M.R.O. 1—77,006—8-6-37.

(1) Number of pages 14

(2) Date of repair 16 - 11 - 39

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No.	208	Press / Mis.
Dated	23 - 1 -	1871.

819

31-87

Not to be folded or roughly handled

No. 87. Read the following letter from the Collector of Tinnevelly, to the Secretary to Government, Public Works Department, Fort St. George, dated Tinnevelly, 10th October 1871, No. 216:—

In reply to Government Proceedings, No. 1613, dated 16th September 1871, I have the honour to inform you that the suit in which Mr. Colquhoun was plaintiff referred to an imperial work, viz., the Nallamalei Odei Bridge on the Palamcottah and Tuticorin Road, and that in which he was defendant referred to a local work, viz., the road from Tinnevelly to Shermadevi.

Transferred to the Revenue Department, with reference to the orders in that Department, dated 16th September 1871, No. 1613.

OOTACAMUND, *20th October* 1871. (Signed) J. CARPENDALE, Colonel, R. E., *Secy. to Govt., P. W. D.*

Transferred to the Financial Department, with copies of the orders dated 6th July and 16th September 1871, Nos. 1165 and 1613.

FORT ST. GEORGE, *13th November* 1871. (Signed) H. WELLESLEY, *Under Secretary to Government.*

No. 88. ORDER THEREON, 28th November 1871, No. 708.

The road in question having been a local one, the sum to be paid to the Contractor must be provided from the Road Fund of the Circle. The Board of Revenue will arrange accordingly, and will make the requisite allotment, Rupees 589-12-4, in the Budget for 1871-72 now under review.

(True Extract.)

Chief Secretary.

To the Board of Revenue.
,, Revenue Department.
,, Public Works ,,

Exd. J. Wright.

No. 211. Read the following letter from the Collector of Tinnevelly, to the Secretary to Government, Fort Saint George, dated Tinnevelly, 26th August 1871, No. 363 :—

I HAVE the honour to submit copies* of the decrees in the two suits referred to in Government Order No. 1,165, dated 6th July 1871, as directed.

* Translation.

No. 212. ORDER THEREON, 16th September 1871, No. 1,613.

Miscellaneous.

ORDERED to be communicated to the Department Public Works, with reference to the endorsement in that department on the Acting Superintending Engineer's letter dated 14th June 1871.

2. The Collector will report whether the road-works in question were Local or Imperial.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Public Works Department.
„ the Collector of Tinnevelly.
„ the Board of Revenue.

Exd. F. R. Bantleman.

No. 54. Read the following letter from the Acting Superintending Engineer, 8th Division, to the Secretary to Government, Department Public Works, dated Madura, 14th June 1871, No. 813 :—

I HAVE the honour to report that a decree for Rs. 589-12-4 has been given against Government in the suit filed against Mr. Colquhoun, and for the defence of which permission was granted in G. O. No. 3,568, dated the 6th November 1869.

2. As far as I can understand the matter the following are the reasons on which the decree against the Government has been based by the District Moonsiff, by whom the case was tried :—

1*st.*—That in the muchilica, executed by the contractor, and given to the late Mr. Roberts, formerly in charge of No. 1 Range, and produced in Court, nothing is mentioned about advances, but that, on the contrary, payments are to be made by instalments for works actually executed.

2*nd.*—That there is no document or evidence to prove that advances had been made to the contractors.

3*rd.*—That the contractor's bills and the certificates attached to them clearly show that the payments were made for "materials at site" and for work executed and measured by this department, and therefore that it was too late after this to say that the materials mentioned in these bills and paid for had not been delivered; and in consequence that the attempt to recover money from the contractor on account of these materials being subsequently found to be deficient in quantity was illegal.

4*th.*—That as Mr. Colquhoun illegally and without proper authority detained the payments due to Nina Pillay, he should pay from his own pocket the interest on the amount at twelve per cent., and the whole expenses of the suit, amounting in all to Rs. 283-12-8.

3. In connection with this suit it appears to me to be necessary to bring to the notice of Government that, by Government Order dated 7th February 1865, No. 346, all suits against Government are to be tried by the Civil Court, and therefore that the case under notice ought to have been transferred from the Moonsiff's to the higher Court.

4. Of the abstract law of the decision, however, there can be little doubt. For the accompanying extract from the transfer certificate of the late Mr. Roberts and of Mr. Colquhoun, when the former handed over to the latter the charge of No. 1 Range, Tinnevelly, shows that in the accounts rendered for sums entered as "paid" for "materials brought to site," and certified accordingly, there was the following discrepancy, representing a deficit of—

	Rs.
350,000 bricks, valued at	2,500
1,180 cubic yards of stone	1,770
Total...	4,270

Of this amount a sum of Rs. 1,900 was, however, recovered in addition to Rs. 483¼ for 322⅓ cubic yards of stone subsequently delivered, thus reducing the putative deficit to Rs. 1,886¼.

5. Had a copy of this transfer certificate been supplied to this Office, as it ought to have been, the Officiating Superintending Engineer could never have

recommended, as he did, that the Government should grant authority to defend the suit under reference, as the Range Officer had distinctly certified that the articles found missing by his successor had been *bona fide* received, and he had thus made himself personally responsible for any deficit that might be discovered on his handing over charge of the range.

6. The sum of Rs. 589-12-4 having already been debited to road No. 11, and the money then expended by Mr. Colquhoun on the Nullamalai Odai Bridge, a fresh appropriation will have to be made to meet this payment, and I am unable to indicate a source from which it can be done.

7. I understand that Mr. Colquhoun filed a suit against Nina Pillay to recover the further amount, viz., Rs. 696-7-8, which, in paragraph 7 of Captain Prendergast's letter, is stated to be due by the Pillay. No authority for the institution of this suit is conveyed in the G. O. of 6th November 1869, nor was any permission subsequently given by the Government or Superintending Engineer as far as I can learn.

8. This suit was dismissed by the District Moonsiff.

9. The costs in defending the suits filed by Nina Pillay, and charged to Government, amount to Rs. 45-14-0. The costs of the second suit, filed by Mr. Colquhoun, amount to Rs. 144-15-3. Thus, the amount already debited to Government for the expenses of the two suits is Rs. 190-13-3.

10. As payment in satisfaction of the Moonsiff's decree will be called for at an early date, I request the favour of instructions, or an allotment for the amount of Rs. 589-12-4.

11. I may mention, in conclusion, that Suit No. 354, alluded to in paragraphs 2 and 3 of Captain Prendergast's letter, embodied in the G. O. under notice, was decided in favour of Government.

TRANSFERRED to the Revenue Department, the suits having been instituted for the settlement of claims in connection with roads. It will be observed that Mr. Colquhoun had no authority to file the suit against Nina Pillay.

(Signed) J. CARPENDALE, Colonel, R.E.,
Secretary to Government, P.W.D.

19*th June* 1871.

No. 55. ORDER THEREON, 6th July 1871, No. 1,165.

Miscellaneous.

ORDERED that the Collector of Tinnevelly be requested to procure and submit copies of the decrees in the two suits which went against the Government or its officers.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Acting Secretary to Government.

To the Public Works Department.
,, the Board of Revenue.

Exd. F. R. Bantleman.

Govt. of 1871 Madras.

REVENUE.

To

THE PUBLIC WORKS DEPARTMENT.

Sir, &c. &c.

Dated 6th July.

Read.

G. O. (Ms) July 1871, No. 1165.

JULY.
Nos. 64-65.

Certain suits directed against Government in Presidency Division.—Collector directed to prepare and submit copies of decrees in connection with them.

Revenue Department

Memorandum.

Letter of 14th June 1871 No. 813

dated 6th Nov. 1869 No. 813

Endorsement of 19th June 1871

Order of 6th July 1871 No. 1165

The Superintending Engineer of the 8th Division requests an allotment of Rs 589-12-4, for payment in satisfaction of a decree against Mr. Colquhoun in a suit, the defence of which was permitted by an order in the Public Works Department - this letter was transfened by the Public Works to the Revenue Department, "the suits having been instituted for the settlement of claims in connection with roads". The Collector was requested to submit Copies of the Decrees in this suit and in another in which Mr. Colquhoun was concerned.

The Decrees were received in due Course, and

Communicate

communicated to the Public
Works Department. The
Collector was at the same
time requested to report
whether the Road-works in
question were Local or
Imperial - Mr Pickle
reports that the suit in
which the above sum of
Rs 589-12-4 is to be paid
referred to a Local Work,
and that the other in which
Mr Colquhoun was Plaintiff
and was dismissed with
Costs, was about an Imperial
Work - Mr Pickle's letter,
now to be disposed, is trans-
-ferred from the Public Works
to the Revenue Department,
with reference to the Order
of 16 = September 1871.

The Orders about
funds whether Provincial
or Local, are now issued
from the Financial Depart
-ment - I think this Letter
should therefore be transfered
to

to that Department and
this may be done with the
following Endorsement
"Transferred to the Financial
Department with Copies of
the Orders dated 6th July
and 16th September 1871,
Nos 1165 and 1613."

No 216

Office Collector
Tennevelly 10 October 1871

From

R K Puckle Esqr
Collector

To

The Secretary to Government
Department Public Works
Fort St George

Sir

In reply to Government
Proceedings No 1613 Dated 16 September 1871
I have the honour to inform You that the
Suit in which Mr Colquhoun was
Plaintiff referred to an Imperial work
Viz the Tallamalei Odei bridge on
the Palamcottah & Tuticorin Road
and that in which he was Defendant
referred to a Local work Viz the
Road from Tennevelly to Settmadevi

I have the honour to be
Sir
Your most Obedt Servt

R K Puckle.
Collector

Comm'd to S.C.

Transferred to the Financial Department with Copies of the Orders dated 6th July & 16th September 1871, Nos 1165 & 1613.—

Fort St George
13th Nov. 1871

Under Secy to Govt

No 706 — 28 Nov 71 —

The road in question having been a local one, the sum to be paid to the Contractor must be provided from the road funds of the Circle. The Board of Revenue will arrange accordingly & will make the necessary allotment, Rs 583. 12. 4, in the budget now under review.

HH

To B. of Rev. with previous papers
" Rev. Dept. duly 5/12
" P.W.D.

Transferred to the Revenue Department with reference to the orders in that Deptt dated 16th Septr 1871 No 1613.

Secy to Govt P.W.D.

Octacamund
20th Oct 71

87-88

C 21/11.
12/24

Entered 17 Oct 71

1871 Department
1871 Feb 4
Received No 3351
No 4898.
From Collector
Financially
this Rev. Dept
Secretary to Govt
P. W. D.
Fort St George
No 796
Date 16th
Despd 11th
Rec'd 20
October 1871
By Mail No 216
Enclosures 3

Informing that the Suit in which Ivor Colquhoun was plaintiff referred to an Imperial work & that in which he was defendant referred to a local Work

Transferred
With an Order