MADRAS RECORD OFFICE

Government of Madras.

DEPARTMENT.

G.O. No. 572 Press Mark

Dated 7 19

Not to be folded or roughly handled

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

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, inconsequence 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. William's 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-

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.

Enclosures 3.
1 Original Letter.
1 Enclosure.
1 Bill.

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 Architect's Office having removed into Mrs. Burnside's premises on the 1st of that Month, I return ed the Bill for that Month to him, the countersigned, and to be sent in to the Civil Auditor to be passed by him for payment.

2. The grounds on which Mr. Williams founds 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, vizt. the 1st July last. But the circumstances of his case being peculiar I think that he is entitled to some consider ation 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. 1663, I submitted Lieutenant Colonel Atkinson's 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' letter in which he stated he would prefer an 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 16th May last Nos. 282, and 341, I recommended that the house be not purchased until its suitability was tested, and during a year's 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

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and offer himself about that time to become
a Cadet from Chester Artillerie to which
Corps he the Government have since
promoted him and made to the Civil
Architect and his offer accepted by
the Government.

That he has not been guilty
of any misdemeanor from the date of
his first letter to the time of his
receiving Government letter it was finally
determined to send the same. This delay
although occasioned by other matters
over at the time under consideration
before the sending of Mr. Barrington
letter and determined respecting
showing that unless Mr. Williams
stated he had other offers which under
the circumstances he must absolutely
refuse, I do not see that with any pro-
priety he could have acted otherwise,
for if he had declined the same, the re-
jection of his proposals might have
been attributed to improper motives
on the part of Government, and might
the Government to procure Engineers,
=sidering the remote part of the part of
the

of the Civil Architects Office was determined
upon, and no other suitable steward, as
at present, being at the time available
to - Under these circumstances, and as
Mr. Williams stated he had been promised
for the Government, there was no
hesitation in determining that Mr. Williams
should receive the appointment to the vacancy
occasioned by Government, and
with this impression of my mind, I de-
sired the case for the decision and
order of Government.

I have the honor to be
Sir
Your most Obedient
and most
Obedient Servant

Dept

No

Extract from the Minutes of Consultation

Under date the August 1857

Read the 7th Morning

Letter from the Chief

Engineer.

Here enter 18th August 1857

No 5025

With the letter

above recorded the

Chief Engineer submits

for the consideration

and orders of Govt

a Bill, amounting

to Rupees 98 for the

rent of the House

occupied as the Civil

Architect's Office for

the

Bill for Rent of Office

Rupees 98

Read the 7th August 1857

Ordered that the Bill be paid

Read the 21st

Ordered that the Bill be paid

Read the 28th

Ordered that the Bill be paid

Read the 4th September 1857

Ordered that the Bill be paid

Read the 11th

Ordered that the Bill be paid

Read the 18th

Ordered that the Bill be paid

Read the 25th

Ordered that the Bill be paid

Read the 2nd October 1857

Ordered that the Bill be paid

the months of April, May, and June. The Civil Architects Office is reported to have received into the premises only on the 1st July 1857, but the Williams forwarded the Bills for the three foregoing months on the ground that during the Public Works Department was under the Government of Bombay.

2- The Government cannot take cognizance of Mr Williams's communication. The Civil Architect is directly responsible to the Government for the Works executed by him, he ought to have brought the matter to the notice of the Superintending Engineer, and not to communicate with the Government. The Superintending Engineer is responsible to the Government for the execution of the Civil Architect to the Superintending Engineer, and not to the Government.

24

229 Chap 5 § 4 Sect

1734

Extract from the Resolutions of Council Excheq.

Monday the 10th September 1827

Read the following

Letter from the Chief

Engineer

(Recorded 18th Dec. 1827 p. 3025.)

Read the letter

relative to the

Chief Engineer's duties

for Repairing the Roads

and Bridges of Jersey

The Letter from the Chief

Engineer

Read the letter from the Chief

Offices for the months
of April, May and June
1833. The Revd. Chas.
Chichester officiated
for the Revd. Jas. Carmichael
who was in England the first
quarter and the Revd.
Jas. Carmichael the last
quarter for the Revd. Jas. Carmichael
who officiated for the
Revd. Chas. Chichester
for the first quarter
of this year for which
Service he has received
Rupees.

Chaplain's Office

circumstances 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
the Petitioners.

By Order

J. Copies to the Chief Engr. with one Each. Dispd. 11
1 — to Accts. Genl's
1 — to Civil Auditor's

Copy in vol. G: L: 6.

Ff 21st December 1857 N° 24

Canada 85

Collection of N°

Public Works 1857 Dep.t

No 6 Cons: 15th Sept.r

N° 1734

Extract Mins: of Cons:

Dated 10th Sept.r 1857

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

N° 36785.