M.R.O. 1—77,006—8-6-37.

(1) Number of pages 6

(2) Date of repair 12 - 10. 38

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

Con - 21 - 10 - 55

G.O. No. 2395 Press / Mis.

44-45

Dated 8 — 10 — 1855.

Not to be folded or roughly handled

8/1
12/10/26

No. 44. Read the following letter from J. R. BOYSON, Esq., Government Solicitor, Madras; to J. D. BOURDILLON, Esq., Secretary to Government, dated 5th October 1859, No. 1615.

1. With reference to the Extract from Minutes of Consultation noted in the margin, I have the honor to report that Ramanjooloo Rungiah Chetty's action against Captain Henry White Hitchins was tried on the 30th ultimo and resulted in a "nonsuit" on the ground that the original contract for the supply of the bricks was made by the plaintiff with the defendant as an officer of Government, and in his official capacity, merely to bind Government and the proper official in charge of the contemplated works, that under these circumstances, Captain Hitchins was not personally or individually liable upon this contract and could not, therefore, be sued; and that, if the plaintiff had any right of action, it was against the East India Company and not against Captain Hitchins personally.

E. M. C. Public Works Department, dated 27th October 1858, No. 2267.

2. We were prepared with such evidence for the defence as, in my opinion, would have most completely satisfied the Court, if the merits of the case had been gone into, that the action, if framed against the East India Company, could not have been sustained.

3. I am now taking the necessary steps for recovering from the plaintiff (if possible) the expense to which Government has been put in defending the action.

No. 45. ORDER THEREON, 8th October 1859, No. 2395.

Communicated to the Chief Engineer for information with reference to Proceedings of Government dated 17th July 1856 No. 1201.

(Signed) T. PYCROFT,
Chief Secretary.

No. 1615

From H. Government Solicitor Madras.

To The Secretary to Government Public Works Department

Madras October 5th 1859.

Sir,

1. With reference to the Extract from Minutes of Consultation no 661 Public Works Department, dated 4th October 1858 No. 2267, in the margin, I have the honor to report that Ramanjooloo Rungiah Chetty's action against Captain Henry White Fitchins was tried on the 30th ultimo and resulted in a "nonsuit" on the ground that the Original Contract for the supply of the Bricks was made by the Plaintiff with the Defendant as an Officer of Government and in his official capacity merely to bind Government and the proper official in charge of the contemplated Works, - that under these circumstances, Captain Fitchins was not personally or individually liable upon this Contract and could not, therefore, be sued, and that, if the Plaintiff had any right of action, it was against the East India Company and not against Captain Fitchins personally.

We.

2. We were prepared with such evidence for the defence as, in my opinion would have most completely satisfied the Court if the merits of the case had been gone into, that the action, if framed against the East India Company, could not have been sustained.

3. I am now taking the necessary steps for recovering from the Plaintiff (if possible) the expense to which Government has been put in defending the action.

I have the honor to be
Sir
Your Most Obedient Servant
A. Malcolm
Genl Lo. Cr.

M. Cons. 29th October 1858 p.
139-140

No 2395.

2395 —

Communicated to the Chief Engineer for information with reference to Proceedings of Govt dated 15th July 1856 No 1201. —

Fort St George
8th Oct 1859

CF

No 44 & 45.

No Works — 1859 Copy to
Pro of Govt 21st Octr
No 2604
From
The Government Solicitor

To The Secy to Govt P. W. D.

Dated 5th October
Received 6th ——

No 1615
No Enclosure
No

In reply with reference to Ltr dated 27 October 1858 No 2267, that the action instituted by R. Ramiah Chetty against Captain Henry White Ritchie was tried and terminated on the ground stated and that he is taking the necessary measures for recovering the Costs to which Government has been put, in defending the action

10 Copies.
Chief Engineer Offr 8

No 2395 - 8th Octr 1859.
William Order