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MADRAS RECORD OFFICE.

Government of Madras.

Public Works **DEPARTMENT.**

G.O. No. 969 Press ~~Mis.~~

158-159

Dated 6 — 4 — 1864.

Not to be folded or roughly handled

18

Proceedings of the Madras Government, Public Works Department, 6th April 1864.

No. 158. Read the following Proceedings of the Madras Government in the Judicial Department:—

Communicating papers relative to the seizure, by the Magistrate of Kurnool, for the use of the troops, of certain carts, the owners of which had received advances from the Irrigation and Canal Company. } (Here enter 30th March 1864, No. 422.)

No. 159. ORDER THEREON, 6th April 1864, No. 969.

Communicated to the Consulting Engineer, Irrigation and Canal Company.

(True Extract.)

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

To the Consulting Engineer Irrigation and Canal Company.
„ Agent for do. do.

Exd. S. T. Augustin.

Proceedings of the Madras Government, Judicial Department, 30th March 1864.

Read the following papers:—

No. 265. From Colonel S. O. E. LUDLOW, Consulting Engineer for Irrigation and Canal Company; to Colonel C. A. ORR, R. E., Secretary to Government, Department Public Works, dated Saint Thomé, 5th December 1863, No. 113.

I have the honor to forward, for the orders of Government, a letter* from the Chief Engineer, Madras Irrigation and Canal Company, communicated by the Agent, complaining of the seizure by the Magistrate for the use of the troops of certain carts, the owners of which had received advances from the Company.

* Dated 24th November 1863, No. 912.

2. If, as Colonel Cotton admits, the seizure was conducted under authority from the Government, I do not see how the measure can be considered as irregular.

3. But although the Company like any other parties must submit to such inconvenience, when the exigencies of the public service require it, Government will doubtless deem it right that they should be re-imbursed for any pecuniary loss which they may suffer in consequence; and this might probably be done without compelling them to seek redress in a Court of Law.

From J. S. N. BUDD, Esq., Acting Agent, Madras Irrigation and Canal Company; to Colonel S. O. E. LUDLOW, Consulting Engineer, Irrigation and Canal Company, dated Madras, 30th November 1863, No. 1629.

In the accompanying letter, No. 912 of the 24th November, the Chief Engineer states that certain carts engaged by the Company for the conveyance of stores were impressed by authority of the Magistrate of Kurnool, and placed at the disposal of the troops proceeding to Hyderabad, and that no redress was obtained on a representation of this circumstance to the Magistrate.

2. The inconvenience resulting from the summary, and perhaps irregular, proceeding of the Magistrate is in itself of sufficient importance to call for the interference of Government, but in the present position of the owners of the bandies in question there is every probability that the advances made to them will be lost to the Company. I beg therefore that the Government will issue such instructions to the Magistrate as will prevent the Company from being subjected to any pecuniary loss, and that in future he should ascertain from the servants of the Company whether advances had been made to bandymen required for Military purposes before they are impressed.

From H. C. COTTON, Esq., Chief Engineer; to J. S. N. BUDD, Esq., Conducting the duties of Agent's Office, Madras, dated Kurnool, 24th November 1863, No. 912.

I beg you will bring to the notice of the Government that certain carts hired by the Company (the owners having received advance of hire) have been seized by authority of the Magistrate, and forcibly carried away with their drivers for the service of the troops marching to Hyderabad. Application has been made at the Magistrate's office for redress, but in vain.

2. I am very reluctant to take the step of entering a suit in the Court for the recovery, as the measure is in fact, however irregular, conducted under authority from the Government, but I consider that in the case the seizure should have at least been conducted without pecuniary loss to us, or the owners.

3. I beg that instructions may be sent to the Magistrate to consider the claim, and give redress. If called upon I will transmit an account, but I think it would be better that the Magistrate should first examine the claim with authority to satisfy it.

(True Copy.)

(Signed) J. S. N. BUDD,
Acting Agent.

Referred to the Judicial Department for communication.

CHEPAUK,
8th December 1863.

(Signed) C. A. ORR, Colonel, R. E.,
Secretary to Government, D. P. W.

Proceedings of the Madras Government, Judicial Department, 30th March 1864.

Referred to the Magistrate of Kurnool for report.

FORT SAINT GEORGE,
4th January 1864.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

No. 266. From J. I. MINCHIN, Esq., Magistrate of Kurnool; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated on Circuit, Bhoopatipally, 8th March 1864, No. 8.

I have the honor to return the papers as per margin from the Consulting Engineer, forwarded to me for report.

1. From the Chief Engineer, dated 24th November 1863, No. 912.
2. From the Acting Agent, Madras Irrigation and Canal Company, dated 30th November 1863, No. 1629.
3. From the Consulting Engineer Irrigation and Canal Company, dated 5th December 1863, No. 113.

2. Mr. Arbuthnott was in charge of the District on the receipt of the papers, and requested the Chief Engineer of the Company to submit a statement of the actual loss sustained by the Company, and to state whether any bandies belonging to it were seized for the use of the Regiment. To this no reply has been received.

3. I beg to state that every effort was made both by the Commanding Officer and myself to procure carts for his Regiment proceeding to Kamptee by private contract, but without success, and it became finally necessary to have recourse to impressment to enable the Regiment to move.

4. The carts thus impressed were liberally paid for, and released at Secunderabad, so that under no circumstances could they have been detained more than three weeks from the District.

5. I have reason to know that very few carts in the employ of the Company were seized on this occasion, though many of their contractors removed their carts from the works and kept them concealed to avoid impressment. It was not, however, possible for me to exempt the carts belonging to the Company's contractors from a general measure, forced on me by the exigencies of the Government service. I must mention that it was with extreme difficulty that the number of carts required for the Regiment were procured from every part of the District, and any exemptions would have made the task imposed on me impossible.

6. As all carts were liberally paid for there was no loss to their owners, and nothing to prevent their completing their contracts with the Company.

No. 267.

ORDER THEREON, 30th March 1864, No. 422.
Communicated to the Public Works Department.
(True Extract.)

Chief Secretary.

To the Public Works Department.

Exd. J. Tulloch.

No. 969

Communicated to the Consulting Engineer Irrigation and Canal Co.

Calcutta 6th April/64

To The Consulting Engineer I. I. & C. Co. " Agent &c &c

No 87.

Dated 7th April

No. 158: 159

No. 969 dated 6th April/64.

With an Order

No. 1864 Dept. Pro: of 1st for April No. 1465.

Pro: Mo. Govt. of the Judicial Deptt

Dated 30 March/64
Rec'd 1st April/64
No. 422

Communicating papers relative to the enquiry by the Magistrate of Burwood for the use of two troops, of certain carts, the ownership of which had received advances from that Company.