Archives I 10,006—16-8 77.

(1) Number of pages 22

(2) Date of repair 9.10.86

(3) Initials of the Referencer bug

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P.W DEPARTMENT

G.O. No. B.P. No.	4513 W	Press. Mis.
Dated	26.11.1878	~~197~~ .

1007

Not to be folded or roughly handled

4513/1

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

26th November 1878, No. 4,513 W.

General.

Establishment.

Read the following paper :—

No. 310. From J. W. RUNDALL, Esq., Acting Superintending Engineer, Fifth Circle, to the Chief Engineer, Public Works Department, dated Trichinopoly, 23rd November 1878, No. 233.

I HAVE the honor to forward an original letter from Major Vibart, R.E., requesting permission to defend, at Government expense, a suit brought against him and Overseer Subroyalu Naidu, by a stone-cutter at Madura, for work in connection with Tirumal Naick's Palace restoration.

2. A translation of the plaint is also forwarded.

3. Major Vibart's explanations regarding the items marked in the Plaint A-A, B-B, C-C, are clear. In the paragraph regarding D-D, "cubic yard" has, by a clerical error, been written instead of cubic foot.

4. As regards E-E, Major Vibart's answer to the stone-cutter's petition of the 3rd June appears to have referred to the plinth work mentioned in paragraph 9, and not to the four first items claimed in the present plaint.

5. There has been some previous quarrelling between the Overseer and the plaintiff, and the Overseer charged him with defamation.

6. The plaintiff, I doubt not, would have been paid all his just dues had he applied for the money. He has not chosen to do so, but has brought this suit, and apparently intends to bring another suit for the plinth work, evidently intending to give as much annoyance as possible.

7. I trust the Government will be pleased to authorise the defence of the suit, and as the hearing is fixed for the 5th of next month permission to defend may be granted by telegram.

From Major H. M. VIBART, R.E., Executive Engineer, Trichinopoly Division, to the Superintending Engineer, Fifth Circle, dated Trichinopoly, 22nd November 1878, No. 743.

I HAVE the honor to forward a copy of a plaint entered in Small Cause Court, Madura, regarding Tirumal Naick's Palace works at Madura, and request that you will be good enough to forward it to Government with the view of obtaining permission to defend it at Government expense. I append explanations on all the points noted in the plaint.

2. A to A. The Overseer states that there was no written agreement regarding the large stone beam, but that about two years ago he entered into a verbal contract with the petitioner; the latter was directed to roughly dress and split the stone which had already been quarried. The petitioner was to receive 25 Rupees for the stone at the quarry. The petitioner failed to carry out his contract properly. The Overseer was compelled to send another stone-cutter Pulney Cotta to complete the work. This was effected, and the stone conveyed to the Napier's gateway. The Overseer offered to pay 15 Rupees for the work he had done, but this he refused to accept; hence we see that Rupees 15 are due to this man under this head.

Rupees 60 claimed by plaintiff.—J. W. R.

3. B to B. As regards the stones alleged to have been left near the gate of the palace the stones he refers to are supposed to be a few he dressed without orders for the gateway; as he received no orders he is entitled to nothing under this head.

4. C to C. With reference to the Rupees 8-12-0 claimed for work done to black stone, work was done by daily labor in 1877 and paid for, and nothing is due.

5. D to D. Again the petitioner claims Rupees 45-8-0 for stones cut for the corners (8) of the large dome; a bill was made out on 27th June for *cubic yards $27\frac{65}{288}$ at 12 Annas a †cubic yard = Rupees 20-6-8. The rate was made 12 Annas as the stone was merely to be roughly dressed. The petitioner is entitled to Rupees 20-6-8 on this head.

* Cubic foot.
† Cubic foot.—J. W. R.

6. E to E. In reply to his petition of 3rd June mentioned in the plaint he was told in writing that he was entitled to receive 168-9-0 when he had fine dressed and completed the plinth work.

7. G to G. He states the defendants preferred a false complaint against him. This is untrue. The Overseer preferred a complaint against him for defamation. The expenses of this suit cannot, of course, be claimed by the petitioner.

8. H to H. The plaintiff states that he is prepared to institute a fresh suit regarding documents, &c. It would seem that all the demands of petitioner should be stated in one plaint as they are all connected with the same work, and his being prepared to institute a fresh suit shows a desire on his part to be vexatious.

9. In addition to the money claimed in this suit the petitioner is entitled to Rupees 168-9-0, less about 7 Rupees which is required to complete the work. No direct mention of this is made in the plaint, but the last paragraph of his plaint would appear to refer to it.

Thus the petitioner is entitled to—

	RS.	A.	P.
For great stone beam	25	0	0
For eight stones for large dome	20	6	8
For balance due, a plinth	161	9	0
	206	15	8

10. This sum should be paid into Court. With the exception of the first item, all this sum could have been obtained if the petitioner had come for it. He was well aware of this, but for some reason he never came for it.

No. 311. ORDER THEREON, 26th November 1878, No. 4,513 W.

PERMISSION to defend the suit will be telegraphed.

(True Extract.)

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

To the Superintending Engineer, Fifth Circle.
" Examiner of Public Works Accounts.

Exd. C. Howarth.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of {1878} Madras.

PUBLIC WORKS.

To

THE SUPERINTENDING ENGINEER,
FIFTH CIRCLE,
&c., &c., &c.

Dated November 26th.

Issued

Recd, Encl.

G. O., 26th November 1878, No. 4,513 W.

NOVEMBER.
Nos. 310-311.

Suit.—Permission granted for defending the — brought against Major Vibart, R.E., by a stone-cutter at Madura.

4513/3

To
The Court of Small Causes
Madura

Muthiroolakathen Son of Sundara-Lethen, living in Sherkoo Perumal Maistry Street Madura } Plaintiff

1 Major R. E. Vibart late Executive Engineer of the Tirumal Naicks Palace Restoration Works at Madura but now the District Engineer of Trichinopoly District.
(2) Soobarayaloo Naidoo in charge Overseer of Palace Executive Engr's Office at Madura } Defendants

Plaint put in under Section 50 of the Civil Procedure Code by Syed Abdul Alam Sahib, Vakil on behalf of the Plaintiff.

A 1. At the request of the 2d Defendant i his official Capacity the Plaintiff had stone beam prepared in "Peruvet" (roughly cut) in Annamalai Hill by 15th May/78 for the use of the Restoration of Tirumal Naik's Palace at "Madura" on Adimgul A.B (Contract) for Rs 60 (Sixty Rs) exclusiv of that the Plaintiff brought & left ne the gate of the said Palace, stones rough cut measuring 30 cubic feet worth Rs 37-

including the hire at Rs 1-4- per cubic foot-B Further the Plaintiff had cut Nagabunthanam 14 Thachoo works in the black stone pillars of the said gate fixing the hire to be Rs. 8-12- "as attacooly" (daily Cooly) C Moreover the Plaintiff completed 8 stones measuring 26 cubic foot for Rs. 45-8- being the value of stones & hire of workmanship at Rs 1-12- per C foot for the use of the Corners of Sockavilasum Dame upstair D

) The above stones & Cooly of the works have been appropriated by the Defendants the price & hire thereof amounting in all to Rs. 151-12- stand balanced against the Defendants. E The Plaintiff demanded of them in writing on the 3d June 1878 for the payment of the above sum but they failed to pay. E G Owing to the ill feeling of the said fact the Defendants preferred a false complaint against the Plaintiff before the Magistrate, but he has been discharged at the expence of Rs 48-4- As the 1st Defendant has approved the said contract he is also made as a Defendant in the case G

(3) The cause of action has accrued in Madura on the 3d June & 6 July /78

45

Hence the Plaintiff claims for the recovery of Rs 200 being price of stones, hire and loss incurred by him together with costs of the suit.

45 3/4

H The Plaintiff is prepared to institute a fresh suit in the Moonsiff Court regarding the Documents connected with balances of another written contract given by the Defendants to Plaintiff- H

(Signed) Moothoosalakathen

9th October /78-

(Signed) Abdul Alam Saib in Hindoos

I do solemnly declare that what is stated herein is correct.

(Signed) Muthoosalakathen.

[illegible]

(Signed) C. Soobramaniar
Ag Head Clerk

(True Copy)

12 November /78

Overseer
Inchof T. S. Palace
12-11-78

12/11/78

P W 13207

4513 W - 21

Enclosure in a letter
No 433 / 22/11/78 from
the Executive Engineer
Trichinopoly

P1

Supg. Engrs Office 5th Circle
Trichinopoly 23rd November /78

No 233

4513/5

From

J. W. Rundall Esqre
Ag. Supg. Engineer 5th Circle

To,

Colonel C. A. Foord R.E.
Chief Engineer D. P. W.
Madras

Sir,

I have the honor to forward an Original letter from Major Vibart R.E. requesting permission to defend at Government expense, a Suit brought against him and Overseer Subrayalu Naidu, by a Stone Cutter at Madura for work in connection with Tirumal Naik's Palace restoration.

A translation of the Plaint is also forwarded.

Major Vibart's explanations regarding the items marked in the

P2 4513/6

Plaint A-A, B-B, C-C are clear.

In the paragraph regarding D-D "Cubic yard" has, by a Clerical error, been written instead of Cubic foot.

As regards E-E Major Vibart's answer to the Stone cutter's petition of the 3d June, appears to have referred to the Plinth work mentioned in para 9, and not to the 4 first items claimed in the present plaint.

There has been some previous quarrelling between the Overseer and the Plaintiff and the Overseer charged him with defamation.

The Plaintiff, I doubt not, would have been paid all his just dues, had he applied for the money. He has not chosen to do so, but has brought this Suit, and apparently intends to bring another Suit for the Plinth work: evidently intending to give as much annoyance as possible.

I trust the Government will be pleased to authorise the defence of the Suit, and as the hearing is fixed for the 5th of next month, permission to defend may be granted by telegram.

I have the honor to be
Sir
Your Most Obdt. Servt.

J. W. Rundall
Ag. Supg. Engineer
5th Circle

General

No. 13207

From
The Superintending Eng.
5th Circle

To
The Chief Engineer
P.W. Department
Madras

No. 233

Dated 23rd November 1878

Read 25

Enclosures 2 -

Requesting permission to defend at Govt. Expense a suit brought against Major Vibart R.E. by a Stone Cutter at Madura

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Executive Engineer's Office
Trichinopoly. 22nd November 1878.

4513/4

No. 743

From
The Executive Engineer
Trichinopoly Division

To
The Superintending Engineer
5th Circle.

Sir,

1 I have the honor to forward a copy of a Plaint entered in Small Cause Court Madura. regarding x Palace Works at Madura. and request that you will be good enough to forward it to Government. with the view of obtaining permission to defend it at Government expense. I append explanations on all the points noted in the Plaint

x Tirumul Naicks

A to A-

2 The Overseer states that there was no written agreement regarding the larg stone beam; but that about 2 years ago. he entered into a verbal Contract with the Petitioner; the latter was directed to — roughly dress and split, the stone which had already been quarried. The Petition was to receive 25 Rs for the stone at the

quarry. The petitioner failed to carry out his Contract properly. The Overseer was Compelled to send another stone cutter Palney Cotta to Complete the work. This was effected, and the stone Conveyed to the Napier's gateway. The Overseer offered to pay 15 Rs for the work he had done; but this he refused to accept. Hence we see that Rs 15. are due to this man under this head.

Rs60 claimed by Plaintiff

B to B.
3 As regards the stones alleged to have been left near the gate of the Palace, the stones, he refers to, are supposed to be a few be dressed; without orders for the gateway, as he received no orders, he is entitled to nothing under this head. A

C to C.
4 With reference to the Rs 8-12-0 claimed for work done to black stone; work was done by daily labor in 1877 & paid for, and nothing is due.

D to D—
5. Again the petitioner claims

Rs 45-8-0 for stones cut for the Corners (8) of the large dome; a bill was made out on 27th June for Cyds 27 $\frac{65}{288}$ at 12 annas a Cft = Rs 20-6-8. The rate was made 12 annas as the stone was merely to be roughly dressed. The Petitioner is entitled to Rs 20-6-8 on this head.

Cubic foot

Cubic foot

E to E.
6. In reply to his petition of 3rd June mentioned in the plaint, he was told in writing that he was entitled to receive 168-9-0, when he had fine dressed and completed the plinth work.

G to G—
7. He states, the defendants prepared a false Complaint against him. This is untrue. The Overseer prepared a Complaint against him for defamation. The expenses of this suit Cannot, of Course, be claimed by the Petitioner.

H to H—
8. The plaintiff states that he is prepared to institute a fresh suit regarding documents &c. It would

seem that all the demands of Petitioner should be stated in one plaint, as they are all Connected with the same work, and his being prepared to institute a fresh suit, shows a desire on his part to be vexatious.

9. In addition to the money claime in this suit, the petitioner is entitled to Rs 168-9-0 less about 7 Rs which is required to complete the work. No direct mention of this is made in the plaint, but the last para of his plain would appear to refer to it.

Thus the petitioner is entitled to

For great stone beam Rs	25-0-0
For 8 stone for large dome	20-6-8
For balance due a plinth	161-9-0
	206-15-8

10. This sum should be paid into Court. With the exception of the first item, all this sum could have been obtained, if the petitioner had come for it.

He was well aware of this, but for some reason he never came for it.

4573/9

I have the honor to be

Sir

Your most obedient servant.

Major R.E.

Executive Engineer Trichinopoly

(P.W.) 1320/2 /78

From
The Executive Engineer
Trichinopoly
To
The Superintending Engineer
5th Circle

No 743.

Dated 22nd Nov/78.
23/11.78 Recd

Encl: 1.

Forwards a Copy of a Plaint entered in the Small Cause Court Madras with explanation, regarding Palace Works and requests to obtain permission to defend it at Government expense.

No. 4513 W Public Works Department.

6 4513/10

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 26th Nov. 1878.

Read the following :—

From the Supg Engr 5th Circle (H.E. No 233 / 23rd Nov/78)

Permission to defend the suit will be telegraphed. Wh 24.11.78.

~~26 Nov 1878~~

Telegram despd 26/11/78

Supg Engr, Fifth Circle
Exr P.W. Acts

Despd 1-12-78

R.S.

Specialty

Hon W Huddleston

~~G 3207~~

Govt. of (1878) Madras.

PUBLIC WORKS.

11

To

28

Dated

Issued

Recd. Encl.

G. O., 28 Nov 1878, No. 4573 W

Nos. 310 & 311

Suit. Permission granted for defending the — brought against Major Vibart M. by a stone cutter at Madras