M.R.O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

1

G.O. No. 1561
104–105

Press
~~Mis.~~

Dated 18.12.1861 ~~19~~

3/4

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 18*th* *December* 1861.

No. 104. Read the following Proceedings of Government in the Public Works Department, dated 11th December 1861, No. 2,278.

Communicating letter from the Chief Engineer on the subject of certain suits filed by the District Engineer of Madura in the Moonsiff's Court at Dindigul, in view to the extraordinary delay that took place in the disposal of them being brought to the notice of the Sudder Court. (Vide Proceedings Public Works Department, dated 11th December 1861, Nos. 134 & 135.)

No. 105. ORDER THEREON, 18th December 1861, No. 1,561.

Referred to the Sudder Court.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

Public Works Department.

Judicial.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from Lieutenant-Colonel W. H. HORSLEY, Chief Engineer, to J. D. SIM, Esq., Secretary to Government, dated Chepauk, 5th November 1861, No. 6,863:—

Sir,

1. Agreeably to the promise made by ColonelBell in the concluding portion of his letter, dated 11th November 1859, No. 7,128, I have the honor to forward herewith a list of suits filed by the District Engineer Madura, without authority, in the Moonsiff's Court at Dindigul, as well as one giving an abstract of the Decrees passed in ten out of the thirteen cases in which legal proceedings had been resorted to. It will be seen from the latter list, that the outstanding advances sued for amounted to Rupees 389-1-2, and the costs of the suits to Rupees 214, making a total of Rupees 603-1-2, against which, if the amount adjudged by the Court to be paid by the defaulting Contractors, viz., Rupees 531-15-7, be set off, the loss to Government will be Rupees 71-1-7.

1 Letter from District Engineer, 22nd May 1860, No. 122.
1 Do. do. 2nd August 1860, No. 429, with 1 enclosure.
1 Do. to do. 22nd Sept. ,, ,, 5,060.
1 Do. from do. 10th Nov. ,, ,, 897, with 1 enclosure.
1 Do. do. 28th Feb. 1861, ,, 1,245, with 13 enclosures.
1 Do. to do. 16th April ,, ,, 12,065.
1 Do. from do. 11th Oct. ,, ,, 890, with 1 enclosure.

2. It is observed from the Abstract of the Decrees furnished by Captain Ryves, that the Court, in consequence of the poverty of the defendants in the majority of the ten cases, nonsuited the claims of the Plaintiff to the full amount of the penalty sought to be recovered for the non-fulfilment by the Contractors of the terms of their agreements. Captain Ryves remarks, however, that the penalties provided for in the agreements were certainly objectionable and probably illegal; but that he has learnt that the forms were those in use when the executive was in the hands of the Collector.

11th October 1861, No. 890.

3. In two of the suits, the actual performance of work for portions of the outstanding advances was proved during investigation, and the amount decreed to the Plaintiff was, therefore, only the balance of the advances.

Suits Nos. 693 and 697.

4. Delay was occasioned in the settlement of the suits under notice owing to parties whose evidence was necessary not having been found for some time; but the District Engineer remarks that the disposal of the cases was also unnecessarily protracted by the Court itself.

5. Under the above explanation, I request that authority may be granted for writing off to profit and loss the sum of Rupees 71-1-7, shown by Captain Ryves as representing the loss to Government.

6. I shall communicate to Government the result of the three suits still pending as soon as I receive information from the District Engineer.

Order thereon, 11th December 1861, No. 2,278.

1. As the irregularity of the District Engineer's proceedings has been already censured, the Government record this explanation; and grant permission for writing off Rupees 71-1-7, reported to be the loss occasioned by the judgments awarded in ten out of the thirteen suits filed by Captain Ryves against Contractors.

Proceedings 15th December 1859, No. 2,924.

2. The Government await the promised report of the result of the three remaining suits.

3. The extraordinary delay in the disposal of these petty cases will be brought to the notice of the Sudder Court through the Judicial Department.

(True Extract.)

J D Sim

Secretary to Government.

To the Chief Engineer.
,, ~~Civil Paymaster.~~ Acctt General
,, Civil Paymaster.
,, Judicial Department.

Exd. S. T. Augustin.

Judicial 1861 Dept

Pros: of Govt in the
P. W. Dt 2278

L/d 11th & 12th Decr /61.
3 spare copies

No. 2024

Comg letter from the Chief Engineer on the subject of certain suits filed by the District Engr of Madura in the Prl Sr M's Court at Dindigul in view to the extraordinary delay that has taken place in the disposal of them being brought to the notice of the Sudr Court

Feby 17/3/62

With an Order.

No. 1561 18th December 1861.
Referred to the Sudder Court.

he Sudder Court. Septr 18th