

(1) Number of pages 10.

(2) Date of repair 14-9-38.

(3) Initials of the Referencer 4

MADRAS RECORD OFFICE.

Government of Madras.

Pulchra DEPARTMENT.

Can 18/7/53

G.O. No.	<i>1712</i>	Press
		Mis.
<i>71.92</i>		
Dated	<i>14-7-18</i>	<i>53</i>

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
from 9th to 15th July 1859.*

No. 91. Read the following letter from Lieutenant-Colonel J. H. BELL, Chief Engineer;
to J. D. BOURDILLON, Esq., Secretary to Government, dated 2nd July 1859,
No. 2346.

I do myself the honor to forward herewith the papers marginally noted on the subject of
the failure of certain Contractors to fulfil the conditions of the
engagement entered into by them with the District Engineer of
Bellary, for the supply of timber.

From District Engineer dated 23rd
May 1859, No. 40.
To do. 1st June 1859.
From do. 6th " No. 67.
" do. 9th " 74, with
one enclosure.

2. It will be observed that the District Engineer failed to
take any tangible security from the Contractors for the due per-
formance of their contract, which simply provides for the forfeiture of 2 annas a cubic foot for
any delay in the supply of the timber. In this the District Engineer appears to have neglected
the express orders of Government dated 26th September 1856, given at page 381 of the Circular
Order Book, which direct that valid security should be taken from Contractors, and further that
all documents connected with contracts and advances to Contractors should be drawn up with
legal precision. He has therefore been called upon for an explanation.

3. As the legal proceedings which the enforcement of the above mentioned provision of the
contract would involve, would, in the opinion of the District Engineer, be tedious and probably
unsatisfactory, he applied to the Magistrate of Bellary to enforce the provisions of Act XIII of
1859, in the case of the Contractors, but as the operation of that Act is limited to the Presidency
Town of Madras, Mr. Hathaway did not feel himself warranted in acting under its provisions.
The District Engineer has therefore requested that the subject should be brought to the notice
of Government, in view to the Act being extended to the several Districts of this Presidency.

4. On the 18th ultimo, I had the honor of addressing Government on the subject of ex-
tending the provisions of the above Act to Jackatalla. It seems, however, highly desirable that
it should be made general, as proposed by the District Engineer, to prevent the loss and incon-
venience sustained both by the Government and private individuals, by fraudulent breaches of
contracts. As the Act in question confers the power on the Executive Government of any
Presidency to extend its provisions to any place within the limits of its jurisdiction, I beg that
the Government will be pleased to make the Act applicable to the several Districts of this
Presidency.

5. The Act however, even if extended cannot have retrospective effect, and the District
Engineer of Bellary has therefore been instructed to institute proceedings in the Civil Court
against the timber Contractors, in the event of their failing to fulfil the engagement entered into
by them.

No. 92. ORDER THEREON, 14th July 1859, No. 1712.

This letter will be transferred to the Judicial Department as respects the main question, viz.
the extension of Act XIII of 1859 to all the Districts of this Presidency. But with reference
to the concluding para., the Chief Engineer's attention will be called to the circular order of his

Department noted in the margin,* which was based on an order
of Government. The Government does not permit any of its
servants to involve it in legal proceedings without special per-
mission. If therefore it is intended that the proceedings there directed shall be taken in the
name of Government, the course pointed out in the order must be followed.

2. The District Engineer's explanation of the neglect noticed in para. 2 should be sub-
mitted for the information of Government; and the Chief Engineer will ascertain and report
whether Captain Fisher has disobeyed his instructions in other similar cases; and, if so, in
what cases.

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

Central Office of Public Works
Fort St. George 2nd July 1859.
N^o 2346.

Public

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

Encl. 6 in orig. Sir,

From D^o Eng^o 2/23rd
May 1859-40
To do - 1 June 1859.
From do - 6th - " - 67.
" do - 9th - " - 74.
with 1 enclosure

I do myself the honor to forward herewith the papers marginally noted on the subject of the failure of certain Contractors to fulfil the conditions of the engagement entered into by them with the District Engineer of Bellary for the supply of Timber. -

2. It will be observed that the District Engineer failed to take any tangible security from the Contractors for the due performance of their Contract, which simply provides for the forfeiture of 2 Annas a Cubic foot for any delay in the supply of the Timber. - In this the District Engineer appears to have neglected the express order of Government dated 26th September 1856, given at page 381. of the Circular Order Book, which directs that valid security should be taken from Contractors, and further that all documents connected with Contracts and advances to contractors should be drawn up with legal precision. He has therefore

therefore been called upon for an explanation.
3. By the legal proceedings which the
enforcement of the above mentioned provisions of the
Contract would involve, would, in the opinion of the
District Engineer, be tedious and probably uncalcu-
lating, for applicants in the District of Bellary to
enforce the provisions of Act XIII. of 1859 in the
case of the Contractors, but as the operation of that
Act is limited to the Presidency Town of Madras,
Mr. Hathaway did not feel himself warranted in
acting under its provisions - The District Engineer
has therefore requested, that the subject should be
brought to the notice of Government, in view to the
act being extended to the District of Bellary
Presidency.
4. When this subject was made the subject of a
communication from the subject of extending
the provisions of the above Act to Jackaballac.
It seems, however, highly desirable that it should
be made general, as proposed by the District
Engineer, to prevent the loss and inconvenience sus-
tained both by the Government and private indi-
viduals, by fraudulent breaches of contracts - As the
Act in question confers the power on the Executive
Government of any Presidency to extend its provi-
sions to any place within the limits of its jurisdic-
tion, they that the Government will be pleased to
make

make the Act applicable to the several Districts
of this Presidency.

5. The Act however, even if extended
cannot have retrospective effect, and the District
Engineer of Bellary has therefore been instructed to
institute proceedings in the Civil Court against the
Timber Contractors, in the event of their failing to
fulfil the engagement entered into by them.

I have the honor to be,

Sir,

Your Most Obedient Servant.

A. Bell

Chief Engineer

Central Office of P.W.
Fort St. George
2nd July 1859

J. P. W. Major
By Chief Engineer St. C.

To
The Secretary to Government
Public Works Department.

Public Works Dept.

N^o 1712

Proceedings of the Madras Government

Under date the 14th July 1859

Read the following
letter from the Chief Eng^r

Here enter 2nd July 1859 No 2316

This letter will be
transferred to the Judicial
Department in respects
the main question viz.
the extension of Act XIII
of 1859 to all the Districts
of this Presidency. But
with reference to the com-
mutating Pora, the Chief
Engineer's attention will
be called to the ^{order of}
his Department in the margin which
~~the 24th April 1859~~ ^{was based on an order of Govt. The}
Government does not
permit any of its servants

to

[Signature]

* June 23 1857 A, N 45-
C O Book page 551.

Received 1859. *[Signature]*
No. of 4000 1859 July

Chief Engineer

No. 1000 to 1000

23 July 1859

No 2316

5-2-60

Remitted to the General Office
of the Presidency Act XIII of
1859 for furnishing of materials
of Pora.

@ No 1712 14th July 1859

13 July 1859

to involve it in legal
proceedings without special
permission. It therefore
is intended that the
proceedings there ^{directed} ~~held~~ shall
be taken in the name
of Government, the course
pointed out in the order
must be followed.

2. The District
Engineer's explanation
of the neglect noticed in
Para 2 should be
submitted for the in-
formation of Government,
and the Chief Engineer
will ascertain & report
^{whether}
~~in what other cases~~

Captain Fisher has been
~~noted~~ disobeyed his instructions in other similar cases;
~~and if so, in what~~
cases.

[Signature]

10 Copies to the Chief Engr. Dated 15th
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