

Govt. of (1884) Madras.

FINANCIAL

GENERAL RECORD DEPARTMENT.

Paper taken out of the Records from
charge of the Record-keeper.

Department

E. M. C., or G. O., No. 8 1327 + 1330 W mis.

Desp. from or to England, No.

Volume General No.

Date

27th May 84

To whom given

For Current No.

189

Department.

When taken out

Initials.

MR

968.

le.

in view
may be

placed in charge of South Canara or Mangalore
subdivisions, being allowed to draw the travelling
allowance of an Assistant Engineer.

2 copies sent to
with order
with order
Sd/- in receipt Regd

8TH OCTOBER 1883, No. 2810 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

READ—the following letter from Major A. C. SMITH, R.E., Executive Engineer,
South Arcot Division, to the Superintending Engineer, Fifth Circle, dated
Arasur, 27th September 1883, No. 603:—

I have the honor to bring to your notice that, to my immense amazement, I heard
on the morning of the 25th that the
material supplied by contractor Shun-
mooga Moodelly for improvements to the
Collector's cutcherry had been attached
on the evening of the 24th by an amin of
the District Munsif's Court, Cuddalore,
on account of certain amount due by the
contractor to one Appavoo Chetty. The
taluk overseer at once went to the dis-
trict munsif and represented that the materials were all Government property, for
which payments had been made by them; that they were in charge of Government, and
that the contractor had no right whatever thereto; but the munsif does not appear to
have taken any notice of the same.

2. Then my letter, No. 1027, of 25th instant, was sent to the munsif; copy of this,
together with copy of his reply, No. 179, of 26th idem, is forwarded herewith. From
his reply it would appear that the munsif cannot pass any order on my letter unless
formal application on stamp is put in either in person or by a vakil of the Court.

3. With his letter, No. 144,* the munsif sent in an injunction, No. 142,* of 14th
August 1883, ordering stoppage of pay-
ment on the bills submitted, or about to be
submitted, by the contractor; and in reply, in my No. 892* of the 23rd idem, the munsif
was informed that the contractor's bill for materials, &c., had been already paid for,
and that should there be any money due to him, it must be very little, while there
were dues by him to Government. From this the munsif must be fully aware that the
materials supplied by the contractor were Government property.

4. In the present case the materials were on Government land or on the work spot;
they belonged to Government, and were in charge of a Government storekeeper. I must
confess I cannot understand by what right such an attachment was made. If the
court has issued order for such attachment, it seems to me that, in all courtesy, due
notice should have been given to the rightful owner, viz., Government, through their
officer, the Executive Engineer in charge of the material, in order to give an opportu-
nity of disproving false statements on the part of others as to the ownership of the
property.

5. I am not aware of the law which allowed the court to adopt the measure in
question; but, as far as I can see from the proceedings in the present case, the court
would be equally justified in attaching the Government building at the post office,
which was being carried out by the same contractor.

No. 1327 W a/26th May/84
To

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Record

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19.5.84

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6. It is not improbable that in several cases contractors might be in debt to others ; if for such debts any court is able to attach the property of Government, that is, the materials, &c., paid for by them and in charge of their officers, without any inquiry whatever as to the rightful ownership, then their works must suffer. This, in fact, appears to be an arbitrary step, which is likely to put Government to much loss, and their officers to great and unnecessary annoyance.

7. Under the circumstances set forth above, I request that the matter may be submitted to Government for their special consideration, and that sanction may be obtained at once for employment of a vakil, whom I shall, if necessary, engage in anticipation of sanction.

No. 2396.

Endorsement on the above.

Forwarded to the Chief Engineer, Public Works Department, with the recommendation that sanction may be given for the employment of a vakil.

CHEPAUK,
1st October 1883.

(Signed) H. L. PRENDERGAST, Colonel, R.E.,
Superintending Engineer, Fifth Circle.

ORDER—dated 8th October 1883, No. 2810 W., Public Works.

The employment of a vakil, as proposed, is sanctioned.

(True Extract.)

(Signed) J. SHAW-STEWART, Colonel, R.E.,
Secretary to Govt., P.W.D.

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

Exd. A. F. Goodall.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of 1883 Madras.

PUBLIC WORKS.

Dated October, 8th.

Recd.

Encl.

G.O., 8th Oct. 1883, No. 2810 W.

OCTOBER.

Collector's Cutcherry at Munja-
kuppam

Sanctioning the employment of a vakil in connection with the attachment of the materials supplied by a contractor for improvements to the — by an order of the district munsif of Cuddalore.

If attachment is cancelled
is there no possibility of
recovering the fee which
had to be paid.

Ull
20.5.84

Low

The attachment, so far as it went, was a legal proceeding - authorised by the Court. It has evidently been removed on the application of the vakil whose fee has now to be sanctioned. The Court must have decided that each party should bear its own costs, or there would be no occasion for the present payment.

R.S.

20.5.84

Noted. but it is thought that costs should not be allowed to go.

Ull
20.5.84

No. 566

SUPERINTENDING ENGINEER'S OFFICE,

5TH CIRCLE, MADRAS,
Bangalore
Chepank, 15 May 1884.

From

THE SUPERINTENDING ENGINEER,
5TH CIRCLE,

To

THE Chief Engineer
R. & D.

SIR,

Enclosures.

With reference to S. O. No.
2810 W dated 8th October 1883, sanction-
ing the employment of a Vakul
in the case of the attachment by
the District Munsiff of material
= also to the value of Rs. 1580 col-
= lected for improvements to the
Collector's Office at Buddalore,
I have the honor to report that
the attachment was cancelled
and the materials returned
to this Department.

2. The Vakul's fee, as
per

per his bill, of Rs 30 has been ⁺ ~~not submitted~~
disbursed, and I have the
honor to request that sanction
may be given to the amount
to enable the Examiner to
admit the charge finally.

I have the honor to be

Sir

Your Most Obedt Servant

W H Burton

for R.E.

Offg Superintd Engrs
L. P. Cole

G.O. No 2810 W. dated 8-10-88.
16-8-07

No 1331 W dated 27th May/84

The charge of Rs 30 is sanctioned of Rs 30 is sanctioned

19-5-84
20-5-84

From

THE SUPERINTENDING ENGINEER,
5TH CIRCLE,

To

THE Chief Engineer
P.W. Dept

Dated 15th May 1884.
Reed. 17

ENCLOSURES.

No. 1331 W of 27th May/84

No. 566

Attachment of materials collected for Collector's Cut-cherry at Cuddalore.

Report to the cancellation of the ——— and requests sanction for Rs 30 paid to Vakkas as fee.

S.E. v Circle
S. Eng. P.W. D.
Gar P.W. D.
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Gudra Rept Dept

No 4182

REVENUE DEPARTMENT.

1884.

Board of Revenue,

A S.

GENERAL RECORD DEPARTMENT.

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Department P.W.D.
E. M. C., or G. O., No. 1332 W. Dis.
Desp. from or to England, No.
Volume General No.
Date 27th May 84

To whom given }
For Current No. 189 }
Department. }

When taken out

Initials.

Chief Engineer
Cons. Engineer
All S. E.
Consulting

Genl. Supt. P.W.D.

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Information of Government, vator of Forests, Northern that his circle will not be k timber in Madras for the Works Department during the

current year.

2 copies sent to P.W.D.