

30TH JANUARY 1883, No. 318 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

No. 276.

READ—the following letter from R. F. CHISHOLM, Esq., Consulting Architect to Government, to the Chief Secretary to Government, dated Madras, 27th January 1883, No. 917.—(Through the Chief Engineer, Public Works Department.)

I have the honor to state that, in consequence of the loss in Calcutta of the copy of my covenant with the Secretary of State, I was compelled, when applying for leave in 1875, to elect to serve under the Uncovenanted Civil Pension Rules. I purpose shortly applying for leave again. I have sought to obtain a copy of my covenant a second time, and beg to enclose a telegram from "Works" on the subject. I shall feel much obliged if you will obtain a copy of my covenant through the Secretary of State and forward it to me here.

The covenant is dated February 1859.

ENCLOSURE.

Telegram from the Secretary to the Government of India, Public Works Department, Calcutta, to R. F. CHISHOLM, Esq., Madras, dated 26th January 1883.

Covenant not forthcoming. If not with Madras, ask that Government apply Secretary State for copy.

No. 277.

ORDER—dated 30th January 1883, No. 318 W., Public Works.

Ordered that the Secretary of State be addressed.

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Consulting Architect to Government.

Exd. A. F. Goodall.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of {1883} Madras.

PUBLIC WORKS

Dated January, 30th.

Recd.

Encl.

G.O., 30th Jan. 1883, No. 318 W.

JANUARY.

Nos. 276-277.

Mr. Chisholm's Covenant.

Ordering that the Secretary of State be asked for a copy of —.

30TH JANUARY 1883, No. ⁹/₃₁₈ W., PUBLIC WORKS:

PUBLIC WORKS DEPARTMENT.

LETTER—to

THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA.

MY LORD,

In forwarding, for the information of your Lordship, the accompanying correspondence, we have the honor to recommend that Mr. Chisholm's request for a copy of his covenant may be complied with.

We have the honor to be,

My Lord,

Your Lordship's most obedient, humble servants,

FORT ST. GEORGE,
30th January 1883.

Exd. A. F. Goodall.

GOVT. OF MADRAS.

PUBLIC WORKS DEPARTMENT.

LETTER to the Right Honorable
the Secretary of State for
India.

No. ⁹/₃₁₈ W., dated 30th Jan. 1883.

REQUESTING that Mr. R. F. Chisholm may be
supplied with copy of his covenant.

3RD FEBRUARY 1883, No. 378 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

No. 28.

READ—the following letter from Major G. F. L. MARSHALL, R.E., Under
Secretary to the Government of India, Public Works Department (Military
and Civil—Establishment), to the Secretary to the Government of Madras,
Public Works Department, dated Fort William, 26th January 1883,
No. 17 M. and C.E.:—

In transferring for disposal Government of Bengal letter, No. 193 E., dated 13th
January 1883, with its enclosure, together with a telegram addressed by Mr. Chisholm
direct asking for a copy of his covenant, I am directed to state that neither the
original nor a copy of Mr. Chisholm's covenant can be found in this office.

2. Mr. Chisholm came out to India with other Stanley Engineers in April 1859,
Public Works, No. 11, dated 9th March 1859, and their covenants are referred to in the
despatch from the Secretary of State
noted in the margin, which announces
their having been engaged for service in the Public Works Department. I am to
suggest that, if the covenant is required, reference should be made to the Secretary of
State quoting the abovementioned despatch.

No. 29.

ORDER—dated 3rd February 1883, No. 378 W., Public Works.

Ordered to be forwarded to the Secretary of State for India in continuation of
G.O., No. 318 W., dated 30th January 1883.

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Consulting Architect to Government.

Exd. A. F. Goodall.
Spare Copies

GENERAL.
ESTABLISHMENT.

Gobt. of (1883) Madras.

PUBLIC WORKS.

Dated February, 3rd.

Recd.

Encl.

G.O., 3rd Feb. 1883, No. 378 W.

FEBRUARY.

Nos. 28-29.

Mr. Chisholm's Covenant.

*Ordering that letter from the Government
of India regarding — be forwarded to the
Secretary of State.*

3RD FEBRUARY 1883, No. $\frac{10}{378}$ W., PUBLIC WORKS.

PUBLIC WORKS DEPARTMENT.

LETTER—to

THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA.

MY LORD,

In continuation of our despatch, No. $\frac{9}{318}$ W., dated 30th January 1883, we have the honor to forward a copy of a letter * from the Government of India, which may be of use in tracing the covenant of Mr. R. F. Chisholm, our Consulting Architect.

* Proceedings of Government, No. 378 W., dated 3rd February 1883.

We have the honor to be,

My Lord,

Your Lordship's most obedient, humble servants,

FORT ST. GEORGE,
3rd February 1883.

Exd. A. F. Goodall.

GOVT. OF MADRAS.

PUBLIC WORKS DEPARTMENT.

LETTER to the Right Honorable
the Secretary of State for
India.

No. $\frac{10}{378}$ W., dated 3rd Feb. 1883.

FORWARDING certain information which may
be of use in tracing the covenant of Mr. R. F.
Chisholm.

It is requested that in any further communica-
tion on this subject the under-mentioned letters and
number may be quoted, and the reply addressed to

The Under Secretary of State for India,
India Office,
London,
S.W.

P. W. 403

India Office, S.W.,

13th March, 1883

Sir,

With reference to the Public
works Letters from the Govern-
ment of Madras noted in the
margin, I enclose copy of the

* No. $\frac{9}{318}$ W., of 30th Jan'y. 1883.

" $\frac{10}{378}$ " " 3rd Feb'y. "

Covenant executed

by Mr. R. F. Chisholm

on his appointment to the Public
works Department in 1859, and
have to request that you will
cause it to be forwarded to
that officer.

I have the honor to be,

Sir,

Your obedient servant,

Wm. Danvers

Secretary,

Public works Department.

The

Secretary to the
Government of Madras,

Public works Dept.

Y 4909. 3 rms.—11/82. 1.2958.

This Indenture made the eleventh day of February in
the year of our Lord one thousand eight hundred and fifty nine
Between Robert Fellowes Chisholm of 3 Parliament
Street in the City of Westminster Civil Engineer of the one part
and Elliot Macnaghten of 46 Eaton Square in the County of
Middlesex Esquire Charles Mills of Camelford House Oxford
Street in the same County Esquire and William Varguhart
Arbuthnot of Bridgers Bealey in the County of Kent Esquire
being three of the Members of the Council of India acting under the
authority and on behalf of the Secretary of State in Council pursuant
to a Resolution passed with the concurrence of a Majority of Votes
at a Meeting of the Council of the other part Whereas the Secretary
of State in Council has retained and engaged the said Robert Fellowes
Chisholm to serve Her Majesty as a Special Assistant Engineer
in the East Indies for the Salary and upon the terms and conditions
hereinafter mentioned Now this Indenture Witnesseth that
for and in consideration of the said Robert Fellowes Chisholm being
provided with a free passage to Calcutta and all necessaries for his
accommodation whilst on shipboard and also in consideration
of his necessary expences during his Journey through Egypt being
defrayed And also in consideration of the Salary hereinafter agreed
to be paid to him as hereinafter mentioned He the said Robert
Fellowes Chisholm for himself his heirs executors and administrators
Doth hereby covenant promise and agree with and to the said Elliot
Macnaghten Charles Mills and William Varguhart Arbuthnot and
each of them acting on behalf of the Secretary of State in Council in
manner following (that is to say) that he the said Robert Fellowes
Chisholm shall and will forthwith in such manner as and where
he shall be directed by the Secretary of State in Council who is to
provide for the expences of his so doing proceed to any place in the
Bengal Presidency whether in the Lower or North Western Provinces
of that Presidency or in the Punjab and when he shall be arrived there
shall and will report himself to the Governor or Chief Government
Agent there and shall and will submit himself to the Orders of the
Government there and of the properly authorized Officers or Officers
under whom he shall from time to time be placed and shall

to remain and continue in such service, wherever he may be ordered by the Government to serve, within the Bengal Presidency or the Punjab for the term of twenty-five years, unless he shall be disabled by sickness or other infirmity from attending to the business which he hereby undertakes to perform or shall leave the service with the permission of the said Government. And also that he the said Robert Fellowes Chisholm shall and will during his continuance in the said service wholly employ himself honestly and diligently under the Orders and instructions of such Officers or Officers under whom he shall from time to time be placed and shall not nor will on any pretence whatsoever absent himself from his said service without having first obtained the permission of the Officers under whom he shall be placed or in case of sickness or inevitable accident without a sufficient Medical Certificate that he is unable and unfit to perform the duties of his Office and shall not nor will during his continuance in the said service on his own account or otherwise either directly or indirectly carry on or be concerned in any Trade Traffic or Business whatsoever but devote his whole time and attention to the duties for which he is engaged. And also shall and will well truly and faithfully account for and pay over to the proper Agent or Agents of the Government authorized to receive the same all money goods wares merchandises materials and effects which shall at any time come to his hands or be under his charge on account of the Government and also shall and will during his residence in the East Indies well and truly conform to all the rules and regulations of the Department of the Service to which he shall belong. And also conform to and obey all such orders and directions as he shall from time to time receive from any properly authorized Officers of the Government at the place where he shall from time to time be stationed. Provided always And it is hereby agreed that in case he shall be guilty of any insubordination drunkenness or other intemperance or misconduct or shall be guilty of any breach or non performance of any of the Covenants promises or agreements herein contained then and in any or either of the said cases it shall be lawful for the Government or their Agents or Officers having competent authority for that purpose

to discharge him from the said Service. And it is also agreed by and between the parties hereto that unless he shall receive notice in writing from some properly authorized Officer of the Government twelve calendar months previously to the expiration of the said term of twenty-five years that the Government no longer require a continuance of his services or unless he shall give Notice in writing to the Government twelve calendar months previously to the expiration of twenty-five years that he is desirous to put an end to the said Service then he shall and will continue in the service upon the same terms and conditions as are herein contained from thenceforth until the expiration of twelve calendar months from the time when he shall either receive from the Government or shall give the Government such a Notice in writing. And this Indenture further Witnesseth that the said Elliot Macnaghten Charles Mills and William Bingham Arbuthnot on account of the Government of India Do hereby covenant and agree with the said Robert Fellowes Chisholm that in case and upon condition that he the said Robert Fellowes Chisholm shall observe perform and keep all the covenants and provisions hereinbefore contained and on his part to be observed performed and kept he shall be engaged and retained in the Service of the Government of India in manners hereinbefore mentioned if he shall be able to perform and shall actually perform such service and upon the like condition and not otherwise there shall be paid unto the said Robert Fellowes Chisholm his executors administrators or assigns for so long a time as he shall be actually in their service a Salary or Wages at and after the rate allowed by the Public Works Department in India to the grade of the Service in which he shall from time to time be placed for so long a time as he shall continue in the said Service such salary to be paid monthly in the East Indies commencing from the day of his embarkation for India from England and to cease from the day of his quitting or being dismissed from the said Service and if he shall die while in such Service then such Salary to cease upon the day of his death. And it is also hereby declared and agreed that the grade in the Public Works Department in which the said Robert Fellowes Chisholm shall enter the said Service shall be that of Special

Assistant Engineer and that the said Robert Fellowes Chisholm shall be entitled to admission to all the benefits attached to the said grade. And it is also agreed that the Government of India shall and will provide for the said Robert Fellowes Chisholm all necessary articles which may be required by him for the due performance of his Public Duties in the East Indies. And also shall and will make such allowances as they may deem adequate for his travelling expenses to be incurred in the prosecution of his duties and shall and will if he shall be compelled through ill health to relinquish the said Service within the period of twenty five years after his arrival in India at their own expense find and provide him a free passage to England and all necessaries for his accommodation whilst on Shipboard. Provided always and it is hereby expressly declared and agreed that in case the said Robert Fellowes Chisholm shall be guilty of any insubordination drunkenness or other intemperance or misconduct or shall be guilty of any breach or nonobservance of any of the covenants provisions or agreements herein contained he shall be deemed to have

the proviso before mentioned subject himself to the penalty of dismissal from the said service then he shall and will pay to or for the use of the Government a sum equal to one year's salary as liquidated damages in respect thereof. And also in case he shall absent himself from his said service without first obtaining permission as aforesaid or in case of sickness without forwarding the requisite Medical Certificate of the fact to the Officer under whom he shall be placed then he shall pay to or for the use of the Government the sum of Ten Rupees per diem for every day he shall be so absent as and by way of liquidated damages for breach of Covenant in that respect and shall and will upon demand forthwith pay such liquidated damages to such person or persons or in such manner as may be directed by the said Government or it shall be lawful for the said Governor in Council to order the same to be deducted out of any money which may be due by them to him his executors or administrators on any account whatever. And it is

also declared and agreed by and between the parties to these presents that the proceedings Letters and Reports of the Governor General of India in Council or any of the Governors in Council in India and of all other the Agents or Officers of the Government in the East Indies or any copies or extracts thereof which shall be sent home to the Secretary of State in Council or Officially to any of officers or servants on the Establishment of the Secretary of State in Council in England or to any officers or servants in the Indian Service of Her Majesty in the East Indies in any way relating to the sums of money to be paid or allowed to the said Robert Fellowes Chisholm or to the conduct of the said Robert Fellowes Chisholm in the East Indies or in any way relating to the premises shall be received as conclusive Evidence of any matter therein contained in any action or suit at Law or in equity or in any legal proceedings by or between the parties to these presents or in any way relating thereto. In Witness whereof the said parties hereto have hereunto set their hands and seals the day and year first above written

Signed sealed and Delivered by
above named Robert Fellowes Chisholm (Sd) Robert Fellowes Chisholm
in the presence of

John Allen
Drapers Hall
London—

Signed sealed and Delivered by
Elliott Maenaghsten Charles Mills,
and William Arguehart Arbuthnot,
being three Members of the Council
of India in the presence of

(Sd) E. Maenaghsten
" C. Mills
" W. & Arbuthnot

Fred Chas. Danvers
India Office

We the undersigned have compared
this copy with the original deed
of Covenant, and certify it to be
a correct copy thereof.

Dated this 9th day of March 1883

W. H. Treasurer } Clerk in the Legal Advisers
Robt Wickham } Department India Office

E. C. L.

It is requested that in any further communication on this subject the under-mentioned letters and number may be quoted, and the reply addressed to

The Under Secretary of State for India,
India Office,
London,
S.W.

P. W. 403

India Office, S.W.,

13th March, 1883.

Sir,

With reference to the Public Works Letters from the Government of Madras noted in the margin, I enclose copy of the

* no. $\frac{9}{318}$ W, of 30th Jan'y. 1883.

" $\frac{10}{379}$ " " 3rd Feb'y. "

Covenant executed

by Mr. R. F. Chisholm

on his appointment to the Public Works Department in 1859, and have to request that you will cause it to be forwarded to that officer.

I have the honor to be,

Sir,

Your obedient servant,

Wm. D. D. D.

Secretary.

Public Works Department.

The

Secretary to the
Government of Madras.

Public Works Dept.

Y 4909. 3 rms. - 11/82. 1.2958.

Q. 3184 - 30.1.83

$\frac{9}{3184}$ 30.1.83

3704 - 3.2.83

$\frac{10}{3704}$ 3.2.83

Ph C No 3039

En: 1

Recd 10/4/83

B
Done

No 1074 Wd 11th April 83.

B The enclosure
will be forwarded
to Mr Chisholm

Cu W. J. W.

Copy made for office use

Done
13/4 ✓

To
R. H. Chisholm Esq
Sdtd in receipt Reg

1074