

(1) Number of pages 1-16

(2) Date of repair 24-4-38

(3) Initials of the Referencer 9

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.
Can 10-5-57

G.O. No. <u>1057</u>	Press <u> </u>
<u>17-18</u>	Mis. <u> </u>
Dated <u>5-5-</u>	18 <u>57</u>

Not to be folded or roughly handled

No. 17. Read the following letter from Lieutenant-Colonel J. H. BELL, Chief Engineer ;
to J. D. BOURDILLON, Esq., Secretary to Government, dated 2nd May 1859,
No. 8.

Adverting to Extract Minutes Consultation No. 560 of the 12th March 1859, I do myself
the honor to forward for the information of Government, the ac-
companying copy of a letter from Lieutenant Drever, affording
explanations on the charges preferred against him by Comarasawmy Pillay, at a Court of Requests held at Hurryhur.

Letter from Lieutenant W. S. DREVER, Executive Engineer, Ootacamund ; to Lieutenant J.
N. HUNTER, Acting District Engineer of Canara, Mangalore, dated 6th April 1859.

I have the honor to acknowledge the receipt of Extract Minutes Consultation No. 560 of
12th March 1859, in the Department Public Works, Military, and with reference thereto to state
as follows :

I deny most solemnly the authority of the claim preferred by Comarasawmy Pillay against me.

I deny that I ever gave the Plaintiff a Promissory Note or Note of Hand of any description.

I deny that the voucher on which he bases the claim, is a genuine or authentic document.

I would beg to point out that the Court of Requests lately held at Hurryhur, did not in
any way whatever investigate the claim, being precluded by the General Regulations Page
Para. and the Statute of Limitations from so doing.

The claim being of longer standing than six years, the Court had no other course open to
them, than to non, suit the Plaintiff, a verdict which allowed him again to press the claim in any
other way he pleases, but which in no way exonerates or reflects on me.

Government however in the Extract Minutes Consultation now under reply state that " the
Court exonerated me on technical grounds," which do not affect the merits of the case.

I most respectfully submit that the circumstances of the case do not warrant so harsh a
judgment being passed upon me before I am condemned, and I should have hoped that my present
position and service would have saved one from such an aspersion as is here openly cast upon
my character by the Government I serve, viz., that by a quibble I have repudiated a just debt.
To the best of my belief, I have never owed this man a farthing, and I told him so when he first
advanced the claim upwards of 11 years ago. I frequently urged him to apply for a Court of
Requests, before the six years limit expired, and had he then done so, I could have produced
witnesses to prove, that the claim was false. He however knew as well as I did that he had no
genuine voucher for the debt, and that I not only held his accounts of the said purchase, differing
in details, but actually at variance as to totals, when he it remembered, he was trying to induce me
to pay on the strength of a Promissory " Note, which he stated I had given him for the amount,
though it afterwards appeared that the said Note" whilst describing the color of a butter cup, was
ominously silent as to the sum due, a circumstance of which he did not, as just stated, hesitate
to avail himself.

Knowing therefore, that so long as I lived and retained these proofs of his rascality, he
could never obtain a verdict in any Court, he has for the last 2 or 3 years, adopted the only other
plan open to him, viz , to Petition in an exparte manner, every one he could think of, in hopes
no doubt that he might induce some one to order me summarily to pay.

I submit that the Note of Hand on which such stress is laid, is a simple absurdity, a bare Me-
morandum commencing with " Teapots" and ending with (I think) a " Shot bag" having an ille-
gibly scrawled endorsement on the back of it, which is evidently the after thought and work
of some Trichinopoly wag, for I declare it is not mine.

I was only favored with a view of this precious document in January 1859 before the
Court of Requests, just 11 years after I am said to have granted it, but when I did at length
behold it, I was not in the least surprised at Plaintiff's steady and continued refusal to send me

even a copy of it. On examination it will be found to be perfectly mute as to what Mr. Coomarasawmy is to do with the articles mentioned, it is questionable whether or not he was to receive them, to sell them or to send them; and I merely mention the fact to show that there may be two sides to every question.

I trust what I have now written will convince Government that the claim is false, and that I value my Commission and social position at something higher than 14 £. I can only further assure the Government, that had I even entertained a doubt as to the validity of the man's claim, I should at once have given him the benefit of it and paid the amount, thereby saving myself the years' of worry and annoyance, which I have since gone through.

So far from wishing to avail myself of any technical informalities, I have only further to state that it was to me a source of the deepest regret that I could not induce the Court which lately assembled at Hurryher to go into the case, so certain did I feel that its decision would have been in my favor. Having now given all the explanation in my power.

No. 18.

ORDER THEREON, 5th May 1859, No. 1057.

In reply to the order of March 12th 1859, No. 560, the Chief Engineer lays before Government a letter from Lieutenant Drever denying Comarasawmy Pillay's claim. The denial is full and circumstantial, and is accepted by Government as a complete and satisfactory answer to the Petitioner's demand.

2. Lieutenant Drever seems to be under some serious misapprehension as to the meaning of the order of the 12th March. The grounds on which the Court of Requests exonerated him were certainly technical, viz. that the claim was barred by lapse of time. But it was no imputation on Lieutenant Drever to state this fact in the order; nor do the Government find any imputation or reflection upon him throughout the order.

(Signed) J. D. BOURDILLON,
Secretary to Government.

3
The District Engineer of Canara,
Mangalore
Sir,

I have the honor to acknowledge the receipt of Extract Minutes of Consultation No. 560 of 12th March 1859 in the Department Public Work, Military, and with reference thereto to state as follows:-

I deny most solemnly the authenticity of the claim preferred by Comarasawmy Pillay against me.

I deny that I ever gave the Plaintiff a Promissory note or note of Hand of any description.

I deny that the voucher on which he bases the claim, is a genuine or authentic document.

I would beg to point out that the Court of Requests lately held at Hurryher did not in any way what ever investigate the claim, being precluded by the General regulations Page Para and the statute of Limitations from so doing. The

The claim being of longer standing than six years the Court had no other course open to them, than to non suit the Plaintiff, a verdict which allowed him again to press the claim in any other way he pleased, but which in no way exonerates or reflects on me.

Government however in the Extracts Minutes consultation now under reply state that the Court exonerated me on technical grounds which do not affect the merits of the case.

I most respectfully submit that the circumstances of the case do not warrant so harsh a judgement being passed upon me before I am condemned, and I should have hoped that my present position and service would have saved me from such an aspersion as is here openly cast upon my character by the Government, viz. that by a quibble I have repudiated a just debt. To the best of my belief I have never owed this man a farthing and I told him so when he first advanced the claim upwards of 11 years ago. I frequently urged him to apply for a Court

5
Court of requests, before the six years limit expired, and had he then done so, I could have produced witnesses to prove that the claim was false. He however knew as well as I did that he had no genuine voucher for the debt, and that I not only held his accounts of the said purchase, differing in details, but actually at variance as to totals, when he it remembered, he was trying to induce me to pay on the strength of a promissory note which he stated I had given him for the amount, though it is afterwards appeared that the said note whilst describing the color of a butter cup, was ominously silent as to the sum due, a circumstance of which he did not, as just stated, hesitate to avail himself.

Knowing therefore, that so long as I lived and retained these proofs of his rascality, he could never obtain a verdict in any court, he has for the last 2 or 3 years adopted the only other plan open to him, viz. to petition in an ex parte manner. Every one he

Could

Could think of, in hopes no doubt that
 he might induce some one to order me
 primarily to pay...
 I submit that the note of hand on
 which such stress is laid, is a simple
 absurdity, a bare memorandum
 commencing with "Tapiote" and ending
 with (I think) a "shot bag" having an
 illegibly scrawled endorsement on
 the back of it, which is evidently the
 after thought and work of some
 Trichinopoly way, for I declare it is
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 1859 before the Court of Requests just 11
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 it, but when I did at length behold
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 refusal to send me even a copy of it.
 On examination it will be found
 to be perfectly untrue as to what
 Mr. Coomaraswamy is to do with the
 articles mentioned, it is questionable
 whether or not he was to receive them,
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to sell them or to send them; and
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 Government, that had I even enter-
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 have given him the benefit of it and
 paid the amount, thereby saving
 myself the years of worry and annoy-
 -ance, which I have since gone through.

So far from wishing to avail myself
 of any technical informalities, I have
 only further to state that it was to me
 a source of the deepest regret that
 I could not induce the Court which
 lately assembled at Panyher to go into
 the

the case, so certain did I feel that its
decision would have been in my favor
Having now given all the explanation
in my power...

at Botacamund } I have &c
6 April 1859 } (Signed) W. G. Dwyer Lieut.
Executive Engr.

(True Copy)
(Signed) J. N. Hunter Lieut.
Acty. Dist. Engr. of Banara

(True Copy)
Charles H. M. Captain
Supp. Engineer N. Circle

BN

My dear Sir,
Central Office of P.W.
Fort St. George,
No. 8
2nd May 1859.

Military
From, The Chief Engineer,
To, The Secretary to Government,
Public Works Department.

Enclosure 1 Sir,
Adverting to Extract Minutes
Consultation No. 566 of the 12th March 1859, I do
myself the honor to forward for the information
of Government, the accompanying copy of a letter
from Lieutenant Drever, affording explanations
on the charges preferred against him by Coma-
passamy Pillay, at a Court of Requests
held at Arrangur.

Have the honor to be,

Sir,
Your Most Obedient Servant.

H. M. Sicut, Colonel
Chief Engineer

A.B.

1859 Deptt.

Enclosure in a letter

from
The Chief Engineer
D. S. M.

To
The Secretary to Govt.

Dated 2nd May 1859
R.D.

Copy of a letter from
Lieut. Drever affording
explanations on the
charges preferred in
against him by
Compassamy Pillay

1859/59.

P.W.D.
No. 1057

Proceedings of the Madras Government
Under date the 5th May 1859

Recd the following
letter from the Chief
Engineer -
(Here enter 2nd May 1859
No. 8.)

In reply to the
order of March 12 1859,
No. 550, the Chief Engineer
lays before Government
a letter from Lieutenant
Driver denying Coma-
rasawmy Pillay's claim.
The denial is full and
circumstantial, and is
accepted by Government
as a complete and sa-
tisfactory answer to the
Petitioner's demand.

[Handwritten signature]

From: 15th March 1859 No. 64-65
To: 15th March 1859 No. 1057
Circ. 10th May 1859

From
The Chief Engineer
to
The Secretary to Govt.
No. 1057

Dated 2nd May 1859
No. 1057

Enclosure
Letter from Chief Engineer
to the Secretary to Govt.
No. 1057, 5th May 1859

Secretary to Govt.
From the Chief Engineer
to the Secretary to Govt.
No. 1057
The Chief Engineer
has the honor to acknowledge
the receipt of your letter
of the 12th inst. and to
inform you that the same
has been forwarded to the
proper authorities for their
consideration.
I am, Sir, very respectfully,
Your obedient servant,
The Chief Engineer

23 Lieutenant Deever
seems to be under some
serious misapprehension
as to the meaning of the
order of the 18 March.
The grounds on which
the board of requests ex-
onerated him were cer-
tainly technical, viz that
the claim was barred
by lapse of time. But
it was no imputation
on Lieut. Deever to state
this fact in the order.
nor do the Govt find
any imputation or re-
flection upon him
throughout the order.

AA

10 Copies to the Chief Engr. Dept. 62.

Public Works 1859 Sept 15.
Am 10th May.

1857

Dr. J. M. W. W. W. W. W.
1857

Relative to Smith's
Dinner during Census
1857

1857