: simple justice to the Purcell orphans demands a strict adherence to your agreement for the adjustment of the claim, and I, therefore, beg of you to take notice that, unless you remit your instalments for June, July, and August, at the rate of Rs. 50 a month, so as to reach the Deputy Commissioner of Seonee not later than the 20th proximo, and thenceforward remit the monthly instalments with punctuality, I shall be forced, most reluctantly, to lay the correspondence before the Chief Commissioner, Central Provinces, in view to its being forwarded for the consideration and orders of His Excellency the Governor of Fort Saint George.

No. 4706.

Copy of the above forwarded to the Deputy Commissioner of Seonee, for information, with reference to his No. 2184, dated the 10th instant, and with an intimation that the original correspondence furnished by him is retained for the present in this office, in case a reference to higher authority should have to be made.

COMMISSIONER'S OFFICE,
JUBBULPORE DIVISION,
22nd August 1865.

(Signed) J. K. SPENCE,
Commissioner, Jubbulpore Division.

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9th September 1867.*

From the Deputy Commissioner, Seonee, to the Commissioner, Jubbulpore Division, dated Seonee, 20th September 1865, No. 2483.

Your No. 4706, of 22nd ultimo.

I regret to say that I have received no communication or payment from Dr. Roberts.

From the Deputy Commissioner, Seonee, to the Commissioner, Jubbulpore Division, dated Seonee, 12th June 1866, No. 1103.

Referring to past correspondence, I must once again ask your assistance to recover from Dr. Roberts, Civil Surgeon, Salem, the sum of Rupees 661, due to the Purcell estate.

2. Although I have actually handed this over to the son of the late Mr. Purcell, as nearest of kin, yet I feel the heirs will look to me to recover this money. When I tell you that I am aware of one single suit being instituted against Dr. Roberts in the Nagpore Court lately for Rupees 3114, you will see why I am desirous to obtain this money without legal proceedings; but, of course, if you think it necessary, I can file a civil suit in the Seonee Court against him.

3. I must add that, since my last letter to you, No. 2483, of 28th September last, I have received no communication from Dr. Roberts.

No. 2050.

The enclosed copies of letters are forwarded for the information of Mr. Johnson, with reference to his letter, dated 30th September last.

26th October 1866.

(Signed) J. B. DENNYS,
Dy. Commissioner.

From the Deputy Commissioner, Seonee, to Mr. J. N. JOHNSON; dated Seonee, 23rd April 1867, No. 762.

As in the agreement made between yourself and Mr. Purcell, you accepted, as a part of your wife's share of the Purcell estate the debt due by Dr. Roberts, late Civil Surgeon of Seonee, I now forward, for your information, copy of a letter, No. 785, of 17th April 1867, from the Commissioner, Jubbulpore, expressing his inability to interfere further in the matter.

2. It is clear that, being no longer in charge of the estate, no proceedings can now be taken by me; but I forward*, for your use and guidance, copies of all correspondence regarding this debt due by Dr. Roberts.

3. I am of opinion that by proceeding legally you may incur considerable expense and inconvenience, and I should recommend you, before doing so, to solicit the interference of Dr. Roberts' superiors, but I am not aware what appointment that Officer now holds. A Madras Army List could tell you this.

4. As Dr. Roberts' last letter† to me, dated 16th May 1865, is clearly an acknowledgment of the debt, the cause of action would date from then, and under Section 8, Act XIV of 1859, could be heard in the Seonee Civil Court within the period of three years from that date.

* Already forwarded to Mr. Johnson, with this Office No. 2050, of 26th October 1866.

† This was sent to Commissioner, Jubbulpore, in original, with Office No. 2184, of 10th August 1865, but not returned.

From the Commissioner, Jubbulpore Division, to the Deputy Commissioner, Seonee; dated 17th April 1867, No. 785.

Referring to your letter, No. 1103, of the 12th June last, and to subsequent correspondence dating down to 5th ultimo, relative to the debt due by Dr. Roberts to the Purcell estate, I have the honor to return your Office file of papers in the case, and to state as follows for your information and guidance.

2. On re-perusing my predecessor's No. 3586, dated 16th December 1863, to the address of the Judicial Commissioner, and Mr. Strachey's reply thereto, No. 85, of the 4th February 1864, copy of which correspondence is in your Office file, I have come to the conclusion that it would not be regular for me to write to Dr. Roberts again in the matter of his debt to the estate, as I

have no authority extra-judicially in the management of it, and of this I duly informed you in my letter, No. 5441, of the 10th October 1865. The immediate and sole administration of the property vested in you as Deputy Commissioner until you made over charge of it to Mr. Parkinson, and I am convinced, therefore, that, legally, measures should be taken from your Office to recover the amount due by Dr. Roberts to the Purcell estate in whatever manner you may deem expedient; and as the debt has been of very long standing, I may add that I believe it would be advisable not to let matters for its recovery stand over much longer.

(True Copies.)

(Signed) J. N. JOHNSON.

No. 238.

Transferred to the Chief Secretary to Government.

(By Order),

(Signed) J. H. GARSTIN.

Private Secretary.

GOVERNMENT HOUSE, MADRAS,
23rd August 1867.

No. 95. ORDER THEREON, 9th September 1867, No. 1118.

The Governor in Council does not consider that the matter referred to in the petition above recorded calls for the interference of Government.

2. The amount claimed from Dr. Roberts can be recovered by a suit in a Civil Court.

(True Extract).

Chief Secretary.

To Mr. J. N. Johnson.

Code. At the
last post. could explain
Dr. Roberts to pay up
only by unbelieveable
a judgment - on all
happened adverse to him
would have the effect
of securing the satisfaction
of the entire debt.

W.D.

7

The Governor in Council
decide that their papers
be forwarded to the Inspector
General Indian Medical
Department who will
be requested to call upon
Dr. Roberts for an explanation
of his conduct, in respect
of the claim made against
him for house rent since
1863. --

Why should not Mr.
Johnson see Dr. Roberts
with some civil
court? In my mind
would be given in his
favor as a matter
of com. and exen-
-tion made by the
Salem Civil Court -
in letter from Dr. Roberts.

23 April 1867
JP

It is undesirable that
Govt should specially inter-
fere in a matter of this
kind. But he found
in the Court #

1048
26/6/77
M

His Excellency the Governor of,
Fort Saint George, Madras
The Humble Memorial of
J. N. Johnson Treasury
Accountant Ray Bareilly
in the Province of Oude

Humbly Sheweth
That your Memorialist
is reluctantly compelled to lay before
your Excellency the accompanying trans-
cripts of correspondence connected with
the conduct of Dr W. H. Roberts Civil Sur-
geon of Salem in the Madras Presiden-
cy and to bring to your Excellency notice
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with interest thereon since 1863 an ac-
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pied by him at Seane in the Central
Provinces during the period that he was
in Medical Charge of that Station.
Your Memorialist begs that your
Excellency will after perusal of the corres-
pondence that has passed on the subject
of non-payment of rent, between the Deputy
Commissioner of Seane, Dr Roberts, & Mr. Galt,
Spence the Commissioner of the Division,
see into the justice of the claim now advanced
by your Memorialist who is under the
peculiar circumstances of the case ne-
cessitated to seek redress at your Excel-
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Your Memorialist could not have
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enclosed contained in it, letter to your
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tration.

Wm Brancilly Rich
The 4th August 1867

Recd. Sept.

1867

Bozard's

His Excellency the

Governor of St. of

George - Prusias

The Humble Memorial

of J. R. Prusias

Addressing himself to

Ray Barville

in the presence of

Deeds

Not at length

Oct. 26th

Bo 1365

By 29 Dec 1867

Advancing a claim against

S. R. R. & Co. in the year 1865,

for land - but since 1865,

with interest, and request

that Government will call

upon S. R. R. & Co. the

sum claimed.

G. R. R. & Co. 1867

The Governor in Council does

not consider that the matter referred

to in the petition above recorded calls

for the interference of Government.

2. The amount claimed from S. R. R. & Co.

interest can be recovered by a writ

in a Civil Court.

With our orders

at New Orleans - Sept 1867