M.R.O. 1—77,006—8-6-37.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 3113 Press Mis.

172-73

Dated 9 — 12 — 1871.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 9th December 1871.

No. 170. Read the following letter from the Superintending Engineer, 3rd Division, to the Secretary to Government, Public Works Department, dated Camp at Iskapully, Cuddapah, 27th November 1871, No. 2A :—

I HAVE the honour to inform you that, on the evening of the 14th ultimo, I learnt that some work was being carried on at the Tallapauk tank in the Pullampett Talook, Cuddapah District, on emergency, under orders received from Mr. Cowley, without any sanctioned estimate and without any report to me. I at once ordered the work to be stopped.

2. On the 13th idem Mr. Cowley sent to my office, and which I saw on the 18th at Bellary, a repair estimate in triplicate for Rupees 450 for repairing and closing the breaches, but in column 12 he states, under the head of " Explanation of necessity, etc.":—The breaches caused in October 1870. The whole bund requires restoration, and surveys and sections have been made, estimate prepared, etc. Estimate is detained awaiting the information of the value of lands, etc., under the tank. Closing breaches is in active progress in anticipation of sanction.

3. It is fortunate that I ordered the work to be stopped, for I have just seen a longitudinal section of the bank, and am of opinion that a large estimate will be necessary to put the tank in order, and that the mere repair of the breaches would be of little benefit. I find that no estimate has as yet been prepared.

4. The work done by the petty contractor, to whom Mr. Cowley entrusted the execution of the work, has been measured, and is valued at Rupees 210-7-1, and I now request the early orders of Government as to who is to pay this money to the petty contractor. My idea was to order the man to file a Civil Suit against Mr. Cowley, but I suspect every Court would say that Mr. Cowley was a Government Range Officer, and would decide that Government should pay. Government again might pay the money and then sue Mr. Cowley, who is at present under suspension, and so the amount could not be deducted from his pay, which for the present I have ordered to be held back as far as possible; but here again I feel ignorant as to the law supporting us.

I shall feel obliged for an early reply.

No. 171. ORDER THEREON, 9th December 1871, No. 3,112.

ESTABLISHMENT, No. 18.

As the contractor appears to have carried out the work referred to under the authority of the Range Officer, payment cannot be withheld. Mr. Cowley should be called upon for any explanation which he may have to offer regarding the irregularity of his proceedings as brought to notice in this letter, and on its receipt the Government will be in a position to consider his culpability in the matter. The result of the Magisterial inquiry referred to in paragraph 9 of Colonel Moberly's letter recorded in Proceedings, dated 2nd November 1871, No. 2,770, should be reported.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the Superintending Engineer, 3rd Division.
" Controller of Public Works Accounts.
Exd. S. T. Augustin.

No. 9.1

Superintending Engineer's Office.
3rd Division.
Camp Velicondah, Vellaur Talook
Cuddapah District.
The 27th November 1871.

From,
The Superintending Engineer
3rd Division.

To,
The Secretary to Government
Public Works Department
Fort Saint George.

Enclosures.

Sir,

I have the honor to inform upon the
1st the evening of the 11th Instant I learnt that
some work was being carried on at the Vellaur
bund South in the Nellumpett Talook Cuddapah
District on emergency under orders received from
the Collector without any Estimate and
without any report to me. I at once ordered the
work to be stopped.

2nd On the 13th Instant the Collector sent to
my office and which I saw on the 18th an Estimate
& Report for repairs to the breaches in the
Spanning and closing the breaches in the Vellaur
bund under the head of "Effluvation of ne-
-cessity" &c. The breaches caused in October
1871. The whole bund requires restoration and
Surveys and Sections have been made, Estimate

prepared &c. Estimate & Statement annexed
the information of the owners of Canals for under
the Canals, stating breaches to be made good
in consideration of Donation

3.

It is fortunate that Sundries the
work to be stopped for those purposes &c.
Extraordinal Section of the Canals and use of
powers that of large Estimate &c. to be made
may be put the Canals in order and that the
necessary repairs of the breaches could be effected
benefit. I find that an Estimate has not been
been prepared.

4.

The work done by the late Contractor
to whom Mr Cowley instructed the execution of the
works has been measured and valued &c.
No 210-7-1 and I am requested the said ordered of
Government as to who is to pay that money &c.
Petty Contractor. Mr Cowley is under the impression
to file a Court Bill against Mr Cowley &c. and
learned Counsel say that Mr Cowley can be sued
against Ranger Officers and would decide that Govt
should pay. Government agents might pay the money
and then sue Mr Cowley who is not present under
suspension and so the case would be delayed &c.
struck from list &c. which for the present should
ordered to be held back as far as possible and &c.
again I feel ignorant as to the law in such &c.

5. I shall feel obliged for an early reply

Mr Cowley &c.

C. Allen

Superintending Engineer &c.

prepared for. Estimate is returned awaiting the

P. W. 1871. No. Dept.
Dir. of Works Office
No. 5672.

From,
The Superintending Engineer
3rd Division.

To,
The Secretary to Government.
Public Works Department.
Fort Saint George.

No. 2.4)
Dated 27th November 1871.
Received 28th November 1871.

Sir,

In continuation of my letter No. 3112-9 Dated 14th Instant, I have the honor to report that work was carried on as necessary to this Estimate under orders received from Mr. Cowley without any intimation from the work-people stopped by their seeing that it would require a larger sum than Rs. 210-7-1 granted for work done by petty contracts. Regarding such orders, Govt. are pleased to refer to the Instructions

No. 3/70
to 2nd Dec 1871 Q. 75

Public Works Dept.
No. 3112. 49
Proceedings of the Madras Government
Read the following

From
The Supg. Engineer
3rd Division
(Rect. 28th & 27th Nov. 71)

As the Contractor appears to have carried out the work referred to under the authority of the Range Officer, payment cannot be withheld. Mr. Cowley's culpability in the matter will be considered on the Supg. Engineer furnishing him, as directed in G.O. No. 2770. dy 2nd November 1871, with the substance of the charge against him, and submitting any defence which he may make. The result of the Magisterial

N.

(should he call upon for any explanation which he may have to offer regarding the irregularity of the proceedings as brought to notice in this letter, and on their receipt the Govt will be in a position to consider his culpability in the matter

Magisterial enquiry referred
to in para 9 of Colonel Mobiri's
letter recorded in ~~the~~ Pro-
ceedings of 2nd Nov 71. No 2 ~~7~~ 7
should
be reported.

Nov. 30 71

To The Supg Engr 3rd Div
Cantonment
Dated 11/12/71.