M.R.O. 1—20,002—12-8-65.

(1) Number of Pages 12

(2) Date of repair 22. 4. 68.

(3) Initials of the Referencer 23-4-68

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 1246 Press
B.P. No. ~~Mis.~~

Dated 2. 9. 1875 ~~196~~ .

Not to be folded or roughly handled

No. 29. Read the following Proceedings of the Court of Wards, dated 24th July 1875, No. 2,068 :—

Read the following letter from H. H. SHEPHARD, Esq., Officiating Government Pleader, Madras, to C. A. GALTON, Esq., Acting Sub-Secretary to the Court of Wards, dated 17th July 1875, No. 64 :—

I HAVE the honor to acknowledge the re[illegible] of the Proceedings of the Court

Dated 8th July 1875, No. 1,892.

state that I am of opinion that the Guttinadivi Proprietor is not legally compellable to contribute towards the expense of the Polaveram island embankment. A person who, of his own accord, undertakes work beneficial to another man's property is not generally entitled to recover the expenses so incurred unless there had previously existed a common obligation to do the work, or something in the nature of a promise to pay for it, on the part of the person benefited. In this case there seems to be nothing to create an obligation as against the Guttinadivi Proprietor. The expenses incurred by Government in the embankment have been incurred voluntarily; and, so far from there being any evidence of a promise even by conduct on the Guttinadivi Proprietor's part to pay his share, it seems that he does not even approve of the works.

2. Under these circumstances, I am of opinion that no action for contribution can be maintained against him.

3. I return all the papers.

[illegible] in continuation of the Court's Proceedings [illegible]
8th July 1875, No. 1,892.

2. As the Guttinadivi Proprietor has declined to bear his share of the cost of the work and cannot be compelled to contribute, the whole outlay, with the exception of the small proportion debitable to the Kesanakurru Estate, will have to be defrayed by Government.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

No. 30. ORDER THEREON, 2nd September 1875, No. 1,316.

Irrigation, No. 2.

COMMUNICATED to the Public Works Department.

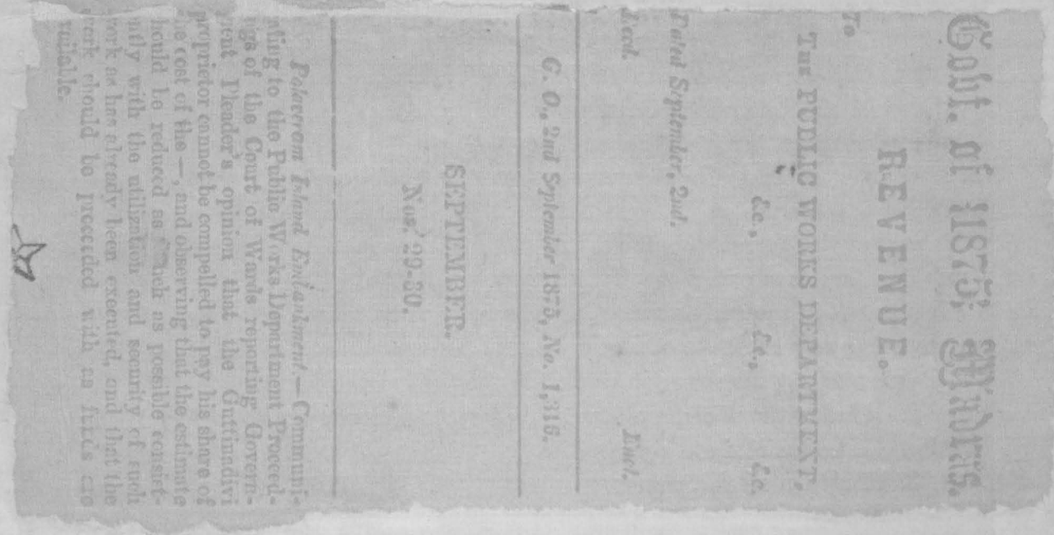
2. The estimate should be reduced as much as possible consistently with the utilization and security of such work as has already been executed, and the work should be proceeded with as funds are available.

(True Extract.)

(Signed) A. MACGREGOR,
Acting Secretary to Government.

To the Public Works Department.
„ the Court of Wards.

Exd. J. W. Fischer.



Govt. of India, Public Works Department.

REVENUE.

To

THE PUBLIC WORKS DEPARTMENT,

&c., &c., &c.

Fort William, the 2nd September, 2nd.

Dated.

Dated 2nd September 1875, No. 1,315.

SEPTEMBER.

Nos. 29-30.

Paterson Island Embankment—Communicating to the Public Works Department Proceedings of the Court of Wards reporting Government Pleader's opinion that the Guttundi proprietor cannot be compelled to pay his share of the cost of the —, and observing that the estimate should be reduced as much as possible consistently with the utilization and security of the work already been executed, and that the work should be proceeded with as funds are available.

No. 2962. 2/Feb

From Bd of Rev. dated 24 June 1875.

For orders.

The present position is that the Kesavachunn Estate, under the Court of Wards, has already contributed more than its proper share, & the P. W. Dt have been directed to do an extra Govt Funds ——

I sent to the Opinion W.Le annexed. & the P.W.D. Sir Knight & he suggested 2 that Dept. Enquiry be instituted. I don't think the Govt. opinion on the subject of the value be of much value I don't see the

The Govt might be directed & furnish

a sketch of the Island
& proposed works
in view & ascertaining
whether any modification
is practicable so as to
shut out Gutinadin
from any benefit.
He might also be
directed to give a
rough estimate of the
annual increase of
income likely to accrue
to Kesanakum Estate

Object of working
any further Engine
as Expends the
Kesanakum Estate
to petitioners for
Loskum Water

I will not shut out
Gutinadin unless
we can save money
thereby —

Ayt is the case but
Govt. must complete
the work & D.P.W will
be asked to reduce the
charge as low as possible
& orders & proceed with
the work as funds are
available

A.L.L

from the valley in question.

Revenue Department

Proceedings of the Court of Wards.

Dated 24th July 1875

Read the following

No. 64.

From H. H. Shephard Esqr
Offg. Government Pleader
Madras.

To C. A. Gallon Esqr.
Ag. Sub. Secretary to the
Court of Wards

I have the honor to acknowledge
the receipt of the Proceedings of
Dated 8th July 1875 No. the Court of Wards as per margin
and in reply to state that I am
of opinion that the Cuttumadivi
proprietor is not legally compellable
to contribute towards the expence
of the Pilavaram Island em-
bankment — a person, who of his
own

own accord undertakes work beneficial to another man's property is not generally entitled to recover the expenses so incurred, unless there had previously Existed a common obligation to do the work or some thing in the nature of a promise to pay for it on the part of the person benefitted. In this case there seems to be nothing to create an obligation as against the Guttinadivi Proprietor. The Expenses incurred by Government in the Embankment have been incurred voluntarily, and so far from there being any evidence of a promise even by Conduct on the Guttinadivi Proprietor's part to pay his share, it

Y 5/340

seems that he does not even approve of the works.

Under these circumstances I am of opinion, that no action for contribution can be maintained against him. I return all the papers.

I have &c
(Sd) A. A. Shephard
Offg: Govt: Pleader

Madras
17th July 1875

Submitted to Government in continuation of the Court's Proceedings dated 8th July 1875 No: 1892.

2. As the Guttinadivi Proprietor has declined to bear his share of the cost of the work, and cannot be compelled to contribute, the whole outlay, with the exception of the small proportion debitable to the Kesavanakuveri Estate will have

have to be defrayed by Government

(True Copy & Extract)

A. J. Colvin
Actg. Sub. Secretary

To
The Secretary to Government
Revenue Department

Rev: 1875: Dyfr
No. 2562

No 829

Proceedings of the
Court of Wards.

Dated 24th July 1875
Sess. 24th D
Rec'd 25th D

No 1916 2nd September 1875

Papers
With Order
Submitting
to Government letter from
the Government Pleader stating
that the Cuttumadiar
Proprietor cannot be
compelled to pay his
share of the Cost, with
the remark that this with interest
whole outlay of the work,
should be defrayed by Govt

Commn to the P.W.D.
No 1318
The estimate which is returned is amply sufficient, considering the circumstances, for the work which is proposed with a view to the ultimate economy of the channel. The work should be executed, if at all, as an irrigation work.
Atlee 2 Sept/75

Note. I understand that the work about to be executed by the Court of Wards is for the benefit of the Cuttumadiar Proprietor, and that it is not intended to be charged to the Estate. Bubbs 11 Oct/75

go 30 July/75 No 336-337.

RC 25 Aug/75 Rt 30 Aug/75
C 15 Aug/75 Rt 20 Aug/75