M.R.O. 1—10,006—28-2-50.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

# MADRAS RECORD OFFICE

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## Government of Madras

pub. works. DEPARTMENT

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|---|---|---|
| G.O. No. | 3289 | Press |
| ~~B.P. No.~~ 361-62 | | ~~Mis.~~ |
| Dated | 20.11.1876 | ~~195~~ |

***Not to be folded or roughly handled***

No. 361. 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, 10th November 1874, No. 168 :—

I HAVE the honor to forward copies of documents, as per margin, regarding a suit brought against Mr. Supervisor Lalor, in charge of the Calicut Range, by a contractor named Nelambalatha Kaloo Kootty Nair.

1. Translation of plaint.
2. Letter from Mr. Supervisor Lalor, No. 395, dated 9th November 1874.
3. Endorsement No. 651, dated 22nd December 1873, by Mr. Lalor.

2. Mr. Lalor's letter being in itself an answer to the plaint, I trust I am in order in not forwarding a regular draft answer, as required in G. O., No. 3,047, dated 27th ultimo. I have the honor to request that sanction may be granted to employ a Vakeel to defend the suit.

3. All these suits and appeals to a law court are most vexatious; but it appears to be the regular custom in this district for any man who may consider himself wronged, or may fancy that claims, however annoying and baseless they may be, will receive attention from a Sub-Judge or a Magistrate, to bring a suit whether against a Government servant or a private individual, and in the former case at any rate it must needs be defended.

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No. 362. ORDER THEREON, 20th November 1874, No. 3,289.

ESTABLISHMENT, No. 17.

AUTHORITY granted accordingly, the expense being borne by Government pending the decision of the Court, copy of which should be submitted in due course.

(True Extract.)

Colonel, R.E.,
*Secretary to Government.*

To the District Engineer, Malabar.
" Controller of Public Works Accounts.

Exd. E. C. Shunker.
Spare Copies

To

The Sub Court Malabar.

Nellambalath Kaloo Kutty Nair of Kasavo Anishom Calicut Taluq } Plaintiff

Mr J. Lalot Range Officer G.P.W. Calicut } Defendant

This is a suit under Section 26 of Civil Procedure Code to recover Rs. 341-12-5 with costs, being the balance amount due to me on account of supplying broken stones and gravel required for road work, with interest for the principal @ 2 per cent from date and for the costs @ 1 per cent from date of decree.

In pursuance of the Contract executed between myself and Defendant in May 1873 for gathering broken stones @ Rs 1/4 per cyd. and gravel @ 8as and 6 pie per cyd on road from Calicut to Malleapuram 13 m. to 22 m. miles I supplied up to 9th September 1873 and the Defendant having measured my work on the same day gave me a Bill leaving a balance of Rs 40- Since then I have performed work as follows. 125 cyd. Broken Stones amounting to Rs 156-4-0 and 151 cyd. Gravel amounting to Rs 80-7-7 and-

and this has been measured by Defendant in the month of Octobr 1873.

This sum is due to me immediately after the measurement the Defendant having failed to remit me the amount even after my frequent demands which occurred also in this month I was subjected to suffer a great loss by borrowing money at heavy interest (2 per cent and more) to meet the pressing demands of coolies, and thus the cause of this action arose.

Balance on 9th September 73 Rs 40 — —
Value of Broken Stones Rs 156-4-—
Do Gravel Rs 80-7-9
276-11-9

Interest for 40 Rs from 10th Sept 73
and for the rest from 1st Novr 73
@ 2 per cent per month Rs 64-2-8

Grand Total Rs 341-2-5

Dated 9th October 1874.

/Signed/ Kaloo Kuly Nair

/Signed/ Vakil Sunkara Menon

I the plaintiff Kaloo Kuly Nair hereby certify that all stated in this plaint is true to the best of my knowledge and belief.

/Signed/ Kaloo Kuly Nair

S. C. No 970 of 1874.
Filed 13th October 1874.

/Signed/ J. K. Ramen Nair
Sub Judge

/True copy of a copy/

/Signed/ J. Lalor Supervisor
In charge Calicut Range.

/Peyshood/
9th November 1874.

/True copy of a copy/

W Sharrington
District Engineer Malabar

Mal. Dist. Engrs Office
Calicut 10th November 1874.

Camp Stanton
Ft Kearney Neb 15th Nov 1874

From
The Engineer in charge
Platte River Bridge

To
The District Engineer
Omaha

Sir

I have the honour to forward herewith plaint in Suit Keyloe Coty Plaintiff in Chancery against me as the Engineer in charge of the Platte River Bridge on behalf of the United States for the recovery of the sum of $10,000 damages for the alleged illegal seizure of the Ferry Boat at the Platte River Bridge on the 22nd October 1874 and for the perpetual injunction of the Court restraining me from using the said Ferry Boat for the purposes of the Platte River Bridge.

I have the honour to be
Sir
Your obedient Servant
Wallace
Capt of Engrs

---

In a letter from the District Engineer, Omaha to the Secretary to Govt N. W. Ty, dated November 18th 1874 No 1689

Ltr G. D. 20 Nov 74
Div B No 361
R. W. 7126/74
3

Copy of plaint in the Suit Keyloe Coty Plaintiff versus the Ferry Officer Cabinet

1. That the Plaintiff is and was on the 22nd day of October 1874 and for a long time previous thereto the owner in fee simple of the Platte River Bridge Ferry Boat at the Platte River Bridge in the County of Keyloe and State of Nebraska and that the Platte River Bridge Company is a corporation duly organized and existing under the laws of the State of Nebraska.

2. That the Plaintiff and those under whom he claims have for a long time previous to the 22nd day of October 1874 and for a long time thereafter used and occupied the said Ferry Boat at the Platte River Bridge for the purpose of ferrying passengers, cattle, waggons and other property across the Platte River at the said Platte River Bridge and have collected and received the tolls and charges for such ferriage and have during all the time aforesaid kept and maintained the said Ferry Boat in good order and condition for the purposes aforesaid.

3. That on the 22nd day of October 1874 the defendant Wallace Captain of Engineers U. S. A. in charge of the Platte River Bridge Ferry Boat at the Platte River Bridge aforesaid unlawfully and without any right or authority so to do entered upon the said Ferry Boat and took possession thereof and has ever since refused to allow the Plaintiff or those under whom he claims to use the said Ferry Boat for the purposes aforesaid and has ever since refused to allow the Plaintiff or those under whom he claims to collect the tolls and charges for ferriage as aforesaid and has ever since refused to allow the Plaintiff or those under whom he claims to have the possession of the said Ferry Boat for the purposes aforesaid.

5

3. In the month of July following he (the plaintiff) presented a Bill in the Range Office and Rs. (314-1-0) Three hundred and fourteen and anna was paid to him on account of materials supplied.

4. I check measured all the work done by the Plaintiff on the 30th August 1873 and finding that he was working very slowly that the material supplied was inferior to what it should be and that he had exceeded the time allowed in his agreement which had expired on the 3rd August 1873. I distinctly ordered him to cease supplying any more material and measured up every yard of metal supplied up to that date. This can be proved by the Mistry, my Lascars and other suppliers who were with me at the time.

5. In September 1873 the Plaintiff presented a Bill at the Range Office from Sub. Overseer Parishen for Rs. (144-10-6) One hundred and forty four annas ten and pice six, but I having inspected the materials on the 30th August and rejected the broken stone as inferior, I struck out from the Bill then presented Rs. 40 for 32 Cyds. broken stone @ Rs. 1-4-0 per Cyd. The Supplier agreed to this, signed the Bill and received a Cheque for Rs. 116-5-6. on the 9th September 1873. He now claims this Rs. 40-0-0.

6. In October 1873 the Sub. Overseer (Parishen) acting for the Taluq Overseer on sick leave, submitted a Bill in favor of the Plaintiff for Rs. 17-8-0 and made a note on the slip measurement to the effect that as this was a final payment - payment should not be made until the Govt. Tools given to the Supplier by the Overseer (without my order) were returned.

7. The Plaintiff applied to me in December 1873 for payment by a Registered letter to which I sent him an Endorsement (copy enclosed) that Rs 17-8-0 was due to him which would be adjusted as soon as he returned the Govt. Tools in his possession. Ten months have now elapsed and the Plaintiff not having returned the Tools given him, I sent orders that the Overseer should either recover the Tools given to Plaintiff or pay for them. the Overseer has received from the Cashier and reports thro' the Tahsildar and Asst. Engineer 49 Tools out of 55, so that there is still 6 Tools outstanding. The Plaintiff now finding that the Tools for which he was liable have been recovered puts me in Court for a large sum which I can prove is not due to him.

8.

8. The plaintiff in his plaint states that material supplied was measured by defendant in October 1873. a reference to my Inspection Report will shew that I did not even inspect the Great Western Road in that month.

The hearing of the case will be on the 26th November and I beg that permission to defend the suit may reach me before that date.

I beg &c-

(Signed) J. Salon

Supervisor in Charge

Calicut Range

True Copy

W Stannus Low

Dy. Engineer Headlabor

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No. 651.

To

Kalai Kutty

Nair

Contractor.

Kalai Kutty Nair is informed with reference to the above that a Bill for Rupees 17. 8. 0. has been received in this office for work executed by him on the Great Western Road. This amount will be adjusted as soon as he returns the Government tools which the Executive Overseer received from him.

Sd/ J. Salon

Supervisor in Charge

Calicut Range.

True Copy

Sd/ J. Salon Supervisor

In charge Calicut Range

True Copy of a Copy

W Stannus Low

Dy. Engineer Headlabor

Regd. 9th November 1874

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Copy of a Letter from the Asst. Engineer, Malabar to the Secretary to Govt. No. P.W.D. dated 15th October 1873.

Rd. 20th Nov. 1873

No. R. 7126/73

Copy of letter from the Superintendent in charge of the Great Western Road, forwarding Copy of Bill of Kalai Kutty Nair for Rs. 17-8-0 for Earth work executed by him on the Great Western Road.

Copy of a Letter from the Asst. Engineer, Malabar to the Secretary to Govt. No. P.W.D. dated 15th October 1873.

Rd. 20th Nov. 1873

No. R. 7126/73

Copy of letter from the Superintendent in charge of the Great Western Road, forwarding Copy of Bill of Kalai Kutty Nair for Rs. 17-8-0 for Earth work executed by him on the Great Western Road.



Calicut, 22nd December 1873

Endorsement on letter dated 12th December 1873 from Kalai Kutty Nair.

No. 168 Malabar Distt. Engr's Office
Calicut 10th Novr. 1874

From

The District Engineer,
Malabar.

To

The Secretary to Government.
Public Works Department,
Madras.

Sir,

I have the honor to forward papers of documents as per margin regarding a suit brought against M. Supervisor Lalor and charging of the Calicut Range, Beja Contractor named "Melambalathia Kaloo Koatty Nair".

1. Translation of Plaint
2. Letter from M. Supervisor Lalor No. 395 dated 9th November 1874
3. Judgement No. 651 dated 22nd December 1873 by Mr. Lalor

2. Mr. Lalor's letter being in itself an answer to the plaint, I trust I am in order in not forwarding a regular draft answer, as required in G. O. No. 3047 dated 27th Ultimo – I have the honor to request that sanction may be granted to employ a Vakeel to defend the suit.

3.

To the Secretary to Government of Madras Public Works Department
Fort St. George

No. 168.

Rs. A. P.
1 2 6 4 4
Rs. 0-22 8 9-20 Upwards
Engineer Establishment
Establishment Charges
Establishment
Establishment
Establishment

S. No. 1874 Depart.
Fort St. George 7926.
The Dist. Engineer
Malabar

To

The Secretary to Govt.
M. P. W.
Madras

Dated 10th
Recd. 13th November 1874.

No. 168
Encls: 3.

Forwards copies of documents regarding the Suit Keyloor Cooty Nair versus the Range Officer Calicut.

G. O. No. 3289. 20-11-74.

361-362.

Desp. to Collector 13 Nov. 74.

G.O. No. 3289 dd 20th October 74
Directing proceedings to be taken
in regard to the decision of the Court
copy of which should be submitted
if not already done.

Cmm.

C. & Inl. Cx. Ltr. No. dd. Desp. duly to Malabar 20/11/74
Ltr. to Rt. C. " " " 26/11/74
Desp. 27/11/74.

7126

Govt. of H.S.H. Madras.

PUBLIC WORKS.

To The Supdg. Engr. Malabar

Dated

Recd. Encl. 3

G. O. 20th Nov. 1874, No. 3285

Nos. 261-262

Putup for Court 11/6

Suit- Malabar Dist.

Authority for defending the suit brought against Mr. Supervisor Lalor in charge of the Calicut Range, ~~granted~~ by a Contractor granted with instructions.