

MADRAS RECORD OFFICE.

Government of Madras.

Indian DEPARTMENT.

G.O. No.	8	Press Mis
Dated	6 - 1 - 1868	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
6th January 1868.*

No. 12. Read the following Proceedings of Government in the Public Works Department, dated 20th December 1867, No. 3933.

Requesting the Superintending Engineer, 4th Division, to inform Mr. Booth, Supervisor in charge of Wallajah Range of North Arcot, in reply to his inquiry, that the Vakcel employed in Appeal Suit No. 54, referred to in his letter, should move the Court which disposed of the case to realize from the plaintiff the amount of costs awarded by the Acting Judge, Court of Small Causes, acting as Principal Sudder Ameen, &c.

(Vide Proceedings, Public Works Department, dated 20th December 1867, Nos. 401 & 402).

No. 13. ORDER THEREON, 6th January 1868, No. 8.
Communicated to the Civil Judge of Chittoor.

(Signed) R. S. ELLIS,
Chief Secretary.

To the Civil Judge of Chittoor.

Exd. J. Tulloch.

*Proceedings of the Madras Government, Public Works Department,
20th December 1867.*

No. 401. Read the following Endorsement of the Superintending Engineer, 4th Division, dated Madras, 7th December 1867, No. 4,273:—

Read the following letter from Conductor D. BOOTH, Supervisor in charge of No. 1 or Wallajah Range of North Arcot, to the Officiating Superintending Engineer, 4th Division, dated Ranneepett, 26th November, 1867, No. 231.

1. Through the kindness of Judge Gordon, I have obtained a copy of Appeal Suit No. 54, Wallajah Coopoo Chetty and the Palar anicut bricks, &c. I most respectfully beg to forward the document for your perusal, to be returned when no longer required, as the decree is again in favor of Government. Comments are unnecessary at present. But should the Plaintiff appeal again, then I hope we will be allowed to put all right.

First.—Is a Takeed given by an Assistant Overseer to be considered a contract binding on Government.

Second.—At page 3, paragraph 3, I find mention of an advance, whereas the Cash-book in this office shows an actual payment.

Third.—Pages 4 and 5, paragraphs 7 and 13, sufficient proof not given for counting bricks. I was not called on for further proof, the original vouchers can be found.

Fourth.—Page 4, paragraph 9. The Range Officer is the person authorized to reject materials. Then not a single subordinate under me can show my authority to do more than count and pack the bricks, count, weigh or measure materials, evidently not one of them could reject or receive a single article, and that no one knows better than the Plaintiff, he failed to obtain his base desire from the Range Officers, he went to Court where he had not the shadow of a chance, only the bungling of Vakeels.

Fifth.—At the same page, paragraph 10, I can prove that on receipt of my statement being approved by the Officiating Superintending Engineer, 4th Division, every man concerned was sent for to this Office, the statement explained to all that did or would attend, the balance offered or amounts due from demanded with permission to take all rejected who wished.

Sixth.—Page 5, paragraph 11, I am most thankful for the Judge's good discernment throughout, and not the Circar Vakeel. But Judge Gordon of the Small Cause Court of Vellore stated, a Vakeel having been appointed by order to defend the original suit, I was bound by his statement recorded in the lower Court, and that all evidence should have been recorded there.

Seventh.—Page 5, paragraph 14, Rupees 2-9-0 actually lost for insufficient proof; all that was wanted was the original statement actually in Court, but not used by the Vakeel. It was marked C, and forwarded to your office with my letter No. 116, dated 17th July 1867, and as for the amount paid for firewood being higher than Plaintiff claims, I am thankful for Judge Gordon's deduction. The rates not only of firewood but every article was given to me by the late District Engineer of North Arcot, with orders to pay at once not only Plaintiff but all others also. I need not trouble you further at present than state, that in my opinion Plaintiff did bring forward a groundless, frivolous, vexatious suit, and that the Circar Vakeel totally failed to defend that suit properly.

*Proceedings of the Madras Government, Public Works Department,
20th December 1867.*

2. At your convenience I hope you will be pleased to inform me how I am to recover Rupees 77-14-0, the amount the Plaintiffs are adjudged to pay to me and our costs of original and Appeal Suits, if you have been informed; this in my opinion should be clearly stated on each decree, and avoid all further trouble and disputes.

Original letter, No. 231, dated 26th November 1867, with copy of Appeal Suit.

1. Submitted to Government with reference to their Order No. 3,380, dated 30th October 1867, and to paragraph 11, Chapter XIII of the Public Works Code.

2. The suit has been again decided in favor of Government. It having been defended this time by Mr. Booth (as the

	RS.	A.	P.
* Excess payment with interest...	77	14	0
Cost of defence of Original Suit.	41	12	0
	119	10	0

Vakeel who defended the Original Suit had left), it does not appear there are any costs to pay, but on the contrary a sum of Rupees 119-10-0* remains to be

recovered from the Plaintiff according to the decree.

(Signed) A. J. M. BOILEAU, Colonel, R. E.,
Superintending Engineer, 4th Division.

No. 402. ORDER THIRTEEN, 20th December 1867, No. 3,933.

CIVIL WORKS, No. 65.

1. The Superintending Engineer of the 4th Division will inform Mr. Booth, in reply to paragraph 2 of his

letter, that the Vakeel employed in the suit should move the Court which disposed of the case to realize from the Plaintiff the amount of costs awarded by the Acting Judge of the Court of Small Causes, acting as Principal Sudder Ameen, the result being reported in due course for the information of Government.

2. The Superintending Engineer will further inform himself whether, as Mr. Booth suggests, the Vakeel employed on behalf of Government failed in properly defending the suit.

(True Extract.)

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

To the Superintending Engineer, 4th Division.
" Controller of Public Works Accounts.

Judicial Dept.

1 True Copy
Secretary to Govt.

Ed. S. T. Augustin.

MS. of 6 January 1868.

Communicated to the Civil Judge

Mr. Booth, Esq.

MS. of 21 Jan'y
Mr. Civil Judge of Madras.

12.13.

Judicial Dept.

Pro. Govt. J. W. Sept.
Nº 3933.

of 20 Dec 67
R/23 Nº 2862.

Requesting the Supp. Engr & Div. to inform Mr. Booth Supervisor in Charge of Wallajah Road of North Arcot, in reply to his inquiry, that the Vakeel employed in Appeal Suit N.º 5, upon his letter, should move the Court which disposed of the case to realize from the Plaintiff the amount of costs awarded by the Acting Judge of Small Causes, acting as Principal Sudder Ameen.

With an order