

(1) Number of pages_____

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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	2926A	Press
B.P. No.		Mis.
Dated	13-10-	1954

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
13th October 1874.*

No. 325A. Read the following letter from W. S. HARINGTON, Esq., District Engineer, Malabar, to Colonel G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Calicut, 2nd October 1874, No. 136 :—

In forwarding copy of letter, No. 292, dated 30th ultimo, from Lieutenant Dobson, the Officer in charge of the Cannanore Range, I have the honor, with reference to G. O., No. 2,545, dated 8th idem, to request that you will be good enough to grant permission for the employment of a Vakil to defend the charges brought against Overseer Francis by a ryot named "Gnattiala Amboo."

From Lieutenant A. E. DOBSON, R.E., Assistant Engineer, Cannanore Range, Malabar, to W. S. HARINGTON, Esq., District Engineer, Malabar, dated Cannanore, 30th September 1874, No. 292.

I HAVE the honor to forward copy of a letter* received from Overseer Francis, and also the
* No. 192 of 29th September 1874. plaint therein alluded to. I have written to Overseer Francis calling his attention to para-

graphs 3 and 4, Chapter XIII., and telling him that the expenses first incurred must be borne by himself, but as the complaint is a groundless one that I considered there would be no doubt of his expenses being re-imbursed, at the same time he should have forwarded to me a copy of his answer to the plaint.

2. The facts are briefly these:—There was an old tunnel in a paddy-field in the Panur and Peringolam road which the ryot had stopped up, and which did not do its duty properly. Overseer Francis cleaned it out and opened up its old channel; the water then flowed properly, and flowed into complainant's field and damaged the ground, at least so he said; the complainant made a complaint to the Tahsildar, who went and inspected the place and decided that the Overseer was in the right; not satisfied with this the complainant filed a suit for the recovery of damages. I have told Overseer Francis to summon the Tahsildar to give evidence on his behalf.

3. Trusting that you will, if possible, sanction the fee for defending what is, in my opinion, an unjustifiable and groundless complaint.

No. 325B. ORDER THEREON, 13th October 1874, No. 2,926-A.

ESTABLISHMENT, No. 22A.

THE District Engineer, Malabar, has not complied with the provisions of the Code in respect to this suit. It is laid down in Chapter XIII., paragraph 5, that an English translation of the plaint together with the proposed draft answer should be submitted for the orders of Government. This will be done forthwith.

2. In the meantime the defence of the suit may be carried on.

(True Extract.)

Colonel, R.E.,

Secretary to Government.

To the District Engineer, Malabar.

Officiating Controller of Public Works Accounts.

Cannanore 30th September 1874

N^o 292

From

The Assistant Engineer
Cannanore Range
Malabar

To

The District Engineer
of Malabar M. P. W.

Sir,

N^o 192 of 29th
Sept^r 74.

I have the honor to forward
copy of a letter received from Overseer
Francis and also the plaint therein al-
luded to. I have written to Overseer
Francis calling his attention to Paras
3 and 4. Chapter ~~III~~ and telling him
that the expenses first incurred must
be borne by himself. but as the com-
plaint is a groundless one, that I
considered there would be no doubt
of his expenses being reimbursed at the
same time he should have forwarded
to me a copy of his answer to the
plaint.

The facts are briefly these. There
was an old tunnel in a paddy field
in the Panur and Perungolam Road
which the ryot had stopped up and.

which did not do its duty properly.
Overseer Francis cleared it out and
opened up its old channel the water
then flowed properly and flowed into
complainant's field and damaged
the ground at least so he said, the
complainant made a complaint
to the Tahsildar who went and
inspected the place and decided
that the Overseer was in the right.
Not satisfied with this the complain-
ant filed a suit for the recovery of
damages. I have told Overseer Francis
to summon the Tahsildar to give
evidence on his behalf.

Trusting that you will, if
possible, sanction the fee for defend-
ing, what is in my opinion an
unjustifiable and groundless com-
plaint.

I have &c.
Signed / A. C. Robson. Lt. R. E.
Asst. Engr. Malabar

(True Copy)

W. L. Hamilton
District Engineer,
Malabar

No. 136.

Malabar Dist. Engr's Office
Calicut 2nd October 1874.

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Your most obdt. Servant

W. L. Hamilton
District Engineer. Malabar.

which did not do its duty properly.
Overseer Francis cleaned it out and
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the ground a

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complaint

In a letter from
the Distt. Engineer
Malabar, to the Secy
- tary to Govt. D. P. W.
Madras No 136 of 2nd
October 1874.

pg. 7 13 Oct 1874
In B. N. 325 A.
P. W. 6229/74

Copy of letter No 292
dated 30th Sept.
Lieut. Dobson the
Officer in ch. of
Cannanore Range.

(True Copy)

W. Harrington
District Engineer,
Malabar.

No 136.

Malabar Dist. Engr's Office
Calicut 2nd October 1874.

From

The District Engineer
Malabar.

To

The Secretary to Government
P. W. D. Madras.

Sir,

In forwarding copy of letter
No 292 dated 30th Ultimo, from Lieut.
Dobson the Officer in charge of the Can-
nannore Range, I have the honor with
reference to G. O. No 2545 dated 8th Idem
to request that you will be good enough
to grant permission for the employment
of a Vakiel to defend the charges brought
against Overseer Francis by a ryot
named "Gnathiala Amboo".

I have the honor to be.

Sir

Your most obedt. Servant.

W. Harrington
District Engineer, Malabar.

S.H.C.

Proceedings of the Madras Court.
Read the following:-

From the District Engineer
Malabar } (H. E. No. 136 of 2nd Oct 1874)
G.O. No. 2926 A. dt 13th October 1874.

The District Engineer
Malabar has not
complied with the
provisions of the Code
in respect to this suit.
It is laid down in
Chap. XIII. para 5 that an English
translation of the
plaint together with
the proposed draft
answer should be

submitted for the orders
of Court. Until this
is done and the Court
are fully satisfied

This will be done forthwith
on the meantime the
defence of the suit may be
carried on

Approved this course

1874. 10. 13. 29.
The District Engineer
Malabar
To the Secretary to Court
Madras.

Dated 12th Oct 1874.
Recd 5th Oct 1874.

G.O. No. 2926 A. 13. 10. 74.

Subject: permission for
for the employment of
as District to defend the
suit brought against
Quarrier Francis by a
certain Rajah.
1874. 10. 13. 29.

as to the judiciousness
of the course of action
contemplated, His Ex-
cellency the Governor
and Council must de-
cline to authorize
the defence of the suit
at the public expense.
Yours

as the case has already
been disposed of by the
Court of the Andamans &
Nikobar Islands it is the duty
of the subordinate & com-
missioners with regard to
the litigation. Yours

325A-325B

R. 152 B. 10/74
C. 10/10/74. Feb 13/10/74

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St. George's Island
Andamans

S. Capins despatch 29/10/74
Mr. S. despatch to St. George's Island
13/10/74
S. Capins despatch to D. 21/10/74

as to the judiciousness
of the course adopted

531.

6229

Govt. of 1874 Madras.
PUBLIC WORKS.

To



The Dist. Sgr.

~~Malabar~~

Dated

Recd.

Encl. 1.

G. O., 15 Oct. 1874, No. 29,207

Nos. 125 A-325

Suit

Malabar S-

The defence of the
suit brought against
Oversee Francis by a
certain P. ordered
to be carried on
with certain instructions

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