

(1) Number of pages 70(2) Date of repair 7-12-52

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 2463	Press Mis.
445-446	
Dated 18. 8. 1865.	

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
18th August 1865.*

No. 445. Read the following letter from CLEMENT DALE, Esq., Government Pleader, to Colonel C. A. ORR, R. E., Secretary to Government, Public Works Department, dated Madras, 7th August 1865, No. 128 :—

SIR,

Proceedings of Government, dated 2nd December 1864, No. 3,453, Public Works Department. Letter from Government Pleader to Government, dated 19th April 1865, No. 72.

1. With reference to the correspondence noted in the margin, I do myself the honor of reporting for his Excellency the Governor in Council, that the Special Appeal Suit numbered 469 of 1864, on the file of the High Court, came on for hearing this morning on the return of the Civil Judge of Trichinopoly to the Order dated the 13th March 1865, when their Lordships were pleased to pass an order directing the Civil Judge of Trichinopoly to re-investigate the matter, as his finding is not satisfactory to the Court.

2. It was stated by the Plaintiff's Vakcel that the Plaintiff had tendered to the Civil Court at Trichinopoly certain documents, to prove that the spot where it was proposed to commence cutting the new channel to feed the Murunga Kalatur tank was within the District of Salem; I collected that the papers are enumerated in a Petition presented to the Civil Judge of Trichinopoly, No. 428 of 1865. That Petition was not sent to the High Court, therefore I could not get a copy of it; but the District Engineer will be able to get a copy through the Government Vakcel at Trichinopoly, and, in communication with the Collector of Trichinopoly (and of Salem, if necessary), he should be prepared with evidence to rebut any evidence the Plaintiffs may give on that point.

3. The District Engineer should produce the plans of 1835 and 1856, and should prove they were produced from his custody, and that his is the proper custody; that they were made by authority of Government, and not made for any purpose of any litigated question.—See Act No. II. of 1855, Section 13, and Norton on Evidence, Section 450.

4. I return two plans of the *locus in quo*, forwarded to me. I advise that one be put in in evidence, and that it be proved by the person who made the plan, and can prove that he is competent to survey and take maps; and that the one proved is a correct map of the spot and adjacent country where the new channel is proposed to be cut.

No. 446. ORDER THEREON, 18th August 1865, No. 2,403.

CIVIL WORKS, No. 60.

No. 1,106, dated 25th April 1865.
,, 1,523, ,, 5th June ,,

1. Communicated to the Superintending Engineer of the 6th Division, for information and guidance in continuation of the Proceedings of Government noted in the margin.

2. Captain Oakes's particular attention will be requested to paragraphs 2, 3, and 4 of the letter from the Government Pleader.

to the High Court, therefore I could not get a copy of it, but the District Engineer will be able to get a copy through

Proceedings of the Madras Government, Public Works Department,
18th August 1865.

3. The Government Pleader will be requested to obtain and forward to Government, at an early date, a copy of the Proceedings of the High Court, remanding the Special Appeal Suit No. 469 of 1864 to the Civil Judge at Trichinopoly for further investigation.

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

To the Superintending Engineer of the 6th Division, with two Surveys.
" Government Pleader.
" Judicial Department.

Exd. S. T. Augustin.

30
No 28
From Clement Dale Esquire Government Pleader Madras
To Colonel C. A. Orr R. E. Secretary to Government P. W. Department

Madras 7th August 1865

Sir

Para 1. With reference to the Correspondence noted in the Margin, I do myself the honor of reporting for His Excellency The Governor in Council, that the Special appeal Suit No 469 of 1864 on the file of the High Court, came on for hearing this morning on the return of the Civil Judge of Trichinopoly to the Order dated the 13th March 1865, when their Lordships were pleased to pass an Order directing the Civil Judge of Trichinopoly to reinvestigate the matter, as his finding is not satisfactory to the Court.

2. It was stated by the Plaintiff's Vakils that the Plaintiff had tendered to the Civil Court at Trichinopoly certain Documents to prove that the spot where it was proposed to commence cutting the new channel to feed the Marunga Kalatur Tank was within the District of Salem; I collected that the papers are enumerated in a Petition presented to the Civil Judge of Trichinopoly No 428 of 1865. That Petition was not sent to the High Court, therefore I could not get a copy of it, but the District Engineer will be able to get a copy through

Pro: of G. A. Orr to the Governor 1864
No 455 P. W. Department
Letter from Govt Pleader to Govt 1865 19.
April 1865 No 72.

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3. The District Engineer should produce the plans of 1835 and 1856 and should prove they were produced from his Custody and that his is the proper Custody, that they were made by authority of Government, and not made for any purpose of any litigated question - See Act No 2 of 1855 Section 13, and Norton on Evidence Section 450.

I return two plans of the locus in quo forwarded to me, I advise that one be put in in evidence, and that it be proved by the person who made the plan and can prove that he is competent to survey and take maps, and that the one proved is correct map of the spot and adjacent country where the new channel is proposed to be cut.

I have the honor to be

Sir
Yours most Obedt. Servant
Wm. Dalrymple
Government Engineer

The High Court agrees
to return this suit for
further investigation by
the Civil Judge at Lucknow.

I think it is very
desirable the case should
at an early date be placed
in possession of a copy of
the proceedings of the
Court. We then remain
the suit. I will ask the Judge to
procure & forward it.
[This is I think the third
demand!! The C. Judge does not
seem capable of getting off
the point on which we
is wanted by the Appellate
Court and having to run
of that Judge's way of doing
business. I quite understand
the difficulty.

In the judicial department
late some provisions have
been taken in this matter
as it will be well to
put up with these papers
when they are again sent
in.

16 Augt- *WDA*

*John Pindar and the bank
will be for the present not
18-7-63*

of 1885 & after
Amount of Gov't fees
Aug 6
No 2400.
Amount of the 1st part
of 1885 Aug 1/85

C. M. 3485/85

I also from the
Gov't & others with
meeting that the
Civil Rights of the
community has been
directed to be made
into the matter of
the Lincoln monument
which has been
communicated to the
Gov't & to the
Gov't & to the

No 4485-448