

(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.	1336	(2)	Press ~~Mis.~~
Dated	19-4-	1877.	

Not to be folded or roughly handled

No. 443. Read the following endorsement of the Chief Engineer for Irrigation, dated Fort St. George, 13th April 1877, No. 190 W:—

From J. D. GRANT, Esq. Officiating District Engineer Tinnevely, to the Chief Engineer for Irrigation, dated Palamcottah, 11th April 1877, No. 11.

I HAVE the honor to forward to you the documents as per margin, referring to a suit brought against Mr. Falvey for Rupees 125, which I have the honor to request permission to defend.

Mr. Falvey's Report.
District Engineer's endorsement to the Contractors.
Translation of Plaint.

2. The circumstances are as follows:—In April 1876 an estimate of Rupees 130 was sanctioned for the clearing of the Thanganamadei channel, a branch from the Murdur Keelakal, and on the failure of the villagers most interested to carry out the work, the contract was given to the plaintiff, an inhabitant of a neighbouring village.

3. He agreed in writing to complete the work to the satisfaction of the Sub-division Officer, by the 25th May, but on the 26th he wrote a petition to the Sub-division Officer complaining that the neighbouring cultivators were removing, for manure, the silt excavated by him from the channel; he also reported that the previous day's rain had destroyed the small cross banks of earth ordered to be left for measurement purposes. Further, he requested payment for work so far executed in order to enable him to complete what remained.

4. This petition naturally aroused Mr. Falvey's suspicions, and when he inspected the work on the 18th June he found that the pits were dug in the channel bed without reference to the estimate, and that not being dug continuously the clearing down was useless, he therefore refused payment.

5. The plaintiff frequently demanded payment from the Sub-division and Division Officers, and was refused; he then petitioned me on the subject, and after inquiring I gave him the endorsement referred to by him, of which I annex a copy.

6. I therefore request permission to defend the suit on the following grounds:—

1st.—That plaintiff failed in carrying out his agreement both as to time and nature of work.

2nd.—That the work done is useless, being done at intervals along the channel and without reference to the estimate.

7. I enclose Mr. Falvey's report on the matter, which will make plain any point I have omitted.

8. As the case is posted for the 19th, and as the Court closes on the 21st for the recess, I beg that you will telegraph sanction to proceed with the suit if you approve the defence.

9. If deferred till after the recess Mr. Falvey will have left for Chingleput.

SUBMITTED to Government.

2. The District Engineer has been authorized by telegraph to defend the suit.

(Signed) JOHN MULLINS, Lieut.-Col., R.E.,
Chief Engineer for Irrigation.

Falvey

Proceedings of the Madras Government, Public Works Department,
19th April 1877. No. 1,336.

No. 444.

ORDER THEREON, 19th April 1877, No. 1,336.

IRRIGATION, No. 42.

Establishment.

THE proceedings of the Chief Engineer for Irrigation are approved.

(True Extract.)

Lieut.-Col., R.E.,

Joint Secy. to Government, P.W.D.,

Irrigation Branch.

Subordinate Judge's Court. In person.
Small Cause Suit No. 178 of 1877.

Answer proposed to be filed in reply to the
Plaint.

9.4.77
On the 3rd April 1876 an estimate amounting to Rs 130 was sanctioned by the District Engineer for clearing the Mangamudai channel a branch of the Madurkulakal Channel. The Taluk Overseer was directed by me to get the villagers who owned the land under the channel to do the work but they failed to take it up. The Plaintiff, who is a native of Alwar Kurulam, a village not far from the head of the channel, then offered to execute the work and gave a written agreement to complete it to my entire satisfaction by the 25th May 1876. - on the 26th May, the day after the Contract time had expired, the Plaintiff sent me a petition to the effect that the cultivators removed all the silt taken by him from the channel and used it for their fields and further that the heavy rain which fell the previous day had destroyed nearly all the cross section ("mudus") left. ⁸⁰⁰Check measurement. He at the same time requested that the work done up to date should be paid for when he would complete the remainder. - I entirely disbelieved these statements.

2. owing to a pressure of work (this being the middle of the working season in the Tenkari Taluk)

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P.W.D.
13 APR 77
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I was not able to inspect this Channel till the 18th June 1876. or just before water was let into the Keelakal Channel. - on the morning of the above date I inspected the channel accompanied by the Taluqdar. I found that several pits had been excavated; but they were not connected and scarcely a single section of the channel as provided for in the estimate, had been properly cleared. Numbers of false sections ("Mutua") had been prepared; but these were easily detected by inspecting the silt thrown up. I considered the little work that had been done utterly useless, as far as the clearing of the channel was concerned, and therefore rejected it.

3. Some time afterwards the Contractor (Plaintiff) petitioned Mr Hughes, the Range Officer, for judgment; but he refused and endorsed in his petition to the effect that he approved of my action in the matter.

4. Had it been a tank or embankment the Contractor might have been paid for the actual work done by him; but it is quite different in Channel Clearing. Unless the pits are connected and the different sections properly cleared the work is of no use; as far as the improvement of the Channel goes, and the detached pits get quickly silted up.

7th April 1877

D. P. Sub. Sup.
Sub. Officer Enkari

7619 April 77 S.B. 442

No. 145

Petition from Vasudeva Pillai
dated 18th September 1876

1. The sum due on Alvarcar:
colam Tank will be paid. Petitioner
must take up at once and finish
with the least possible delay the
remaining work.

2. The sub Division Officer hav-
ing reported the work in Thanga-
namadaai channel badly done
and of no use it will not be paid
for, and petitioner is at liberty
to file a suit against the sub Di-
vision Officer for the money,
if he thinks he is entitled to it.

Palamcottah } (signed) J. D. Grant
27th October 1876 } Off^r Dist Eng^r

To
Vasudeva Pillai Contractor of
Alvarcarcolam Tank and
Thangana madai Channel.

(True copy)

D. Grant
Off^r District Engineer
Trinity

255

4619 April 7, 1933

I do hereby certify that
 The Subordinate Judge,
 Vaidinva Lilly, son of
 Matha Lilly of Kar-
 koolam, District of
 Contractor, Plaintiff
 Mr. D. J. Alvey, Sub Division
 Officer, Poothoogudi, Defendant
 for earthwork of a channel Re 125
 claimed -
 Para 1. On May 13, 1876, I received
 from the Defendant the
 contract for executing the
 proposed earthwork in the
 Shanganikadai channel
 branching from the
 Keelakhal. This work I com-
 pleted within the 30th May 1876.
 Para 2. The amount of the aforesaid
 estimate (Rs 1307) less Rs 5 for
 Magistrate's superintendence, is
 justly due to me.
 Para 3. I have often asked this money
 from the Defendant, both in

writing and verbally but he gave
me evasive answers and did not
pay it.

Having reported the above
facts to Mr. J. O. Giambrone
District Engineer, I received
an endorsement dated 27th
October 1876 informing me
that it is my duty to
and obtain justice, which
endorsement I enclose.

Therefore I pray that I
may obtain from the De-
fendant the sum below
mentioned as well as the costs
of this suit.

Re 125.
March 20th 1877
I solemnly affirm that the
above circumstances are to the
best of my knowledge and belief,
true.

J. O. Giambrone
D. E. No 178 of 1877
Filed 22nd 3-77

signed A. Mahadeviah
Sheristadar.

True Translation 6

J. D. Giambrone
Offr Dist Engineer
Iminevelly

1877 May 1st / 11

P.W.D.

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Recd. P.

8619 April 11 10.44.43

No 190-W.

Letter from the District Engineer, Tanjorevelly,
11 9/11 April 1877.

Encl. 4.

Submitted to Government.
The District Engineer has been
authorized, by telegraph, to defend the suit.

Wm. L. L. L.

Chief Engineer for Irrigation

Y. L. L. L.
13 April 1877.

The Secretary to Govt.
P.W.D.

No 1336

Public Works Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the

Read the following:—

Endorsement of the } (H.E. No 190-W. 7/13 April 1877)
Chief Engineer for Irrigation.

The proceedings of the Chief Engineer for Irrigation are approved.

13/4

H. V. Sinnerally. ✓
P. W. D. ✓
Ch. E. for I. ✓
Pub. L. Dept. ✓

Despd 2/5/77

P.W.D.

1877.

13 APR 77

RECEIVED

Public Works Department

From

The Chief Engineer for Irrigation

Dated 13 } April 1877.
Despd 13 }

Endorsement

No 190-W.

Suit against Mr. Superintendent.
alvey. - Trinacolly District.
Submit. D.E. to be receiving
commission to defend a —
right up by a Contractor.

2019 24/11/77 103 443

Ans 800

Govt. of 1877 *Madras*

PUBLIC WORKS.

To

Mr N. G. Sinnerally

Dated

Issued

Recd.

Encl.

20/4
G. O. 17th April 1877, No. 1336

Nos. 143-144

*Suit against Mr Super-
visor Talwar. Sinnerally &*

*The proceedings of the
Chiefs for Sinnerally
in authorizing the defence
of the —, approved.*

Suit in Reg.