

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No.	575	Press
494-495		Mis.
Dated	20-2	1873.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
20th February 1873.*

No 494. Read the following letter from the Acting Government Solicitor,
to the Secretary to Government, Public Works Department, dated Madras,
12th February 1873, No 69 —

With reference to the Proceedings of the Madras Government, Public Works
Department, and the order thereon, No 104, of yesterday's date, I have the honour
to inform you that there is no mode by which the amount of the bill passed by the
District Engineer, Bangalore, in favour of the road contractor can be paid into
Court in anticipation of a suit

2 The only thing I can advise should be done under the circumstances
mentioned in the District Engineer's letter No 929 of the 4th instant, to your
address, is to tender to the contractor, in due legal form, that is, in notes or cash
and absolutely without condition, the amount which the District Engineer admits
to be due to the contractor.

3 Should this tender be refused by the contractor, the money must be
retained, as there are no means of compelling a person to accept payment of
money; and if the contractor files a suit for the amount he claims, the amount
which has been tendered should be paid into the Court in which the suit is brought,
and the previous tender and refusal should be pleaded.

No. 495. ORDER THEREON, 20th February 1873, No. 575.

ESTABLISHMENT, No. 41.

COMMUNICATED to the District
Engineer, Bangalore, with reference to
his letter of the 4th instant, No. 929.

Captain Vibart will be guided by the advice of the Government Solicitor.

(True Extract.)

(Signed) G. W. WALKER, Colonel, R E,

Secretary to Government.

To the District Engineer, Bangalore.

Exl. E. C. Shunker.

N^o 69.

Madras, 12th February 1873.

From

Ernest Barclay
Actg. Government Solicitor,
Madras,

To

Colonel G. W. Walker, R. E.,
Secretary to Government,
Public Works Department,

Sir,

1 With reference to the proceedings of the Madras Government, Public Works Department, and the Order thereon N^o 104 of yesterday's date, I have the honor to inform you that there is no mode by which the amount of the bill passed by the District Engineer, Bangalore, in favour of the Road Contractor can be paid into Court in anticipation of a suit.

2 The only thing I can advise should be done under the circumstances mentioned in the District Engineer's letter N^o 929 of the 4th instant to your address, is to tender to the Contractor in due legal form, that is, in notes or cash and absolutely without condition, the amount which the District Engineer admits to be due to the Contractor.

Should

3 Should this tender be refused by the Contractor, the money must be retained as there are no means of compelling a person to accept payment of money, and if the Contractor files a suit for the amount he claims, the amount which has been tendered should be paid into the Court in which the suit is brought, and the previous tender and refusal should be pleaded.

I have the honor to be,

Sir,
Your most Obedient Servant,

James Barclay
Atty. General Solicitor.

P.O. 10 February, 1873

Public Works 1873. Department
of
The Secretary to the
P. W. Department

Dated 12th February,
Recd 13th

No. 5735

States that the course
which the District Engineer
should pursue, in the
event of the Road Con-
-tractor refusing to ac-
-cept the tender of the
money due to him, is to
pay the amount into
the Court in which the
Contractor brings a suit,
and the previous tender
and refusal be pleaded.

With an Order.

Communicated to the District Engineer
Bangalore with reference to his letter of the 11th
inst. No 929 - Captain Webb will be guided
by the advice of the Government Engineer.

Done

To the District Engineer
Bangalore

3/3/73

No. 494.95

17 Feb 1873

C/966
Govt. of 1873 Madras.

PUBLIC WORKS.

To the District Engineer
Bangalore

Dated

Recd

Encl

G O 20th Feb 73 575.

No 3 1491 & 1495

Supr. Letter from the

Public Solicitor pointing
out the course to be
followed in the event

of a suit being filed

~~by the Road~~ ^{Contractor} ~~Contractor~~

at Bangalore with

instructions.

per

5/11