MRO 1—77,006—8-6-37.

(1) Number of pages 6

(2) Date of repair 17-10-42

(3) Initials of the Referencer

# MADRAS RECORD OFFICE.

## Government of Madras.

Public Works DEPARTMENT.

G.O. No. 3422 Press ~~Mis.~~

595-8-96

Dated 29 — 11 — 1864.

***Not to be folded or roughly handled***

*Proceedings of the Madras Government, Public Works Department, 29th November 1864.*

No. 595. Read the following letter from Colonel A. J. M. BOILEAU, R. E., Superintending Engineer, 4th Division, to Colonel C. A. ORR, R. E, Secretary to Government, Public Works Department, dated Madras, 24th November 1864, No. 4,328 :—

1 Letter No 4,181, dated 16th November 1864, with nine accompaniments, one being draft answer.
1 Translation of Plaint.

SIR,

1. In April last one Ruthana Mudali, formerly employed as a temporary Maistry in the Arcot Táluq, Vellore Range, North Arcot District, presented to me a petition claiming payment of the following sums :—

| | Rs. | A. | P. |
|---|---|---|---|
| 1*st*.—For earthwork performed to the Chuckramellore branch channel... | 43 | 3 | 3 |
| 2*nd*.—Pay as Maistry for April, May, June and July 1863, at Rupees 10 per month ... ... ... ... ... ... ... ... ... | 40 | 0 | 0 |
| 3*rd*.—Balance due for bricks manufactured for the 1st masonry fall on the Dusi main channel... ... .. ... ... ... ... ... | 61 | 15 | 0 |
| Total ... | 145 | 2 | 3 |

2. As respects the first claim it was found on enquiry that the correct amount due to the Petitioner was Rupees 28-12-0, and this he eventually consented to receive, giving to the Range Officer a stamped receipt in full of all demands for work executed on the branch channel in question.

3. The claim for arrears of salary was disallowed, as Mr Sub-Engineer Howard in his report to this Office explained that the Petitioner was in no way entitled thereto, and the correctness of this decision has apparently been concurred in by the Petitioner, as he has made no further demand on its account.

4. The third claim was also disallowed, it appearing from the Range account books and Mr. Erskine's reports on the subject that full payment had been made for all bricks used for the masonry fall in question, and that those for which further payment was asked, were spoiled and unburnt bricks left in the kiln, and others said to have been stolen.

5. This claim, however, the Petitioner still urges, and on the 14th ultimo he preferred a suit against Mr. Sub-Engineer Howard in the Small Cause Court at Vellore for its recovery, the hearing of which will take place on the 12th December 1864.

6. A copy of the Plaint with translation thereof, together with Mr. Sub-Engineer Howard's draft reply, I have the honor to enclose.

7. It will be observed that the Petitioner now declares he is entitled to Rupees 61-14-0 on account of bricks, and that the payment thereof is objected to by Mr. Howard on the following grounds :—

1*st*.—That receipts for certain advances for different works subsequently adjusted, which include the value of all bricks supplied, were given by the Petitioner to Mr. Erskine, late Táluq Overseer.

2*nd*.—That proper payment has been made for all the bricks used for the masonry work in question.

3*rd*.—That if the bricks for which payment is claimed are spoiled ones, or those left in the kilns, no *delivery* thereof was ever made to the Public Works Department.

4*th*.—That these brick kilns have been personally inspected, and that if the whole debris in and about them was allowed for, it would not represent more than 10,000 bricks of a kind which are of no value whatever.

8. The correctness of these several statements, Mr. Howard is prepared to prove by vouchers in his possession ; under these circumstances, I am of opinion that he is justified in resisting the payment of the demand Rupees 61-14-0, and I recommend that the Government Vakeel at Vellore be instructed to defend Mr. Howard on the hearing of the case on the 12th proximo.

*Proceedings of the Madras Government, Public Works Department,*
*29th November* 1864.

No. 596. ORDER THEREON, 29th November 1864, No. 3,422.

Under the circumstances stated, the Governor in Council grants authority for the suit in question being defended by the Government Vakeel at Vellore.

(True Extract.)

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

To the Superintending Engineer, 4th Division, with eleven enclosures.

Exd. T. O'Connor.

Proceedings 29th

3
X

No 3422

Under the circumstances stated, the Governor in Council grants authority for the suit in question being defended by the Govt. Vakeel at Vellore.

Chepauk
29th Novr/64

To
Sr Engr 4th Div with 11 enclosures

Issued 15

Sent 29th November
P. Order 2d December

Proc. of Govt. Consultation
No. 5284
the Supt. Engr. & Do.

To The Secretary to Govt.
P.W.D.

Dated 24th
Rec'd 25 Jan'y 1864.

No. 4328

Recommends that the Govt. Vakeel at Vellore be instructed to conduct Mr. Howard's defence in a suit referred against him by Contractor Rustoma Mordah

Rs. 3422-2-6 Revenue 1864

No. 698-876.