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(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 245	Press ~~Mis.~~
A75	
Dated 27-1-	1869.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
27th January 1869.*

No 495

Dated 27th January 1869, No. 245

ESTABLISHMENT, No. 41.

A paper purporting to be a Deed of Agreement between an Executive Engineer and a Contractor for the execution

of certain work having lately come under the notice of Government, His Excellency the Governor in Council resolves to point out that such Agreements, if not drawn out on stamped paper, are informal, unless they purport to be executed on behalf of the Government by a properly authorized officer. Under the orders conveyed in G. O., dated 13th July 1865, No 1,983, the Superintending Engineers are alone vested with the power of entering into such contracts for the execution of Public Works, and, in now drawing the particular attention of all officers of the Department to the orders in question, His Excellency the Governor in Council resolves to circulate a form received from the Government of India, which he directs should in future be strictly adhered to. Deeds of contract should invariably be drawn up in the name of the Secretary of State for India, and be signed, as well as sealed and delivered, by each party executing them in the presence of witnesses.

(True Extract)

Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer of
To Captain Kennedy,

Division, } With form of Contract

END S T. Augustin

FORM OF CONTRACT BOND.

Know all men by these presents that I A B of
am held and firmly bound unto the Secretary of State in Council in the penal sum
of Rupees of lawful money of British India to be paid to the said
Secretary of State in Council for which payment I bind myself my heirs executors
and administrators by these presents sealed with my seal dated this

day of in the year of Christ One thousand eight
hundred and [And I hereby agree with the said Secretary of
State in Council that if any suit shall be brought touching the subject matter of
this obligation or the condition hereunder written in any Court subject to the
superintendence of the High Court of Judicature at Fort William in Bengal other
than the said High Court in its original jurisdiction the same shall and may at the
instance of the said Secretary of State in Council be removed into tried and deter-
mined by the said High Court in its Extraordinary Original Jurisdiction]

The condition of the above-written Bond is such that if the said A B his exe-
cutors or administrators shall well and truly execute the work described in a certain
[specification²] signed by C D Executive Engineer of and dated the
day of and numbered and referred to in a certain
tender signed by the said A B and dated the day of and
numbered and which tender has been accepted by the Government according to
the terms and at the rates mentioned in the said [specification] and tender and shall
well and truly perform and abide by all the terms and conditions in the said specifica-
tion and tender contained to be performed and abided by on the part of the Contractor
or in case the said A B shall make default in performing and abiding by any term or
condition of the said specification or tender and he or his executors and administrators
shall on demand pay to the said Secretary of State in Council the sum of Rupees
as liquidated damages (which sum is to be paid without reference to the relative im-
portance of the particular default and whether the said Secretary of State in Council
has or has not sustained any ascertainable pecuniary damage thereby) then the
above-written Bond or obligation shall be void otherwise the same shall be and
remain in full force and virtue.

[Signature and Seal of Contractor.*] _____

SEAL

*Signed sealed and delivered by the said A B
in the presence of*

_____ } [Signatures of two Witnesses.]

- (1) If there be doubts as to the Contractor being a British born subject, and it be thought desirable to subject him to the jurisdiction of the High Court, insert these words, but otherwise omit them
- (2) If the document signed by the Executive Engineer be not in the nature of a specification, it should be described according to its true character, as for instance as "Draft Contract"
- (3) It will be well to number both specifications and tenders, in order to prevent any possible mistakes as to identity, and, when practicable, the Bond should be annexed to the specification and tender
- (4) Care should be taken that this Bond be sealed as well as signed by each party executing it. If the Contractors constitute a Firm, each Member of the Firm should sign and seal it in his individual name. If any Member be absent, e.g., E F, a Power of Attorney from him, authorizing the execution of deeds or bonds, should be produced, and the deed should be signed and sealed in the name of the absent partner (e.g., E F,) by his Attorney (e.g., A. B.) and not in the name of the Attorney

Ed. G. A. Turton.

Public Works Dept
No 45

Proceedings of the Madras Government
Under date the 27th Jan 69

A paper purporting
to be a deed of agreement
between an Executive Eng^r
and a contractor for the
execution of certain work
having lately come
under the notice of Govt,
His Excellency the Gov^r
in Council resolves to
point out that such
agreements, if not
drawn

N. W. A.

M. A.

drawn out on stamp
paper, are informal
unless they purport to
be executed on behalf
of the Govt by a proper
authorized Officer. In
the orders conveyed in
G. O. dated 13th July 1983,
the Superintending
Engineers are alone vested
with the Power of entering
into such contracts
for the execution of
Public Works, and in
now drawing the particular
attention of all

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All Officers of the Dept.
to the orders in question,
H. E. the Govt in Council, re-
solves to circulate a
form received from the
Govt of India, which
he directs should in
future be strictly ad-
hered to. Orders of Con-
tract should invariably
be drawn up in
the name of the Secre-
tary of State for
India, and be signed
as well as sealed
and

and delivered by
party executing the
in the presence of witness

WLB

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To
The Supt of Eng of
Capt Kennedy
H.M.S. Control

Dec 29/1/59

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Govt. of 1869 Madras.

PUBLIC WORKS.

The Superintending Engrs.

Further from 1821 of 11-7-71

Dated

1869

G.O. 27th July 1869, No 245-

No. 445

Spec of Contract The form
of a Spec of Contract, received
from the Govt of India, cir-
culated to the Engrs concerned
with instructions.