

1. Number of pages
2. Date
3. Initials
M.R.O. 1-22,400-23-11-30.

10.
8-5-37.

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	1083	Press Mis.
Dated	18-7-	1871

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Department,
18th July 1871.*

No. 150. Read the following letter from the Postmaster-General, Madras, to the Acting Chief Secretary to Government, Fort St. George, dated Ootacamund, 15th July 1871, No. 723-180:—

I have the honour to request that the Government Pleader at Bellary may be directed to sue the sureties of Mr. J. B. Shrieves, late Deputy Postmaster of Gooty, in the Civil Court of Bellary for the recovery of Rupees 100, being the value of a bank-note lost from a registered letter while passing through the post owing to Mr. Shrieves' neglect.

2. The sureties refuse to pay the amount on the ground that Mr. Shrieves has been tried in a Criminal Court on the charge of stealing the note and has been acquitted.

3. But the Government Solicitor in his letter, No. 138, dated 5th April last, of which I subjoin a copy, gives his opinion that there is good cause of action notwithstanding this fact, provided that the amount has been made good by the Postal Department to the party entitled.

4. Upon this, I observe that it is in order to make the amount good that I propose to institute the suit against the sureties, but that it is impossible to make it good until it is recovered.

—

Copy of a letter from the Government Solicitor, Madras, to the Postmaster-General, Madras, dated 5th April 1871, No. 138.

"With reference to your letter, dated 23rd ultimo, No. 7760-1060, and its enclosure, informing me that Mr. J. B. Shrieves has been tried before the Session Judge at Bellary on a charge of theft and criminal misappropriation, and has been acquitted, and requesting my opinion whether that circumstance would in any way affect the course which I advised you to pursue in my letter to you of the 26th August 1870, No. 468, I have the honour to state that, looking at the provision in the bond executed by Mr. Shrieves and his sureties, dated 14th September 1866 (forwarded to me with your letter of the 4th instant, No. 129), and assuming that you have called upon Mr. Shrieves' sureties for payment of the sum of Rupees 100 in the manner pointed out in my letter to you of the 26th August 1870, No. 468, I am of opinion that you have a good cause of action against the sureties of Mr. Shrieves for the recovery of Rupees 100 notwithstanding his acquittal, provided the Postal Department has made good to the party entitled the amount or value of the currency note alleged to have been abstracted by Mr. Shrieves.

2. As the bond appears to have been executed at Bellary, the suit will have to be brought in the Court there having jurisdiction to try the case.

3. I return, herewith, the enclosures forwarded with your letters of the 23rd ultimo and 4th instant."

—

No. 151. ORDER THEREON, 18th July 1871, No. 1083.

The Government Pleader in the Bellary Civil Court is authorized to act in this matter as required by the Postmaster-General, from whom he will receive instructions.

2. The Government Solicitor will consider and advise the Postmaster-General whether a suit will lie, before the Postal Department has made good the

3

Proceedings of the Madras Government, Public Department,
18th July 1871.

loss to the party who posted the letter and thus established a claim on the late Deputy Postmaster, or in default on his securities.

(True Extract.)

Acting Chief Secretary.

To the Postmaster-General, Madras.

„ Government Pleader.

„ Government Solicitor.

From

Sd. Bab. M. Pears

Postmaster General

Madras

To

W. Huddleston Esq.

Secretary to Government,

Public Department,

Fort Saint George.

SIR,

I have the honor to request that the Government Pleader at Bellary may be directed to aid the pursuer of the said Shriener late by the Master of the said in the Civil Court of Bellary for the recovery of Rs 100/- being the value of a Bank note lost from a Registered letter while passing through the post, owing to Mr. Shriener's neglect.

The sureties refuse to pay the amount on the ground that Mr. Shriener has been tried in a Criminal Court on the charge of stealing the note and has been acquitted.

Colt. of 18711 30 adr

PUBLIC.

To

THE POSTMASTER-GENERAL,

&c.,

&c.,

Madras

Dated July, 1861.

Recd.

Encl.

G. O., 18th July 1871, No. 1083.

JULY.
Nos. 150-151.

Issuing certain instructions to the Government Solicitor and to the Government Pleader, Bellary Civil Court, relative to the institution of a suit for the recovery from the sureties of Mr. Shriener, the Deputy Postmaster of Gooty, of the value of a bank-note lost through the neglect of Mr. Shriener.

3. But the Government Solicitor in his letter No 138 dated 5 April last, of which I subjoin a copy, gives his opinion that there is good cause of action notwithstanding this fact, provided that the amount has been made good by the Postal Department to the party entitled.

4. Upon this I observe that it is in order to make the amount good that I propose to institute the suit against the Sureties, but that it is impossible to make it good until the amount is made good.

I should the honor to be

Sir,

Your obedient servant

[Signature]

Postmaster General.

Copy of a letter from the Government Solicitor Madras to the Postmaster General Madras No 138 of 5 April 1870.

With reference to your letter dated 23 ultimo No 7760 and its enclosure, informing me that Mr J. B. Shriever has been tried

before the Sessions Judge at Bellary on a charge of theft and criminal misappropriation, and has been acquitted, and requesting my opinion whether that circumstance would in any way affect the course which I advised you to pursue in my letter to you of the 26 August 1870 No 468, I have the honor to state that both at the promise in the Bond executed by Mr Shriever and his sureties dated 14th September 1866 (forwarded to me with your letter of the 4 instant No 129) and according to the manner pointed out in my letter to you of the 26th August 1870, No 468, I am of opinion that you have a good cause of action against the sureties of Mr Shriever for the recovery of Rs 1000 notwithstanding his acquittal, provided the Postal Department has made good to the party entitled, the amount or value of the Currency note alleged to have been abstracted by Mr Shriever.

2. As the Bond appears to have been executed at Bellary the suit will have to be brought in the Court there having jurisdiction to try the case.

3. I return herewith the enclosure for

(True copy)

Postmaster General.

Pub: 1871. Department
 From
 The Postmaster General,
 Ottawa,
 To
 The Chief Secretary to Government,
 Public Department,
 Port Saint George
 No. 723
 Dated
 Received
 Answered
 Subject

[illegible]

Court of {1871} 2 rays
Public
The Postmaster Genl. Wash. D.C.

Dated July 10 }
Recd. } Encl.
G. O. 10 July 1871. No. 108.

Nos. 150. 151

giving certain instructions
to the Gov. Solicitor and to the
Master Belong Civil Court,
relative to the institution of a
suit for the reason from
the superior of the Superior
Court, late Def. that master
of body, ~~and~~ ~~the~~ of the
value of a Bank Note
two' the neglect of a Mr.