M.R.O. 1—77,006—8-6-37.

(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. 3060 Press
Mis.
361-62

Dated 26-12- 1878

Not to be folded or roughly handled

No. 361. Read the following letter from the Acting Superintending Engineer, 1st Division, to the Secretary to Government, Public Works Department, dated Dowlaishweram, 24th November 1870, No. 2,845:—

I HAVE the honour to forward, for the favourable consideration of Government and order thereon, copy of a letter, with enclosure, received from the Executive Engineer in charge No. 3 Range, Godavery, requesting that he may be reimbursed the expenses incurred in staying proceedings against him in a suit brought by a Brick Contractor in the Sudder Ameen's Court at Rajahmundry when temporarily in charge of the No. 1 Range, Godavery.

2. It will be observed that this suit was originally instituted in the Cocanada District Moonsiff's Court against Major Stoddard, Executive Engineer in charge No. 1 Range, Godavery, and his Goomastah, prior to the former leaving the district in 1864, by a Brick Contractor whose bricks had been rejected, and as Mr. Rundall relieved Major Stoddard and held charge of the No. 1 Range in addition to his own for two months, his name was substituted as defendant in the suit.

3. It will further be observed that the decree of the Cocanada District Moonsiff's Court, which was in favour of Major Stoddard, was appealed against and reversed by the Sudder Ameen at Rajahmundry, of which, however, Mr. Rundall was not made acquainted with.

4. Under these circumstances, and as it appears to me that the decree of the Sudder Ameen's Court at Rajahmundry, from no notice of the appeal having been served upon Mr. Rundall, is illegal, I trust that Government will be pleased to accord their sanction to the claim preferred by that Officer.

From J. W. RUNDALL, Esq., Executive Engineer, Godavery District, to the Superintending Engineer, 1st Division, dated Nursapore, 2nd November 1870, No. 637.

I HAVE the honour to bring to your notice that, on the 29th November last, I was called upon by warrant from the District Moonsiff's Court at this place to pay the sum of Rupees 58-4-6, for which amount a decree had been passed against me in the Sudder Ameen's Court at Rajahmundry so long ago as the 28th August 1866.

2. I had heard nothing whatever about any suit being instituted against me, and had never been called upon to defend any suit, and was therefore quite at a loss to know how I had become liable. I had therefore to apply for the warrant to be stayed against me until I could find out something about the suit.

3. It then appeared that in 1864, shortly before leaving the district, a suit for Rupees 70 had been instituted in the Cocanada District Moonsiff's Court against Major Stoddard, Executive Engineer in charge of the No. 1 or Eastern Delta Range, and his Goomastah, Yerramilly Sambiah, by a Brick Contractor whose bricks had been rejected by them. I relieved Major Stoddard in September 1864 and held charge of that Range in addition to my own for two months, till relieved by Mr. G. S. Sage, Executive Engineer. My name was substituted as defendant in the suit, and was not removed on my being relieved. No action was taken by me, as the suit was not heard while I was in charge.

4. In the Cocanada Moonsiff's Court the suit was given in Major Stoddard's favour, but the decree of the Lower Court was appealed against in the Sudder Ameen's Court at Rajahmundry, my name still standing as defendant, together with Major Stoddard's and the Goomastah's, by whom the bricks were, in the first instance, rejected, and the Sudder Ameen reversed the District Moonsiff's decree ordering half the amount, which, with costs, now amounted to Rupees 100-12-0, to be paid

by me, and half by the Goomastah Sambiah. I beg again to state that I was never called upon to defend this appeal suit, nor was any notice of the original decision of the Cocanada Court, or of the appeal to the Sudder Ameen's Court, ever served upon me, till in November of last year the warrant was issued against me.

5. As I believed that the decree of the Sudder Ameen's Court was clearly illegal, owing to notice of the appeal not having been served; that had the defence of this suit been conducted by the Officer in charge of No. 1 Range, who had possession of the original documents relating to the transaction, the original decree of the Cocanada Court would have been upheld, I appealed to the Sudder Ameen's Court to reverse the decision as against me, in order that a proper defence to the suit may be made by the Officer in charge of No. 1 Range.

6. I beg to forward copy of my application to the Sudder Ameen's Court for the rehearing of the suit, together with the Court's decision thereon.

7. The expenses incurred by me amount to Rupees 22-12-0 as per margin, and as it is through no fault of my own that I have been called upon to pay this, I trust you will be good enough to apply to Government to reimburse me this amount.

At the Narsapore Court.

	Rs.	A.	P.	Rs.	A.	P.
1 Stamped paper for Vakaltunama to the Pleader to give petition that I am not to pay the money	0	8	0			
1 Do. for petition	0	8	0			
3 Do. for do. for time to obtain copies of records	1	8	0			
1 Do. for do. to cancel the warrant on the Sudder Ameen's decision ...	0	8	0			
Fee of Pleader	2	0	0			
				5	0	0

At the Sudder Ameen's Court.

2 Stamped papers for application for copies of records	0	2	0			
Fee of Volunteers to take copies	3	2	0			
2 Stamped papers for Vakaltunamas to the Pleador	1	0	0			
1 Do. for review petition	7	0	0			
Batta to Peons who took notices to the Appellants	2	0	0			
1 Stamped paper for petition to write to Narsapore Court to stop the warrant.	0	8	0			
Fee of Pleader	4	0	0			
				17	12	0
Total... ...				22	12	0

No. 362. ORDER THEREON, 16th December 1870, No. 3,060.

ESTABLISHMENT, No. 24.

IT appears from these papers that in 1864 a suit was brought in the District Moonsiff's Court at Cocanada against Major Stoddard, late an Executive Engineer in charge of No. 1 Range of the Godavery District, and his Goomastah Yerramilly Sambiah, by a Brick Contractor whose bricks had been rejected. Shortly afterwards Major Stoddard leaving the district, Mr. Rundall held temporary charge of his Range in addition to his own for about two months, and was thereon included in the suit as third defendant. The suit was decided by the District Moonsiff in favour of the defendants, but, on appeal, the decision was reversed by the Principal Sudder Ameen of Rajahmundry, who ordered the amount, inclusive of Court costs, namely, Rupees 100-12-0, to be paid in equal portions by Mr. Rundall and the Goomastah. Having been relieved of the charge of the Range and not having been served with a notice of the appeal, Mr. Rundall knew nothing of this order till, in November of last year, he was required by a warrant to pay his share of the amount of the Judgment, and in taking steps to endeavour to stay proceedings, had to incur an expenditure of Rupees 22-12-0 which he requests may be reimbursed.

2. Looking to the peculiar circumstances under which Mr. Rundall was called upon to undergo the expenses in question, His Excellency the Governor in

Council resolves to instruct the Acting Superintending Engineer to disburse the amount and to direct the Controller of Public Works Accounts to arrange for its adjustment.

(True Extract.)

Colonel, R.E.,

Secretary to Government.

To the Acting Superintending Engineer, 1st Division.

„ Controller of Public Works Accounts.

Exd. E. C. Shunker.

Godavery

Govt. of {1870} Madras.

PUBLIC WORKS.

To

THE ACTING SUPERINTENDING

ENGINEER, 1ST DIVISION.

&c., &c., &c.

Dated December, 16th.

Read. *Encl.*

G. O., 16th December 1870, No. 3,060.

DECEMBER.

Nos. 361-362.

Suit.—The Superintending Engineer of the 1st Division instructed to reimburse the expenses incurred by Mr. Executive Engineer Rundall in staying the proceedings against him in a suit brought by a Brick Contractor in Rajahmundry and the Controller of Public Works Accounts directed to arrange for its adjustment.

Supg. Engineers Office 1st Division
Dowlaishweram 24th November 1870

No. 2845

From

The Ag. Supg. Engineer
1st Division

To

The Secretary to Government
Pub. Department
Madras.

Sir

I have the honor to forward for the favorable consideration of Government, and order thereon, copy of a letter, with enclosure, received from the Executive Engineer in charge No. 3 Range Godavery, requesting that he may be reimbursed the expenses incurred in staying proceedings against him in a suit brought by a Brick Contractor in the Sudr. Amins Court at Rajahmundry when temporarily in charge of the No. 3 Range Godavery

Godavery.

2 It will be observed that this suit was originally instituted in the Coconada District Munsiff's Court against Major Stoddard Executive Engineer in charge No 1 Range Godavery and his Gumastah prior to the former leaving the District in 1864 by a Brick Contractor whose bricks had been rejected, and as Mr Rundall received Major Stoddard and held charge of No 1 Range in addition to his own for two months his name was substituted as Defendant in the suit.

3 It will further be observed that the decree of the Coconada District Munsiff's Court, which was in favor of Major Stoddard was appealed against and reversed by the Sudr. Amin at Rajahmundry, of which however Mr Rundall was not made aware until with

4 Under these circumstances,

and

TC 2

and, as it appears to me that the decree of the Sudr Amin's Court at Rajahmundry, from no notice of the appeal having been served upon Mr. Rundall, is illegal. I trust that Government will be pleased to accord their sanction to the claim preferred by that Officer.

I have the honor to be
Sir
Your most obedient Servant

Lieut. Colonel Major R.E.
Ag: Supg. Engineer 1st Division

No 637

From.

To.

Head or Western Delta Range
Narsapúr 2d. November 1870.

F. W. Rundall Esquire
Executive Engineer
Godavery District

Major J. H. Kieken R.E.
Superintending Engineer
1st Division

Sir,

I have the honor to bring to your notice that on the 29th November last I was called upon by warrant from the District Munsiffs Court at this place to pay the sum of Rs 58-4-6 for which amount a decree had been passed against me in the Sadder Amins Court at Rajahmundry so long ago as the 28th August 1866.

2. I had heard nothing whatever about any suit being instituted against me, and had never been called upon to defend any suit, and was therefore quite at a loss to know how I had become liable. I had therefore to apply for the warrant to be stayed against me until I could find out something about the suit.

3. It then appeared that in 1864 shortly before leaving the District a suit for Rs 70 had been instituted in the Cocanada District Moonsiffs Court against Major Stoddard Executive Engineer in charge of the 1st or Eastern

Delta.

Received 1st December 1870
Answered 2nd December 1870
Forwarded for information
Pay Lenders Register
a Civil Suit Rs 70
Dismissed 1866
in charge of the Delta
for information
Collector

No 6637.
Dated 30th November 1870.

To

The Suder Ameens Court

Rajahmundry

Original Suit Cocanada District

Moonsiffs Court No 492 of 1864.

Appeal at Rajahmundry

Suder Ameens Court No 94 of 1865.

Application made by J.W. Runtie Esquire (who is called as 3rd defendant in the above suit) Station for the present Narsapur with reference to the Section of the Civil Procedure Code for the review of the above suit.

I beg to request that the Suder Ameens Court will be pleased to rehear the above suit brought by complainants Villa Palaramiah and Vulisi Swamy and reconsider Your Courts decision dated 20th August 1866 on their appeal, that I (as 3rd defendant) and the 2nd a man by name Yerramilly Sambiah should pay the amount claimed by the above named men in their appeal petition with the Court expenses for reasons stated below

Rs. 10 Rajahmundry

Enclosures

Rs 2045 Rolls

24 Court Fees

Stamp Papers

Rs 2069 Rupees

Rajahmundry

Yours Respectfully

J.W. Runtie

1 When the suit in the Cocanada Court was first instituted Major J. Stoddard was the Executive Engineer incharge No 1 Range, and was said to be the first defendant in this suit. When he was transferred to some other province I was only temporarily incharge of that Range for two Months and four days Viz from 22nd September to 26th November 1864, and handed over the Charge to Mr. G. A. Sage who was permanently posted as Successor to Major Stoddard.

After the above mentioned date viz 26th November 1864 it appears that on January 1865 the Coconada Court dismissed the suit brought by above named individuals as against the defendants Major Stoddard &c.

3 The parties included my name in the suit instead of Major Stoddard for the reasons given in para 1, Viz that I held charge of the Range for a short time, but I took no part whatever in the suit, and this can be proved from the records.

4 In the same way that I was made a defendant when I had relieved Major Stoddard, Mr. G. A. Sage who was permanently posted to that Range, and who relieved me should have been called upon by these Complainants to defend the suit in lieu of Major Stoddard or myself, but they

thing entirely failed to do so, I therefore trust that the Sudder Ameen's Court will now Consider that it is an intentional omission on their part, and that I am not the one who should be answerable to the decree passed against me.

5 Besides this, the Court will observe by the evidence given by an Overseer C. Venkataratnam who was called as a witness by the appellants, who were defendants in the Cross Suit No 92 of 1865, which relates to the same transaction, that it is that the Money claimed Viz Rs 70 of this been remaining with the Overseer who was ordered by the said 1st defendant Major Stoddard, to be credited to Government till I had notice or warrant from the Nursapur Court on the 30th November 1869, I was not aware of an appeal having been made by these parties, and the fact that the Sudder Ameen's Court had passed a decree against me, and this can well be proved by the records of the suit in the Court, no answer to the appeal having been filed by me.

6 I therefore request the Sudder Ameen Court will under the Circumstances now brought to notice, be pleased to review the case, and relieve me from being Considered

considered a defendant of the Suit, and also justly order the parties to pay me the expenses I incurred in this Case.

Order on E. P. No 673 of 1870.

It seems that the appeal decree went against the 3rd defendant in the Capacity of Engineer, So the decree may be executed against the Officer who succeeded him in Office. The Petitioner may therefore apply to the District Moonsiff, to carry on the Execution of the Decree against his successor and not against himself. But this Court cannot interfere as requested.

Rajahmundry } Sigd/ S. Venkatadry
31st August 1870 } Principal Sudr Ameen

Translation
/ True Copies/
L. W. Rundall
Executive Engineer
No 3 Rivers Godavery Dist

Rec'd 8 Sept 1870
Annl. Register for 1870

No 2052 Pkd

No. 116 Madras Genl.

Read the following:-

From the Agt. Chief Engr. under date 3/ R.R. No 2845-D 24 Nov 70/

It appears from the papers that in 1864 a suit was brought in the District Moonsiffs Court at Cocanada against Major Goodwin Late an Executive Engineer in charge of the 1st Range of the Godavery District and his Gomastah Yerramilly Lambiah, by a brick Contractor whose bricks had been rejected. Shortly afterwards

Major Stoddard leaving
the District Mr. Rundall
held temporary charge
of his Range in addition
to his own for about
two months, and was thereon
included in the suit as
2nd defendant. The
case was decided by
Patrick Moonsiff in
favor of the defendants
but on appeal, the
decision was reversed
by the Principal Sudr
Ameen of Rajahmundry
who ordered the amount
including of Court Costs
viz Rs 100—12—0, to be paid
in equal portions by

Mr. Rundall and the Gomas-
-tah. Having been relieved
of the charge of the Range
and not having been served
with a notice of the Appeal
Mr. Rundall knew nothing
of this order till, in November
of last year, he was required
by a Warrant to pay his
share of the amount of the
Judgment, and in taking
steps to endeavour to stay
proceedings, had to incur
an expenditure of Rs 22—12—0
which he requests may
be reimbursed.

Looking to the pe-
-culiar circumstances
under which Mr. Rundall
was called upon

to

to undergo the expenses
in question, His Excel-
-lency the Govr in Council
resolves to instruct
the Acting Supt of Engs
to disburse the amount
and to direct the Com-
-troller of Public Works
to arrange
Accounts for its adjust
-ment.

To
The Supt of Engs Jetty
&c Canton

Dept 17/12/70.

&c 5th Rect 70 No. 6.

Ex^e C^{te} 1850

Govt. of {1870} Madras.

PUBLIC WORKS.

To The Actg Superintending Engr
1st Division

Dated

Recd. Feb. 2

G. O. 16th Jan 1870. No. 3060.

Nos. 361 & 362

Ord. — That Capt Lyttelton be
informed that Government
expences incurred by Lt Col
Capt. Rundall in Virginia the
proceedings against him in a
suit brought by a Brick Contractor
in Rajahmundry & the
Order in P.W.D. Accts. dated
Decbr 30 1869 be carried