

(1) Number of pages 16

(2) Date of repair 17-12-42

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 3067	Press
349.350	~~Mis.~~
Dated 14 - 10 -	1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
14th October 1865.*

No. 349. Read the following letter from Captain R. F. OAKES, R. E., Acting Superintending Engineer, 6th Division, to Colonel C. A. ORR, R. E., Secretary to Government, Public Works Department, dated Combaconum, 9th October 1865, No. 1,150 :—

SIR,

1. With reference to G. O. No. 2,759, dated 19th September, I have the honor to enclose a revised copy of the Draft answer in the Fort Citadel Stone case, it now corresponds with facts. Certain alterations were found necessary in paragraph IV. of the original Draft answer by the Government Pleader, as the Arsenal is not within the citadel walls, as will be observed from the enclosed plan.

2. A paragraph numbered IX. has been added, with reference to the marginal remark *c*, opposite paragraph VII. in the original Draft.

3. The evidence in support of the removal, or alterations, or repairs of the walls, as marked in the plan, is as follows :—

E. and F. will be found in Captain Lawford's letters quoted, and Colonel Greenaway can testify to the fact of the stone having been removed from E., F., G., and I. can be proved by Mr. Cahill.

4. The estimate for the repair of I. is in the Range Office, though included in an estimate for the repair of the Arsenal.

5. No information has been received from the Collector relative to the matter adverted to in paragraph 2 of the G. O. under reply.

6. As the case is to come on for hearing on the 20th instant, I beg that the undermentioned enclosures may be returned as early as possible :—

Original Draft answer by Government Pleader.

Revised do do.

Plan of Fort of Trichinopoly.

No. 350. ORDER THEREON, 14th October 1865, No. 3,067.

CIVIL WORKS, No. 45.

As the absence of the Government Pleader at Ootacamund precludes his opinion being obtained on the revised Draft answer, submitted with the foregoing letter, the papers referred to in paragraph 6 will be returned to the Superintending Engineer of the 6th Division, who will do his best towards successfully defending the Suit.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,

Secretary to Government.

To the Superintending Engineer, 6th Division, with three Enclosures.

Erd. S. T. Augustin.

In the Civil Court of Trichinopoly.

Original Suit No. 4 of 1884 between

Mornakhandiran Sanni, who by his Pleint claims to be the Proprietor
of the Thayamana Sanni Pagoda situated in
Malacollah at Trichinopoly by profession an
Abbott ————— is Plaintiff

and

- 1 Captain H. C. Palmer being in Wharmanaiken Polim Trichinopoly
Public Profession Executive Engineer
- 2 Moonesawmy @ Vaish. Profession Maistry in the Executive
Engineers Office ————— are Defendants

The written Statement of the
above named Defendants —

I The Defendants deny the case put
forward by the Plaintiff in his Pleint except
in such respects as any part of such case is ex-
plicitly admitted in this Statement, and they put
the Plaintiff to the proof of his whole case except
as to such parts as are so admitted

II The Defendants deny that the Plaintiff
is the Proprietor of the Pagoda above named and put him
to the proof of his title thereto, and of his right to in-
stitute and prosecute this Suit

III The Defendants deny that at the time
when the said Pagoda was built, the walls in the Pleint
mentioned

inclosures were erected with a view exclusively of preserving
danger or destruction of the buildings connected with the
Pagoda and the Defendants put the Plaintiff to the proof
of the averment to that effect contained in the said Plead.

IV The walls mentioned in the Plead were
erected by the Government for the time being as a
fortification for the purpose of the military defense
of Trichinopoly such walls constituted the Citadel
within the Fort, and within those walls were
placed the Magazine, Ammunition, Granaries, stores,
Godowns, Guard rooms and other buildings for the
use of the military servants of Government employed
at Trichinopoly. The Defendants admit that
within the Citadel and in addition to the mili-
tary Buildings before referred to there are some
buildings connected with the said Pagoda
as also an internal enclosure through which
the ~~road~~ procession is carried, a Tank
and a garden said to be attached to the
Pagoda together with the same buildings
occupied by people who reside on the
Rock, and the Defendants say that by the
walls forming the Citadel the buildings
connected with the Pagoda the en-
closure Tank and garden were protected
in common with the Magazine, Granaries Godowns

and Dwellings used by the military servants of
Government herein before mentioned.

V The Defendants deny that the said walls
are the property of the Pagoda and that they are
repaired annually at the expense of the Pagoda
and the Defendants put the Plaintiff to the proof
of his averment that such walls are the property
of the Pagoda and that they are so repaired.

II From the time the walls were erected
the Government for the time being have exercised
exclusive ownership thereof and have from time
to time repaired and altered the same.

III In 1845 some of the inhabitants
of Trichinopoly applied to the then Collector
of the District for the removal of a portion of
the said walls which they designated The Rock
or Inner Trichinopoly Fort Wall. Such appli-
cation was referred by such Collector to
the Engineer of the District for his opinion
whether there were any objections in a military
point of view to the removal. The walls were
inspected by such Engineer and by the Officer
then Commanding the Southern Division and on
their concurring that in a military point of view
there was no objection to the removal of such portion
of the walls, the same was pulled down under the sanction

of Government and the stones which were removed were used by Government for public purposes, and no objection was made by the parties then claiming to be interested in the Pagoda.

VIII In 1846 a portion of the walls forming the Citadel was in a dangerous state and the Engineer of the District directed its demolition which order was carried into effect and no objection was offered by the parties then claiming to be interested in the Pagoda.

IX In 1864 portions of the said Citadel or Inner Fort walls on the east and north sides were removed by the Department Public Works to which no objection was made.

X The said walls, and the walls referred to in the Plaint, were in March 1864 in a dilapidated state and as a precautionary measure their removal was considered desirable to prevent them from falling and doing injury.

The

The Defendants
but not the Plaintiff
has been removed by
the order.

1/2/11

1/2/11

XI The Defendants put the Plaintiff to the proof of the value of the stones which have been removed by the 2^d Defendant.

XII The Defendants deny that the Plaintiff or his men or the residents of the place made to them, the Defendants, any application to stop the removal of the walls as is alleged in the Plaint.

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No 1150

Sup. Eng. Office 6th Div.
Com. Engineering & Ordnance

From,

Captain R. T. Baker R.E.

Acting Sup. Engineer

To

Colonel C. A. Orr R.E.

Secretary to Government

Sir,

With reference to G.O.

No 2759, dated 19th September, I have the honor to enclose a revised copy of the Draft Annex in the Fort Citadel Plain Case - it now corresponds with facts. Certain alterations were found necessary in para 14 of the original Draft Annex by the Government Pleader, as the Arsenal is not within the Citadel Walls as will be observed from the enclosed plan.

2. A para numbered 14 has been added with reference to the marginal remark c opposite para VII in the original Draft.

3. The evidence in support of the removal, or alterations, or repairs of the Walls, as marked in the plan, is as follows:

Copy

Enclos

C. W. No 4000 of 185
14th October 185
Sta 3062

E and F, will be found in Captain
Lawford's letter quoted, and Col. G.
freemasonry can testify to the fact
of the stone having been removed from E.
F G, and I, can be proved by Mr Cahill.

4 The Estimate for the repair of I,
is in the Range office, though included
in our estimate for the repair of the
Arsenal -

5 No information has been re-
ceived from the Collector relative to the
matter adverted to in para. 2, of the
L.O. under reply.

6 It is the case is to come on for
hearing on the 20th inst. and, I trust that
the undermentioned enclosures may be
returned as early as possible.

Original Draft Answer by Go.
Government Secy.

Revised Do - Do.

Plan of Fort of Trichinopoly.

I have the honor to be

Sir,

Your most Obedt. Servant.

J. P. P. Captain R.E.
Asst. Engineer B.E.

Public Works Dept
No 3067
15
1948 of the Madras Government

opened to inspection
6 will be returned
to the Supergr of
the B. D., who will do
his best towards success
fully defending the fort

On
Enclon.

14th October

P.O. - 17

E and F, will be found in Captain
Lawford's Letters quoted, and Col
Greenaway can testify to the fact
of the Stone having been removed

... moved by McCall

7th 1865 D. 1/2
Pro. of Geo. J. S. 1865
The 1st of Jan 1865

To
The Secretary to
Government

Dated 9th
Received 10th October 1865
L. No 1150.

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No 349.

Forwarded certain
documents to Council
with the Fort Citadel
Store case at Richmond
No 3067 - 11th Oct 1865

J. F. Baker
A. J. S. 1865

List
manuscript

Public Works Dept

No 3067

Proceedings of the Madras Government
Under date 11th October 1865
Read the following

From the Acty Supy Engineer
of the B. D.

Towards certain documents
connected with the Fort Citadel (Store case 9th October 1865
No 1150)
Store case at Richmond

As the absence
of the Genl. Pleader
at Patacamund
precludes his
opinion being
retained on the
revised draft-
answer submitted
with the foregoing
letter, the papers
referred to in para
6 will be returned
to the Supy Engineer of
the B. D., who will do
his best towards success-
fully defending the Govt

To SE B. D.
with 3 Enclos.

15 Sept 14th October -
P. O. - 14th

W. B.

Oct 1865-20 due
of Wm. J. Go. & Co. for 1000

No 3067

Wm. J. Go. & Co.
2/14. Oct 1865

2000/1795/66.

For the 1st of October last
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