

Mat to be folded or roughly handled

No. 34. Read the following letter from Colonel C. E. FABER, Chief Engineer; to H. FORBES, Esq., Acting Secretary to Government, dated 18th August 1857, No. 3025.

SIR,

I have the honor to submit for the consideration and orders of Government, a letter addressed to me by the Civil Architect, dated the 3rd Instant, No. 453; forwarding two Bills received by him signed by Mrs. Burnside, for the rent of her house on the Pantheon road, at present occupied as the Civil Architects office. One of the Bills is for rent for the months of April, May, and June last, amounting to Rupees 390, and the other is for the rent due for July. The Civil Architect has offered no opinion regarding the claim preferred for rent for April, May, and June, but has sent both the Bills for the four months alluded to, to be disposed of by me. As there was no question, or doubt, regarding the Bill for July, the Civil Architects office having removed into Mrs. Burnside's premises on the 1st of that month, I returned the Bill for that month to him, to be countersigned, and to be sent in to the Civil Auditor to be passed by him for payment.

2. The grounds on which Mr. Williams found his claim for the three earlier months, are that during the tender to Government of the house, whether for rent or for Sale; was pending, several offers to rent it were refused, and that he did not find himself competent to act otherwise. In a legal point of view I do not think Mr. Williams claim is tenable, or that he is entitled to more rent than from the date of actual occupancy by the Civil Architect, viz. the 1st July last. But the circumstances of his case being peculiar I think that he is entitled to some consideration at the hands of Government.

Mr. Williams appears to have tendered the house to Government as early as the beginning of March last. In my despatch to Government, No. 10663, I submitted Lieutenant Colonel Atkinson's letter of the 2nd of that month, No. 158, reporting on the premises, and on the 18th of the same month, I submitted in Proceedings, a copy of Mr. Williams letter in which he stated he would prefer outright Sale of the property. The Government in Extract Minutes of Consultation, dated the 17th April last, No. 699, called for my opinion as to the propriety of either renting, or purchasing the premises, and to obtain a valuation, and accordingly in my letters to Government of the 13th, and 15th May last Nos. 282, and 341, I recommend that the house be not purchased until its suitability was tested, and during a years occupancy. On the 13th June the Government Sanctioned the renting of the house for one year at 130 Rupees a month, but it was not finally determined upon until the 22nd June, in consequence of an offer having about that time been received from Major Anderson to sell his house to the Government, on which a further reference was made to the Civil Architect and his reply reported by me to Government.

There have thus been nearly four months taken up from the date of my first letter to the issue of the final orders of Government, before it was finally determined to rent the house. This delay although unavoidable as other matters were at the time under consideration before the renting of Mrs. Burnside's house could be determined upon yet during this interval Mr. Williams states he had other offers, which under the circumstances he was obliged to refuse, I do not see that with any propriety he could have acted otherwise, in fact had he done so, the impropriety of his proceeding must have been apparent, and must have put the Government to inconvenience, considering the removal out of the Fort of the Civil Architects office was determined upon, and no other suitable house, so far as I am aware, being at the time available. Under these circumstances, and as Mr. Williams states his house was kept open for the Government, I have no hesitation in owning that I consider Mr. Williams claim entitled the favorable consideration of Government, and with this expression of my views, I beg to submit the case for the decision and orders of Government.

No. 35. ORDER THEREON, No. 1734; dated 10th September 1857.

With the letter above recorded, the Chief Engineer submits for the consideration and orders of Government a Bill, amounting to Rupees 390 for the rent of the house occupied as the Civil Architect's Office for the months of April, May, and June. The Civil Architect's Office is re-

Fort Saint George, Public Works Consultation of 15th September 1857.

ported to have removed into the premises only on the 1st July 1857, but Mr. Williams forwards the Bill for the three previous months, on the ground that during the time the tender of his house to Government for rent or for sale was pending, several offers to rent the house were refused.

2. Under the circumstance stated, and in accordance with the recommendation of the Chief Engineer the Right Honorable the Governor in Council is pleased to sanction the payment of the Bill submitted by Mr. Williams.

(Signed) H. FORBES,
Acting Secretary to Government.

Central Office of Works
Set. Secy. General
18 August 1857
T:30207

Dear Sir
Mr Chief Engineer
To the Right Hon. Secy. to Government
18 August 1857

Sir
I have the honor to submit for
the consideration and orders of Government
a Bill submitted to me by the Civil Engineer
Subject, To let the 3rd Instant, 1857.
forwarding two Bills received by him
signed by Mr. Burrows, for the rent of
his house on the Pentlands Road, at present
occupied as the Civil Engineer's
Office. One of the Bills is for rent for
the months of April, May, and June
last amounting to Rs. 100, and
the other is for the rent due for July, the
Civil Engineer has offered no opinion
regarding the claim for rent
for April, May, and June, but however

Enclosures 3.
1 Original letter with
1 Enclosure.
1 Bill.

both the Bill for the five Months alluded
to, to be disposed of by me. As there
was no question, or doubt, regarding the
Bill for July, the Civil Auditor to Office
having moved into Mr. Burnside's
premises on the 1st of that Month, Section
of the Bill for that Month to him, the
counterpart, and to be sent to the
Civil Auditor to be prepared by him
for payment.

The grounds on which Mr. Will-
iams and friends had claim for the three cashes
mentioned, are that during the transfer to
Government of the house, whether for rent
or for sale, was pending, counsel offered to
him it was refused, and that he did not
find himself competent to act otherwise.
As a legal point of view I do not think
Mr. Williams's claim is tenable, or that
he is entitled to more rent than from the
date of actual occupancy by the Civil
Auditor, viz. the 1st July 1861. But
the circumstances of his case being peculiar,
I think that he is entitled to some consider-
ation at the hands of Government.

Mr.

Mr. Williams appears to
have transferred the house to Government
as early as the beginning of March last.
In my dispatch to Government, No 1863,
I sent Mr. Lieutenant Colonel Minnion
letter of the 2nd of that Month, No 158,
reporting on the premises, and on the
11th of the same Month, I submitted
in Proceedings, a copy of Mr. Williams's
letter in which he stated he would pre-
fer a straight sale of the property. The
Government in strict Minnion's office
consultation dated the 17th April last,
No 199, called for my opinion as to the pro-
prietorship of either renting, or purchasing
the premises, and to obtain a valuation,
and accordingly my reply letter to
Government of the 13th, and 16th May
last, Nos 282, and 341, I recommended that
the house be not purchased until its
suitability was tested, and during a year
occupancy. On the 15th June the Govern-
ment sanctioned the renting of the house
for one year at 150 Rupees a month, but
it was not finally determined upon
until the 22nd June, in consequence of

and

and after having about that time been re-
solved from Major Anderson to sell his
House to the Government, in which a
further reference was made to the Civil
Architect and his reply reported by mail
to Government.

There have been nearly
four months lapsed up from the date of
my first letter to the issue of the final
orders of Government, before it was finally
determined to rent the house. This delay
although unavoidable as other matters
were at the time under consideration
before the renting of Mr. Brown's
house could be determined upon. Yet
during that interval Mr. Williams
states he had other offers, which under
the circumstances he was obliged to
refuse, I do not see that with any pro-
priety he could have acted otherwise
indeed, in fact had he done so, the im-
propriety of his proceeding must have
been apparent, and must have put
the Government to inconvenience, con-
sidering the removal out of the path of
the

of the Civil Architect's Office was determi-
ed upon, and no other suitable house, as far
as I am aware, being at the time availa-
ble. Under those circumstances, and as
Mr. Williams states his house was kept
open for the Government, I have no hesi-
tation in saying that I consider Mr.
Williams' claims entitled to the favor-
able consideration of Government, and
with this confession of my mind, I beg to
submit the case for the decision and
orders of Government.

I have the honor to be
Sir,
Your Most Obedient Servant,
Wm. Fisher Colonel
Chief Engineer.

Congress
M.C. M.H.

Dept

The Extract from the Minutes of Consultation

Under date the August 1857

Read the following

Letter from the Chief
Engineer.

Here enters 18. August 1857
No 3025

Answer

With the letter
above recorded the
Chief Engineer submits
for the consideration
and orders of Govt.
a Bill, amounting
to Rupees 590 for the
rent of the House
occupied as the Civil
Architects Office for
the

McCauley 23. June 1857 to 17. 10
Copy in Mr G. H. P.
of 21. 8. 1857 to 17. 10. 1857
D. 21. 8. 1857
C. 21. 8. 1857

Charles McCauley 17. 10. 1857
to 21. 8. 1857
17. 10. 1857
J. H. P. Chief Engineer
to the Secy to Govt.

Charles McCauley 17. 10. 1857
to 21. 8. 1857
17. 10. 1857

1. 10. 1857
J. H. P.

J. H. P. 17. 10. 1857
to 21. 8. 1857
17. 10. 1857

17. 10. 1857
J. H. P. 17. 10. 1857
to 21. 8. 1857
17. 10. 1857

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J. H. P. 17. 10. 1857
to 21. 8. 1857
17. 10. 1857

17. 10. 1857
J. H. P. 17. 10. 1857
to 21. 8. 1857
17. 10. 1857

the months of April,
May, and June. The
Civil Architects' Office
is reported to have re-
-moved into the premises
only on the 1st July 1857,
but Mr. Williams for-
-wards the Bill for the
three previous months
on the ground that
during the time the
of his house
tenanted to Government
of his house for rent
or for sale was pending,
several offers to rent

the House were refused.
2- The Government
cannot but consider
Mr. Williams' claim
inadmissible. If he
had other offers for
the House, as stated
by

himself, he should have
accepted them, and
not waited until the
Bill was passed, and
then claimed the
rent for the three
months before the
Bill was passed.

by him, he ought to have
brought the fact to
notice at the time,
and made it a con-
-dition of his tenancy
that the rent should
be paid from a certain
date. The Right
Honorable the Governor
in Council resolves
therefore to decline
sanction for the bill
and to recommend
the Chief Engineer
to be delivered to the
proper party.

by him, he ought to have
brought the fact to
notice at the time,
and made it a con-
-dition of his tenancy
that the rent should
be paid from a certain
date. The Right
Honorable the Governor
in Council resolves
therefore to decline
sanction for the bill
and to recommend
the Chief Engineer
to be delivered to the
proper party.

P. W. D.
(6)

N^o 1734

Extract from the Minutes of Consultation
Under date the 10th September 1857

Read the following
letter from the Chief
Engineer

(Received 13th Aug 1857 p. 3025)

A
L
P.

With the letter
above recorded the
Chief Engineer submits
for the consideration
and orders of Government
a Bill amounting to
Rupees 370 for the rent
of the House occupied
as the Civil Architect's

129 Aug 1857

Office for the months
of April, May, and June.
The Civil Engineer
who had to office is re-
ported to have re-
moved into the pre-
mises only on the 1st
July 1837, but Mr. Wil-
liams forwards the
Bill for the three pre-
vious months on the
ground that during the
time the tender of his
house to Govt. for rent
or for sale was pend-
ing, several offers to
rent the house were
refused.

2. Under the same

circumstance stated, in
and in accordance with
the recommendation
of the Chief Engineer
the Right Honorable
the Governor in Council
is pleased to sanction
the payment of the
Bill submitted by
Mr. Williams.

W. Williams.

4 Copies to the Chief Engr. Dis. P. 11
with an Encl.
1 - to Accts. Genl. ✓
1 - to Civil Auditor. ✓

Copy in G. L. C.

Of 21st December 1857 N. 21

Barred 185

Collection. N.

Public Works 1857 Dep^t
to Cons: 15th Sept^r

N. 1734

Extract Mins. of Cons:
Dated 10th Sept^r / 57.

Sanctify the payment
of the Bill amounting to Rs. 390, for
the Rent of the House occupied
by the Civil Architect's Office
from April May & June.

N. 3485.