

(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.	1053	Press
B.P. No.		Mis. _____
Dated	16-4-	C875 195

Not to be folded or roughly handled

No. 402. Read the following letter from Major J. BEATTY, R.E., District Engineer, Godavery, to Lieutenant-Colonel J. MULLINS, R.E., Chief Engineer for Irrigation, dated Dowlaishweram, 18th March 1875, No. 3,946:—

I HAVE the honor to forward, herewith, a report by the Sub-Engineer in charge Central Delta on a case in which, under the authority of the District Engineer, he [successfully resisted a suit brought against him for insufficient compensation in the matter of some crops destroyed in emergent repairs to the Amlapur canal.

2. In that delta, where the canals are never closed for more than a few weeks in the year, it is customary to obtain earth without compensation by a shallow pit of a quarter to half a yard in depth in the nearest field outside the canal, and when crops are destroyed to settle the compensation by punchayet.

3. Such was the case in the present instance. The landholder made no claim for the land occupied, but it seems he was dissatisfied with the amount of compensation awarded by the punchayet for damage to crops.

4. The emergent repairs to the canal were done in 1871, and it was then that the complainant's crop of gingely was injured. Soon after a punchayet settled what was to be paid him. This he did not accept, and two years after, in 1873, brought a suit against Mr. Ellis, which was finally decided against him and in Mr. Ellis' favor on 22nd October 1874.

5. Mr. Ellis, with the approval of the District Engineer, employed a Pleader. When the case was finally decided, this man received only Rupees 1-10-3 for his attention to the interests of Government in this case through a period of about eighteen months.

6. Mr. Ellis recommends that the Pleader should be paid the amount of his bill, viz., Rupees 8-0-9, together with a fee of Rupees 20, i.e., altogether Rs. 28-0-9. Considering that the Pleader watched the case for nearly 1½ years, this payment does not seem excessive, and I beg you will submit it for the favorable consideration of Government.

No. 403. ORDER THEREON, 16th April 1875, No. 1,053.

ESTABLISHMENT, No. 34.

As the Officer in charge of the 2nd Range, Godavery, was duly authorized by the late District Engineer to defend

the suit referred to, the expenses incurred in connection therewith are sanctioned, but it must be noticed that the rules distinctly require the pre-sanction of Government to be applied for.

2. Under the circumstances, the payment of a fee of 20 Rupees to the Pleader who defended the suit during a period of altogether about eighteen months is sanctioned, together with the expenses amounting to Rupees 8-0-9.

(True Extract.)

(Signed) G. W. WALKER, Colonel, R.E.,

Secretary to Government.

To the District Engineer, Godavery.
" Controller of Public Works Accounts.
" Chief Engineer for Irrigation.

Exd. W. J. Lewis.
Spare Copies

No 268

Godavery District
M. II Range Office
Gumman 26 January 1875

From

The Sub Engineer

Incharge M. II Range Godavery

To

The District Engineer

Godavery District

Sir,

With reference to your Memo No 2567 dated 12th November 1874 I beg to inform you that in March 1871 when repairing the banks of the Anilapore Canal; cut pits were dug for the purpose, in all adjacent fields. One Nalla Venkataswamigaru Swami an Subabitant of Anilapore has his lands sown with gingily for which compensation was decided by a Panchayat. Other ryots received such compensation, but this individual refused to receive the sum falling to his portion. The Panchayat was composed of several of the wealthy ryots of Anilapore including the Munsiff and Kurnam of that Village. The Delta Superintendent late G. Sethasamaswami Naion was then incharge of the work.

2. The circumstances of this refusal was not brought to my notice till more than two years after; when Nalla Venkataswamigaru Swami petitioned to me stating that the compensation

to him on the occasion of the repairs to the Andapone canal bank, for crops destroyed was small, he also threatened to file a civil suit for a larger amount. On this and after careful inquiry I ordered the Delta Superintendent to again pay the amount assigned by the arbitrators. This he again refused and brought on the suit now under reference, whose defence was undertaken by one of the order of the District Engineer on the 7th May 1873 No 437.

3. The case was filed in 1873 against me, (as a Range Officer). Delta Superintendent G. Sitharamaswami Naidu and Gunastah. Byman Sahib in the Andapone District Munsiff's Court; for Rs 30 towards compensation for pits, and crops destroyed and for loss to certain grass and Tamar trees which the Plaintiff represented as having been stolen by Government servants who worked on his land.

4. The Court finally decided in favour of the Defendants on 22nd October 1874.

5. The pits were all $10 \times 5 \times \frac{1}{2}$ yards and excavated along the toe of the outer slope of the banks and so much earth as was necessary to raise the bank to the estimated height and section was taken not only from this man's fields but from all others similarly situated. These pits were unavoidable and as was usual in this District from time immemorial were cut in adjacent lands.

No injury to land owners was intended thereby; such pits half yard in depth if ploughed of with the surrounding lands can be immediately utilized under cultivation. This is the case in all parts of the District and evidences of hundreds of them are to be seen along every Main Canal for which no compensation had ever been claimed or paid to this day.

returned. 6. The final decision of the Court & affix from which it will be seen that the Plaintiff has to defray all costs amounting as follows to Rupees 6. 6. 3-

Vakalatnamah stamp	Rs. a. p. 1-0-0
Motion stamp	0. 6. 0
Application for Witnesses	1. 9. 0
do for Copy	0. 1. 0
Statement	0. 1. 0
Batta to Witnesses	0. 5. 0
do to summons to do	1. 6. 0
Fee to Pleader	1. 10. 3
Total Rs	6. 6. 3

The undersigned amount of bill sent by the Pleader privately, also be met, this I request you will be so good as to obtain from Government.

To Voluntary for copy of Complaint	0. 1. 0
do for do of points	0. 2. 0
Expense for Sitharamaswami Naidu for	2. 0. 0
Stamps to Vakalatnama	
Carried over	2. 6. 0

Brought Over — 2. 6. 0

Cooly sent to Gannaram with letter — 0. 4. 0

Stamps for Copies of Decree & Judgment — 1. 0. 0

Application for Copies — 0. 1. 0

Voluntarily for Copying Decree — 0. 4. 3

— do — for do Judgment — 0. 9. 6

Expenses for pleader for coming to Gannaram
and returning ~~back~~ to Amulapore for certain
Matters of the suit — 3. 6. 0

Conveying letters to Madupu dy — 0. 2. 0

Total Rs 8. 0. 9

The Pleader earnestly craves for a consideration
regarding the fee allowed him Rs. 1. 10. 3 as the case
stood over 1 1/2 years with various hearings.

I have therefore put in an item of Rs. 20. 0. 0
which I really think the pleader has earned
by his great attention to the interests of Government
and the heavy work performed by him in this suit.
I beg you will kindly represent the circumstances
for the favorable notice of Government and obtain
early sanction.

I beg to remain

Sir,

Your most obedient servant

W. A. Ellis

Sub Engineer

In charge No. 2 Range Godavari

District Engineer's Office, Godavari
No. 3946 Dowlaiswaram, March 18,

From

Major J. Beatty R.E.

District Engineer Godavari

To,

Lieut Colonel J. Mullins R.E.

Chief Engineer for Irrigation

Madras.

Enclosed Sir,

I have the honor to forward
herewith a report, by the Sub Engineer
in charge, Central Delta, on a case in which
under the Authority of the District Engineer
he successfully resisted a suit brought
against him for insufficient Compensation
the matter of some crops destroyed in emergency
repairs to the Amulapur Canal.

2. In that Delta where the Canals
are never closed for more than a few weeks
in the year it is customary to obtain earthen
without Compensation, by a shallow pit of
quarter to half a yard in depth in the
nearest field outside the Canal, and when the
crops

crops are destroyed to settle the compensation by panchayet.

3. Such was the case in the present instance. The landholder made no claim for the land occupied, but it seems he was dissatisfied with the amount of compensation awarded by the panchayet for damage to crops.

4. The emergent repairs to the Canal were done in 1871, and it was then that the complainant's crop of gingely was injured. Soon after a panchayet settled what was to be paid him. This he did not accept, and two years after, in 1873, brought a suit against Mr. Ellis, which was finally decided against him and in Mr. Ellis's favor on 22nd October 1874.

5. Mr. Ellis with the approval of the District Engineer employed a pleader. When the case was finally decided this man received only Rupees 1-10-3, for his attention to the interests of Government in this case through a period of about eighteen months.

6. Mr. Ellis recommends that the Pleader should be paid the amount of his

bill viz Rupees 8- - 9, together with a fee of Rupees 20; i.e., altogether Rs. 28- - 9. Considering that the pleader watched the case for nearly 1½ years this payment does not seem excessive, and I beg you will submit it for the favorable consideration of Government.

I have the honor to be
Sir

Your Most Obedient Servant

L. Peatty Major R.E.
District Engineer Godavery.

6.1.4.75

No. 402

[Faint handwritten text, mostly illegible]

None

From *P. H. 1875* No 566
The District Engineer
No - 2108. Godavery

To, The Chief Engineer
for Irrigation
Madras.

Dated 18th March 1875

Received 27th March 1875

Enclor. (2)

Submitting for favorable

Consideration a proposal to

pay a pleader Rs. 28-0-0

who successfully defended

a suit brought against

Government servants in
No. 2 Range.
S. D. No. 1053. 16.4.75

No. 13

5557

CR No 1/566/75

From The Officer in charge
No 2 Range
Godavery

To The District Engineer
Godavery

Dated 26th January 1875
Recd. No 268.
Encls. One.

No 3471
No 2 Range
Dated 9th February 75

A. N. 2108/75
G. O. No. 1053-16.4.75

Recit - Encloses copy
of Amalapur District
Municipal's decision
in the - filed by M. Sub-
lah Venkataswamy
Swamy of Amalapur
against the Range Officer
in 1873 for compensa-
tion for certain damages.
with explanation of the
- requests to bring the Plea-
ders services to the favor.
- able consideration of Govt.
- obtaining sanction for a fee
of Rs 20 to be paid to him

sent
to the
Pleader

11/22/20

Pres. of the Madras. Govt.

Read the following:

from the Hager Pottery (H.E. No 3946 of 18 March 1957)

1052

As the officer in charge of the 2nd Range, Godavery, was duly authorized by the late District Engineer, to defend the suit referred to, the expenses incurred in connection with the same are sanctioned, but it must be noticed that the rules distinctly require the ^{have} sanction of Government to be applied for.

2. Under the circum-
-stances, the payment
of a fee of 20 Rupees to the
pleader

184-10

pleader who successfully
defended the suit during
a period of altogether about
18 months is sanctioned,
together with the expenses
amounting to Rupees 20-9

29/3/75

G.M.

Lat Saint George
24th March 1875

Dist. Judge's order ✓
Int. M. W. A. ✓
Chf. Secy. for Dist. ✓

Dis. 19-4-75

2108

Govt. of 1875; Madras.

PUBLIC WORKS.

To

Int. Engineer
Godavery.

Dated

Recd.

Encl.

G. O. 16 April 1875, No. 1053

Nos. 402-403.

Int. Engineer The payment of
Rs 28-0-0 to the pleader
who ~~successfully~~ defend-
ed the ~~case~~ brought against
~~the~~ the Sub. Eng. in charge
of No. 2 Range, ~~concerning~~
~~with some Rs~~ in con-
nection with the repair of
the banks. Bangalore Canal
banks, sanctioned with
remarks.