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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P.W.D DEPARTMENT

G.O. No.	3725 W	Press.
B.P. No.		Mis.
Dated	21-9-1878	1978

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

21st September 1878, No. 3,725 W.

General
Account.

Read the following papers :—

No. 244. From Major H. W. WOOD, R.E., District Engineer, Vizagapatam, to the Chief Engineer, Public Works Department, dated Waltair, 5th July 1878, No. 752.

On receipt of O.G., No. 2,468 W, dated 11th June 1878, I requested the President, Local Fund Board, Vizagapatam District, to place the sum of Rs. 146-4-10 at my disposal for meeting the charge mentioned in paragraph 4 of the Order of Government above specified.

2. Mr. Goodrich replied that as the Order of Government states that Government will pay the charge referred to, "the Local Fund Board do not therefore see any reason for their allotting the amount from Local Funds."

3. Under the above circumstances, I beg the favor either of an allotment being made by Government, or of specific directions being issued to the President, Local Fund Board, of the Vizagapatam District, on the subject of the payment for the road material in question.

No. 244-A. From H. St. A. GOODRICH, Esq., President of the Local Fund Board, Vizagapatam, to the Secretary to Government, Public Works Department, dated Vizianagram, 23th July 1878, No. 620.

In reply to the reference contained in your No. 3,187, dated 18th instant, I have the honor to report that the only information on the subject of the claim against the Local Fund Board is the following :—The Government have in their Order, 11th June 1878, No. 2,468 W, expressed their intention of paying for certain material. What this material is, for what road it was intended, whether it was ever brought to the place where it was to be used, whether it ever was used, finally, whether it ever existed at all, are points upon which I have no information whatever.

No. 244-B. From Major H. W. WOOD, R.E., District Engineer, Vizagapatam, to the Chief Engineer, Public Works Department, dated Waltair, 7th September 1878, No. 1,338.

With reference to your memorandum, No. 3,575, dated 13th August 1878, I have the honor to forward herewith a copy of letter, No. 156, dated 30th August 1878, received from the Golconda Range Officer stating how the materials, valued at Rupees 146-4-10, have been utilised.

2. With reference to suggestion contained in paragraph 7 of the Golconda Range Officer's letter, I beg to inform that Mr. Seton has been ordered by me on the 11th July 1878 to pay into the Court the mere value of the materials, viz., Rupees 146-4-10, as directed in paragraph 4 of G.O., No. 2,468 W, dated 11th June 1878.

From C. SETON, Esq., Executive Officer, Golconda Range, to the District Engineer, Vizagapatam, dated Panchadarla, 30th August 1878, No. 156.

In reply to your No. 1,213, dated the 27th instant, I have the honor to state that from an account of materials taken at site of the 38th, 39th, and 40th miles, trunk road, it is evident that the portion of materials unpaid for by Mr. Lyons to contractor Parriah has been otherwise utilised.

2. I have called upon contractor Parriah officially to come forward and deliver the materials for which he claims payment from Mr. Lyons. He has paid no attention to my requisition, and the Overseer informs me that he does not intend doing so; for if he claimed the money that Mr. Lyons is responsible for by the decree of the District Munsif he would probably render himself liable to a criminal prosecution.

3. From inquiries that I have made it appears that Parriah, the plaintiff in the suit against Mr. Lyons, was little more than a paper contractor or middleman. That though he ostensibly entered into agreements with the late Range Officer, received money and signed accounts, yet he had no interest otherwise in the work. He sublet everything to gangers, who got the work done, or even to maistries paid by the department. These gangers, maistries or head coolies, made advances, from time to time, to keep the workmen going, and when payment was made by the Range Officer or Overseer the coolies' accounts were finally settled and the profits accruing from the transaction divided in agreed proportions between the ostensible contractor who drew the money and the head of the gang maistry or head cooly who got the work performed.

4. In the present case, as Parriah was not paid for the material by the Range Officer, he did not pay the men who got the work done.

5. These men considered the material theirs and not Parriah's, the plaintiff against Mr. Lyons, and they have, while this suit was pending, disposed of the material to contractors collecting on adjacent miles, who, after rebreaking and screening what was bad, have been paid for it, and therefore it is not likely the plaintiff will ever come forward and claim the money decreed by the Court.

6. I believe the defendant's Vakeel was prepared to offer evidence on this subject in the Munsif's Court, but it was rejected—*vide* paragraph 8 of the judgment decreed.

7. The matter rests here. It is to be seen if contractor Parriah will come forward and substantiate his claim as called upon by me to do so, and I do not feel justified in paying the amount of the decree into Court until I obtain delivery of the materials.

No. 245. ORDER THEREON, 21st September 1878, No. 3,725 W.

Under the present explanation it does not seem necessary to take any immediate action. The District Engineer should keep the Government informed of any further proceeding of the contractor's.

(True Extract.)

(Signed)

E. A. FOORD, Colonel, R.E.,
Secretary to Govt., P.W.D.

(True Copy.)

Major, R.E.,

Under Secy. to Govt., P.W.D.

To the District Engineer, Vizagapatam.

Exd. T. D. Ryan.
Spec. Copy.



GENERAL
ACCOUNT.

Govt. of (1878) Madras.

PUBLIC WORKS.

To

THE DISTRICT ENGINEER,
VIZAGAPATAM.

Dist. September 1878.

By

Recd.

Encl.

G. O. 21st September 1878, No. 3725 W.

SEPTEMBER

Nos. 214-215.

Not to be used by Contractors
or any other person without the
written permission of the District
Engineer, Vizagapatam.

P¹
No 752

District Engineer's Office
Madras 5th July 1878.

From

The District Engineer
Vizagapatam

To

The Chief Engineer P.W.D.
Madras

Sir,

On receipt of O.G. No. 2168 W.
dated 11th June 1878, I requested the
President Local Fund Board Vizaga-
patam District to place the sum of
Rs. 146 - 4 - 10 at my disposal for
meeting the charge mentioned in para-
4 of the O.G. above specified.

2. Mr. Goodrich replied, that as
the O.G. states that Government will
pay the charge referred to, the Local
Fund Board do not therefore see any
reason for their allotting the amount
from Local Funds.

3. Under the above circumstances
I beg the favor either of an allotment
being

being made by Government or of specific
directions being issued to the President
Local Fund Board of the Vikagapatam
District on the subject of the payment for
the road material in question.

I have the honor to be
Sir

Yours most Obedt Servt

H. M. M. R. O. O. O.
Major P. C.

District Engineer
Vikagapatam

G.O. No 2468 W. dated 11th June 1878

From General
The District Engineer
Vijayapatnam

To
The Chief Engineer P.W.D.
... Madras

C. No. 752

Dated 5th July 1878

No. of Enclosures none

Sergeant Lyons Overseer

Brings to notice that President
of Local Fund Board has refused
to allot the money required in
G.O. No. 2468 W. dated 11th June
1878.

Locality 11-7-78

No. 620

Vijayapatnam
Local Fund Board Office
28th July 1878.
Camp Vijayapatnam

From
H. St. A. Goodrich Esq.
President L. F. Board
Vijayapatnam

To.
Colonel C. A. Hoord
Secretary to Government
Public Works Department
Ootacamund

Sir,

In reply to the reference
contained in your No. 3187 dated
18th instant, I have the honour
to report that the only informa-
-tion on the subject of the
claim against the Local Fund
Board is the following.
The Government have in their
Order

order 11th June 1878 No 24688
expressed their intention of
paying for certain material.

What this material is, for what
road it was intended, whether
it was ever brought to the place
where it was to be used,
whether it ever was used,
finally whether it ever existed
at all, are points upon which
I have no information what
-ever.

I have the honor to be

Sir,

Your most Obedt Servt

H Goodhue

President L. F. B.

Providence R.I.

L. F. B.

Take the case of a
large bridge costing ~~in~~
a lakh of Rupees under
execution

Execution by the P.W. Dept.
 from Local Funds. Suppose
 from any cause the bridge
 would fail. Suppose
 defect in the design, or
 execution. Would the
 liability be to Local
 Funds? and as to the
 L.F. Board concerned
 the money spent on the bridge?

It is proposed now
 to ascertain from the L.F.
 what was actually done
 with the materials. It
 is very likely to turn out
 that the Local Funds
 Board have had the
 use of them. In this case
 the claims would fall
 through without any
 other argument.

R/13/8

I think we are to be held
 liable. Is there a L.F. Board?
 Is it to be employed
 on P.W.D. & design?
 Exempt. That is not
 the case. The L.F. Board is not
 for P.W.D. work. It is for
 other work.

Letter from the S.C. Vizagapatam No 752 of
 5th July 1878.
 — the President L.F. Board Vizagapatam
 No 620 of 28th July 1878.
 — the S.C. Vizagapatam No 1338 of
 7th September 1878.

FOR ORDERS.

It would appear
 that the Contractor who
 obtained the decree is not
 likely to press his claim
 and if he did, it is not
 clear how he could sub-
 stantiate it, seeing that
 he has removed the materials
 for which payment was
 ordered by the Court.

Under the present explanation
 it does not seem necessary
 to take any further action
 at present. The S.C.
 will keep for its records
 of any further work
 by the Contractor (P.W.D.)

Genl and Col. R.E.
 Secy. to Govt. P.W.D.

19th Sept 1878.
 R.E.
 Secy.

FOR ORDERS.

No 3725 of 21 Sept 78

Under the present
Explanation it does not
seem necessary to take
any immediate action.
The District Engineer
should keep the Govt
informed of any further
proceeding of the Con-
tractors.

21/9

H. Vizagapatam
Sept. 1-10-78

Cir 19-9-78
17-9-78

No 1338 District Engineer's Office
Vizagapatam 7th September 1878
P 5

From

The District Engineer
Vizagapatam

To

The Chief Engineer P.W.D.
Buildings & Roads Branch
Madras

Sir,

With reference to your Memo.
No 3575 dated 13th August 1878, I have
the honor to forward herewith a copy
of letter No 156 dated 30th August 1878,
received from the Golconda Range Officer
stating how the materials valued at
Rs. 146 - 4 - 10 have been utilized.

2. With reference to suggestion
contained in para 7 of the Golconda
Range Officer's letter I beg to inform
that Mr Seton has been ordered by me
on the 11th July 1878 to pay into the
Court the mere value of the materials
viz: Rs. 146 - 4 - 10 as directed in para

4

4 of G.O. No. 2468 W, dated 11th June
1878.

I have the honor to be
Sir

Your most obedt. servt.

W. J. M. M. Major R.

District Engineer
Wingaputane

3725
11

Buildings and Roads

G.O. 2464 W. N. 6. 70. Crigl.
C.S. 2187. 18. 7. 78.
— 3575. 13. 8. 78

From
The District Engineer
Vijayapatnam
To
The Chief Engineer P.W.D.
Building and Roads Branch
Chadras

N. 1338

Dated 7th September 1878

No. of Enclosures. one

Materials collected
by late Contractor
V. Parriah.

Forwards copy of letter
from Golconda Range officer,
reporting how the — have
been utilized.

20. Dec. 17. 9. 78
Cir. 19-9-78

No. 156 of 1878-79 Camp. Panchadara
30th August 1878
From
The Executive Officer
Golconda Range
To
The District Engineer
Vijayapatnam

In reply to your No. 1213 dated the
27th Inst. I have the honor to state that
from an account of materials taken at site
of the 38th 39th and 40th miles trunk Road,
it is evident that the portion of materials
impaid for by Mr Lyons to Contractor,
Parriah, has been otherwise utilized.

2. I have called upon Contractor
Parriah officially to come forward and deliver
the materials, for which he claims payment from
Mr Lyons. He has paid no attention to my
requisition, and the Overseer informs me, that
he does not intend doing so, for if he claimed
the money that Mr Lyons is responsible for, by
the decree of the Dist. Moonsiff he would pro-
bably render himself liable to a Criminal
Prosecution.

3. From enquiries that I have made, it
appears that Parriah the Plaintiff in the suit
against

against Mr Lyons was little more than a Paper Contractor or middleman. That though he ostensibly entered into agreements with the late Range Officer, received money and signed accounts, yet he had no interest otherwise in the work. He sublet everything to Gangers who got the work done, or even to Maistries paid by the Department. These gangers, Maistries or Head Coolies, made advances, from time to time, to keep the workmen going, and when payment was made by the Range Officer or Overseer, the Coolies accounts were finally settled, and the profits accruing from the transaction, divided in agreed proportions between the ostensible Contractor, who drew the money and the head of the gang, Maistry, or head Cooly, who got the work performed.

4. In the present case, as Parriah was not paid for the material by the Range Officer, he did not pay the men who got the work done.

5. These men considered the material theirs and not Parriahs' the Plaintiff against Mr Lyons and they have while this suit was pending, disposed of the material to Contractors collecting on adjacent miles, who

who after rebreaking and screening what was bad, have been paid for it and therefore it is not likely the Plaintiff will ever come forward and claim the money decreed by the Court.

6. I believe the Defendants Vakeel was prepared to offer evidence on this subject in the Moonsiff's Court, but it was rejected, Vide para 8 of the judgment decreed.

7. The matter rests here. It is to be seen if Contractor, Parriah, will come forward and substantiate his claim as called upon by me to do so and I don't feel justified in paying the amount of the decree into Court, until I obtain delivery of the materials.

I have seen
(Signed) Charles Seton
Executive Officer

(True copy)

Per, road Major Rb.
District Engineer
Vizagapatnam

3225
14

[Handwritten signature]

10331



Dept. of (1878) Affairs.

PUBLIC WORKS

To

United

Board

Board

Encl.

G. O. 21st Sep 1878, No. 3725

Nos. 244 244C
244B 245

Materials collected by
Contractor V. Parialo

^{Very far from} ^{not}
Pres. ^{Ordered} to take
any further action without
reference to the — but to
report the Contractor's proceedings

Antonio R. G.