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(2) Date of repair 24.2.64

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 1367 Press Mis.

246-65-3

Dated 11-5- 1864.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 11th May 1864.

Read the following letters:—

No. 248. From Mr. D. DRUMMOND, First Class Mechanical Engineer, to Colonel C. A. ORR, R. E., Secretary to Government, Public Works Department, Fort Saint George, dated Madras, 5th May 1864.

SIR,

I beg to inform you, by the terms of my Covenant, I am confirmed in my opinion that I am entitled to my out-fit at sea, although a stipulated sum is not mentioned in it, and beg you will be good enough to forward this my letter to Government, and get the sanction, as I am about to leave this for England in a few days.

Referred to the Government Solicitor for his opinion as to whether, under the terms of his Covenant, Mr. Drummond is entitled to any thing further than the sum of Rupees 600, passed to him in Proceedings No. 1,172, dated 23rd April 1864.

Chepauk, 6*th May* 1864.

(Signed) CHARLES A. ORR, Colonel, R. E., *Secretary to Government, P. W. D.*

To the Government Solicitor, with Mr. Drummond's Covenant and the Orders mentioned below:—

No. 1,453, 6th June 1863.

No. 1,172, 23rd April 1864.

No. 249. From J. R. BOYSON, Esq., Government Solicitor, to Colonel C. A. ORR, R. E., Secretary to Government, Department Public Works, dated Madras, 10th May 1864, No. 238.

SIR,

Dated 6th May 1864, and made on Mr. Drummond's letter to Government of the 5th idem.

1. I have the honor to acknowledge the Order of Government noted in the margin, with its accompaniments, relative to a claim preferred by Mr. D. Drummond, Mechanical Engineer, for his out-fit at sea, in addition to the payment of Rupees 600 provided for by his Agreement with Government.

2. I was clearly of opinion that Mr. Drummond was not entitled to any thing beyond the Rupees 600, but I nevertheless considered it desirable to submit the matter for the consideration of the Advocate General, and having done so, and also conferred with him on the subject, I forward a copy of his opinion.

3. I likewise return the Order and enclosures above noted.

COPY OPINION.

1. I am clearly of opinion that Mr. Drummond is only entitled to Rupees 600, wherewith he must "provide himself with a passage to England and all necessaries for his accommodation at sea."

2. Government are to pay him the Rupees 600 "to provide himself."

3. Were the Covenant what Mr. Drummond supposes, it should run thus, that Government should *not* "pay him Rupees 600 to provide himself," *but* "*provide* him with a passage and all necessaries."

4. It is the word "provide" that governs all that follows, not the former word "pay," Government could not "*pay* him all necessaries," and as to what is to be "provided," it is he and not Government that is to "provide;" Government is only to "*pay*," and only "Rupees 600."

(Signed) T. SYDNEY SMYTH, *Advocate General.*

10*th May* 1864.

(True Copy.)

(Signed) J. R. BOYSON, *Government Solicitor.*

No. 250. ORDER THEREON, 11th May 1864, No. 1,367.

The Government consider that Mr. Drummond is entitled under his Covenant to a sum of Rupees 600 only to provide himself with a passage to England and with all necessaries for his accommodation at sea.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E., *Secretary to Government.*

To Mr. Drummond.

Exd. S. T. Augustin.

No. 238.

Madras May 10th 1864.

From

John Robert Bayson
Government Solicitor - Madras.

To

Colt C. S. Ott - R. E.
Secretary to Government, D. P. W.
Madras.

Sir,

Dated 6th May 1864. and made on Mr. Drummond's letter to Government of the 5th idem.

1. I have the honor to acknowledge the order of Government noted in the margin, with its accompaniments, relative to a claim preferred by Mr. D. Drummond, Mechanical Engineer, for his outfit at Sea, in addition to the payment of Rs. 600 provided for by his Agreement with Government.

2. I was clearly of opinion that Mr. Drummond was not entitled to any thing beyond the Rs. 600, - but, I nevertheless, considered it desireable to submit the matter for the consideration of the Advocate General, and having done so, and also conferred with him on the subject, I forward a Copy of his opinion.

3. I likewise return the Order and enclosures above noted.

I have the honor to be,
Sir,
Your most Obedient Servant
J. R. Bayson
Govt Solr.

Recd.

Copy Opinion.

I am clearly of opinion that Mr. Drummond is only entitled to Rupees 600, wherewith he must provide himself with a passage to England and all necessaries for his accommodation at Sea.

Government are to pay him the Rs. 600 "to provide himself".

Were the Covenant to run Mr. Drummond superintend it should run thus, that Government should, not pay him Rs. 600 to provide himself, but provide him with a passage and all necessaries.

If it is the word "provide" that Governs all that follows — not the former word "pay" — Government would not "pay him all necessaries" — and as to what is to be "provided", it is he and not Government that is to "provide" — Government is only to pay, and only Rs. 600.

Signed J. Sydney Smyth
Advocate General.

May 10th 1864.

True Copy
Alley Hay
Govt Sol.

Dft.

Dft. to Govt for May
From The Govt Sol. - Madras
To The Secy to Govt D.P.W.
Dated 10th May
Rec'd 11
No. 238.
3 Inclosures
No.

Forwards Copy Advocate General's opinion relative to a claim preferred by Mr D. Drummond, Mechanical Engineer for his outfit at Sea, in addition to the payment of Rs. 600 provided for by his Agreement with Government.

No 1367 — 11th May 1864

No. 249

Madras 5th May 1864.

To
Colonel C. A. Orr.
Secretary to Government
Fort St. George.

Sir. I beg to inform you, by the terms of my Covenent, I am confirmed in my opinion that I am entitled to my out-fit at Sea although as stipulated same is not mentioned in it, and beg you will be good enough to forward this my letter to Government and get the Sanction as I am about to leave this for England in a few days.

I beg to remain
Sir
Your Most Obedt Servt
D. Drummond
1st Class Mechanical Engr.

My address.
D. Drummond
No. 22. Main Road
Royapooram.

Re
a claim preferred by Mr D. Drummond, Mechanical Engineer for his outfit allowance in addition to the payment of Rs. 600 provided for by his Agreement with Government.
(Copy)
Advocate General's opinion
Dd 20 7/64

Encl
In letter from Govt to Secy to Govt Dd 20 7/64 No 238 dated 11th May 1864.

No 1364 Public Works Department

Proceedings of the Madras Government
Under-dated the 11th May 1864
Read the following

From elly J. Drummond Mechanical Engineer.

Claiming for his out-fit &c
&c &c

H.C. 5th May 1864.

From the Govt Solicitor Madras.

Forwards copy Advocate Generals opinion relative to a claim preferred by elly D. Drummond Mechanical Engineer for his out-fit &c &c in addition to the payment of Rs 600 provided for by his agreement with Government.

H.C. 10th May 1864 No 238

The Government

Consider that Mr

Drummond is entitled

under his Covenant to

a sum of Rs 600 only

to provide himself

with a passage to

England all

Received

P.W. 1864 Despatch
Postponed for May
No 2023

From

Mr D Drummond
Mechanical
Engr

Dated 5th
Read 6th May/64

P.W. 2092/64

Claiming from
his out-fit at sea.

No 1367 - 11th May/64.

No 248

Referred to the
Government Solicitor for his opinion
as to whether, under the terms
of his Covenant, Mr Drummond
is entitled to any thing further
than the sum of Rupees
600 - - - passed to him in
Proceedings No 1172 dated 25th
April 1864 -

Coll Sec to Govt

Chesapeake
6th May 1864

Read Govt Entd 10
Dated 10 May 1864
SHD Asst Secy

The Govt Solicitor with Mr
Drummonds Covenant &
the orders mentioned below -
No 1453 - 6th June 1863.
No 1172 - 25th April 1864

necessaries for his accommodation at Sea.

W.B.

No 1453 - 4 June 1802.
No 1172 - 23 April 1764

To
Mr Drummond
Dartford Kent
Deptford Thursday

1864 Despatch
No. 4 Letter Dr. May
2nd 1864
No. 240 of the Old Govt
Dy 11 May 1864

Mr. Drummond informed that he is entitled under his Covenant, to a Sum of Rs. 600 only to provide himself with a passage to England and with all necessaries for his accommodation at sea

No. 248 & 249.
250