

A. 1915 ~ 9. 7. 83
1916 ~ 9. 7. 83
2184 ~ 8. 8. 83
2364 ~ 22. 8. 83
B. 2283 ~ 16. 8. 83
NOTES.

REFERENCE TO MADRAS P. W. D. CODE.

CHAPTER XIV.—PARAS. 1829 TO 1832.

1. The object of this Return is to place before Government an analysis of all shortcomings in matters of financial regularity in the operations of each month with a view to their being remedied. It should be submitted to Government on the first day of the third month succeeding that to which the accounts relate.
2. There should be a separate statement for each separate Fund—Imperial, Provincial, Local, and Irrigation.
3. The Provincial statement will be posted from the Divisional Statements of Objectionable Expenditure. The statement need not be delayed in order to embody the remarks of the Superintending Engineers if these do not reach the Examiner's Office in time. It is desirable, however, that the Superintending Engineer's opinion should be recorded as far as may be practicable, and, in order to ensure this being done, the Divisional Statement of Objectionable Items should be checked immediately on receipt and sent to the Superintending Engineer for his remarks before the audit of the other accounts is proceeded with.
4. All Executive Officers who have failed to submit their Divisional Statements of Objectionable Items with their Monthly Accounts, as well as those whose statements are generally incomplete, should be specially brought to the notice of Government under "General Remarks" at the end of the statement.
5. Items of irregular expenditure which are left uninclosed by Executive Engineers in their Divisional Statements of Objectionable Items should be distinctly noted as such either in a separate supplementary statement or in the original statement in red ink.
6. Columns under all the heads should be filled up in each case so as to bring out clearly where estimate or appropriation exists and where it does not.
7. In the case of large projects such important features as the following should be stated with precision :—
 - A. Lump sum estimate.
 - B. Abstract detail estimate by sub-heads, and so on.

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1. Submitted to Chief Engineer.

2. Submitted to Superintending Engineer.

3. Not yet submitted.
8. A large work which is proceeded with on merely a lump sum sanction is still objectionable till an abstract and detail estimate by sub-heads is submitted and sanctioned for it by competent authority.
9. Special mention should be made of works being carried out in portions by authorities, beyond whose powers of sanction it would be to sanction the expenditure as a whole.
10. An important point to notice is the duration of a serious irregularity.
11. Voluminous masses of detail, when their practical significance could be given in a few lines, should always be avoided as a rule. If, for instance, the state of matters as to sanction in one month does not materially differ from that of a preceding month, it will answer all practical purposes to say so, instead of sending another full report.
12. Too much stress can never be laid on the fact that this statement is not to take place of special reports, then and there, of works on which serious irregular expenditure is being largely incurred, either without estimate or appropriation.

P. W. D. Madras.
Form No. M 64 a.

No 2653 W of 20th Sept 83

CENTRAL OFFICE OF ACCOUNTS.

CIRCLE 4th

FUND Provincial and Imperial

Provincial Statement of Objectionable Items
in the Accounts of Executive Engineers
for the Month of June 1883.

No. _____

MADRAS,
Dated 14th Sept 1883.

FORWARDED for orders to the Secretary to Government, Public Works Department, Madras.

D. P. Saccary

Examiner of P. W. Accounts,
Madras.

with order signed

Entd. in Receipt Regr

B/A 2283 W of 16/8/83

870

10/11/83

Provincial Statement of Objectionable Items in the Accounts requiring the

of Executive Engineers for the Month of orders of Government.

June 1883.

Item No.	Particulars of each Item.	Month in the Accounts of which Objectionable Expenditure first appeared.	COMPARISON WITH ESTIMATE.			COMPARISON WITH APPROPRIATION OF THE YEAR.			Expenditure during the Month.
			Amount of Estimate.	Expenditure up to Date.	Excess over Estimate.	Amount of Appropriation.	Expenditure of the Year.	Excess over Appropriation.	
	<i>Provincial.</i>								
	<i>Without estimate.</i>								
	<i>Milgiri Division</i>								
1.	Purchase of Mr. Brown's property for a Telegraph Office at Vythiy.	March 1883.	"	4500	4500.	"	"	"	"
2.	Repairs to Government House and subsidiary buildings at Boty Do.			1988	1988.	"	"	"	205.
3.	Leaservancy of the Lake at Botacamund Do.			735.	735.	"	"	"	141.
4.	Purchase of and Repairs to Bombay Castle at Boty May			80341.	80341.				435.

Opinion of the Superintending Engineer, with final Remarks by Examiner.

Orders by Government.

In G.O. No 2283 Wd/ 16th August/83. it was stated that an estimate was received and that it would shortly be disposed of.

The Executive Engineer states that an estimate is under preparation by the Sub-Divisional Officer and that it will be submitted as soon as received.

In G.O. No 2283 Wd/ 16th August/83, it was stated that approximate estimates should be now submitted and detailed ones

No 2653 Wd/ 20th September/83.

Item No: 1 The subject is under reference.

Item No: 2 Vide orders passed in O. J. S. for May 1883.

Item No: 3 and 4 Do Do

Later

Provincial Statement of Objectionable Items in the Accounts requiring the

Item No.	Particulars of each Item.	Month in the Accounts of which Objectionable Expenditure first appeared.	COMPARISON WITH ESTIMATE.			COMPARISON WITH APPROPRIATION OF THE YEAR.			Expenditure during the Month.
			Amount of Estimate.	Expenditure up to Date.	Excess over Estimate.	Amount of Appropriation.	Expenditure of the Year.	Excess over Appropriation.	
5	Stock Manufacture at Wellington	March 1885	3758	3758	"	"	"	"	568
6	Brick and Tile Manufacture at Koundal	May 1885	4030	4030	"	"	"	"	321
7	Brick Manufacture at Stone House	Do	2280	2280	"	"	"	"	93
8	Lime Manufacture Stone House	Do	1621	1621	"	"	"	"	315
9	Repairs to New Hall Bungalow	June/85	220	220	"	"	"	"	21

of Executive Engineers for the Month of orders of Government.

June 1883.

Opinion of the Superintending Engineer, with final Remarks by Examiner.

Orders by Government.

later on. The Executive Engineer states that the estimate for Bombay castle will be submitted as soon as received from the Sub-Divisional Officers.

The Executive Engineer states that an estimate is under preparation and will be submitted shortly.

The Executive Engineer states that estimates were submitted to the Superintending Engineer 4th Circle on the 26th July/83.

The Executive Engineer states that an estimate

Item No: 5 An estimate for the manufacture of bricks and tiles were sanctioned in G.O. No. 2478 W of 4-9-83

Item No: 6 Supg. Engr will report if the estimate for Rs 10,000 sanctioned in G.O. No: 2478 W of 4-9-83 covers this objection
Item No: 7 An estimate for Rs 16580 was sanctioned in G.O. No: 2478 W of 4-9-83

Item No: 8 An estimate for Rs 4682 was sanctioned in G.O. No: 229 W of 16-8-83

Item No: 9 For Supg. Engr's early

was

Provincial Statement of Objectionable Items in the Accounts requiring the

Item No.	Particulars of each Item.	Month in the Accounts of which Objectionable Expenditure first appeared.	COMPARISON WITH ESTIMATE.			COMPARISON WITH APPROPRIATION OF THE YEAR.			Expenditure during the Month.
			Amount of Estimate.	Expenditure up to Date.	Excess over Estimate.	Amount of Appropriation.	Expenditure of the Year.	Excess over Appropriation.	
10	<u>Excess over Estimate Coimbatore Division</u> Firing lightning conductors to the District Court at Mangalore.	June/83	575	843	268	"	"	483	
11	<u>Without Appropriation Nilgiri Division</u> Purchase and repairs to Bombay Castle	May 1883	"	"	"	8775	8775	433	
12	Constructing Barrack and Latrines on stone Horse Hill	April 1883	"	"	"	4085	4085	1754	

of Executive Engineers for the Month of orders of Government.

June 1883.

Opinion of the Superintending Engineer, with Final Remarks by Examiner.	Orders by Government.
was submitted to the Suptg Engineer 4 th Circle on the 30 th July/83.	disposal
The Executive Engineer states that revised Estimate has been returned to Sub-Divisional officer for further particulars.	Item No: 10 Suptg. Engr will see that the necessary steps are taken to remove this item from this statement
The Executive Engineer states that application will be made as soon as the probable expenditure during the year is known	Item No: 11 Rs 11800 appropriate in G.O. No: 2532 W of 10-9-83.
In G.O. No 2283 W of 16 th August 1883.	Item No: 12 Rs 12600 appropriated in G.O. No: 2532 W of 10-9-83.

it.

Provincial Statement of Objectionable Items in the Accounts requiring the

of Executive Engineers for the Month of
orders of Government.

June 1883

Item No.	Particulars of each Item.	Month in the Accounts of which Objectionable Expenditure first appeared.	COMPARISON WITH ESTIMATE.			COMPARISON WITH APPROPRIATION OF THE YEAR.			Expenditure during the Month.
			Amount of Estimate.	Expenditure up to Date.	Excess over Estimate.	Amount of Appropriation.	Expenditure of the Year.	Excess over Appropriation.	
13.	Additions and Improvements to Collectors butcherry at Boty May 1883	"	"	"	"	938	938	188	
14.	Chinchona drying Shed at Adderatham Do	"	"	"	"	1000	1000	163	
<p><u>Miscellaneous</u> <u>Irregularities un-</u> <u>adjusted Rents</u> <u>North Arcot Division</u></p>									
15.	Rents outstanding from Mr. Andrews for occupying the Commandants Quarters at Bellare Fort from 2 nd to 23 rd March/83								
<p><u>Bilgiri Division</u> <u>Excess over Reserve Stock</u> <u>Limit.</u></p>									
16.	Stock Balance on 30 June/83	"	"	17422					
	Sanctioned Reserve	"	"	15000					
	Excess			2422					

Opinion of the Superintending Engineer, with Final Remarks by Examiner.

Orders by Government.

it was said that Funds would be appropriated later in the year.

Item No:13 Rs 3495 appropriated in G.O. No:2341W of 20-8-83.

Item No:14 Rs 15000 appropriated in G.O. No:2532 W of 10-9-83.

The non-recovery of rent from Mr. Andrew from 2nd to 23rd March 1883 is brought to the notice of Government.

Item No:15 Supg Engr will enquire and report on this subject

The stock balance is still in excess of the revised limit recently fixed by Government.

Item No:16 The stock in the Division should be brought within the reserve limit at an early date

Provincial Statement of Objectionable Items in the Accounts requiring the

of Executive Engineers for the Month of
orders of Government.

June 1883.

Item No.	Particulars of each Item.	Month in the Accounts of which Objectionable Expenditure first appeared.	COMPARISON WITH ESTIMATE.			COMPARISON WITH APPROPRIATION OF THE YEAR.			Expenditure during the Month.
			Amount of Estimate.	Expenditure up to Date.	Excess over Estimate.	Amount of Appropriation.	Expenditure of the Year.	Excess over Appropriation.	
	<u>Miscellaneous Irregularities (Contd)</u>								
	<u>Want of Completion Reports.</u>								
17.	Salem Division Constructing District Munsiff's Court House at Tempator.	May 1883	13000	12521	"				
	<u>Overpayment to Contractors</u>								
18.	Kilgiri Division Amount due from Contractor Kottachary	Decr 1882		10.26					
	<u>Works for which revised Estimate are likely to be required</u>								
19.	Constructing Government House Arwood								
			53986	48279					

Opinion of the Superintending Engineer, with Final Remarks by Examiner.

Orders by Government.

The non-submission of completion Report is brought to the notice of Government.

The Executive Engineer states that the amount will be recovered at once.

The Executive Engineer states that a revised estimate has been submitted for sanction.

Item No: 17. Vide orders passed in O.S. for May 1883.

Item 18. Early adjustment will be looked.

Item No: 19. G.O. I. have sanctioned an outlay of Rs 7,79,150 being incurred on this building vide G.O. No: 2459 W of 3-9-83.

Provincial Statement of Objectionable Items in the Accounts requiring the

of Executive Engineers for the Month of
orders of Government.

June 1883

Item No.	Particulars of each Item.	Month in the Accounts of which Objectionable Expenditure first appeared.	COMPARISON WITH ESTIMATE.			COMPARISON WITH APPROPRIATION OF THE YEAR.			the Expenditure during Month.
			Amount of Estimate.	Expenditure up to Date.	Excess over Estimate.	Amount of Appropriation.	Expenditure of the Year.	Excess over Appropriation.	
20.	Additions and Improvements to the Government offices at Stone House Bdy <u>North Arcot Division</u>		4552	29908	"	"	"	"	
21.	Constructing Salug. Kutcherry at Walloyapett <u>May 1883</u>		29800	16961					
	<u>Miscellaneous Advances</u> <u>Coimbatore Division</u>								
22.	Repairing sea wall and protecting the shore at Bayshore from the action of the sea.		5159						
	<u>Grant of Work Voucher</u> <u>Silgiri Division</u>								
23.	Government House at Norwood								

Opinion of the Superintending Engineer, with Final Remarks by Examiner.

Orders by Government.

The Executive Engineer states that the estimate will be revised

Item No: 20 Noted

The Executive Engineer states that the revised estimate has been sent to the collector but returned for certain information

Item No: 21 Noted

In their order No. 1523 N. of 31st May/83. Government state they will await receipt of a communication on the subject from the Consulting Engineer for Railways

Item No: 22 Noted

Work Voucher has not yet been submitted

Item No: 23. Supg. Engr will impress on the Engr that Work Vouchers should account

for

Provincial Statement of Objectionable Items in the Accounts requiring the

of Executive Engineers for the Month of orders of Government.

June 1883

Item No.	Particulars of each Item.	Month in the Accounts of which Objectionable Expenditure first appeared.	COMPARISON WITH ESTIMATE.			COMPARISON WITH APPROPRIATION OF THE YEAR.			the Expenditure during the Month.
			Amount of Estimate.	Expenditure up to Date.	Excess over Estimate.	Amount of Appropriation.	Expenditure of the Year.	Excess over Appropriation.	
24	Imperial. without Estimate Bombay Division Improvements to the Cantonments Nulla puram.	"	"	575	575	"	"	"	86
25	Annual Repairs to buildings for European Infantry lines at Kan- nare.	"	"	922	922	"	"	"	411
26	Annual Repairs to military buildings at Ballent.	"	"	946	946	"	"	"	456
27	Annual Repairs to military buildings at Nulla puram.	"	"	1352	1352	"	"	"	691
28	Annual Repairs to								

Commissioner

Opinion of the Superintending Engineer,
with final Remarks by Examiner.

Orders by Government.

for this work; nor has
the delay in submission
been explained by the
Executive Engineer.

pay the accounts.
Item No: 24 to 28 Vide
orders passed in P.S.
for May 1883

The Executive Engineer
stated that Estimates
have been received
from the sub-Divisional
officers and that
they will be for-
warded for sanction
as soon as they are
checked

Provincial Statement of Objectionable Items in the Accounts requiring the

Item No.	Particulars of each Item.	Month in the Accounts of which Objectionable Expenditure first appeared.	COMPARISON WITH ESTIMATE.			COMPARISON WITH APPROPRIATION OF THE YEAR.			Expenditure during the Month.
			Amount of Estimate.	Expenditure up to Date.	Excess over Estimate.	Amount of Appropriation.	Expenditure of the Year.	Excess over Appropriation.	
	Commissariat buildings at Mullaipooram	"	"	208	208	"	"	"	208
29	Without Appropriation Adgiri Division Extending 6 th water main piping for the barrack square at Wellington.					2830	2830	390.	
30	Excess over Appropriation Post office at Devalah.	"	"	"	"	1500	2000	500	2000.
31	Miscellaneous. Irregularities Works for which revised estimates are required. Combined Post and Telegraph Office at Ooty.								46760 34568

of Executive Engineers for the Month of orders of Government.

[P. W. D. Madras Form No. M 64 a—Inner Sheet.

June 1883.

Opinion of the Superintending Engineer, with final Remarks by Examiner.	Orders by Government.
In L.O. No 2283 of 16 th August/83 it is stated that an appropriation will be made later in the year if possible.	Item No: 29. Vide orders passed in R.S. for May 1883.
The Executive Engineer states that application has been made for additional appropriation.	Item No: 30. The Director General of Post Offices has been addressed on this subject.
The Executive Engineer states that a revised estimate will	Item No: 31. The submission of the revised estimate should be expedited.

be.

Provincial Statement of Objectionable Items in the Accounts requiring the

of Executive Engineers for the Month of

June

1883.

Item No.	Particulars of each Item.	Month in the Accounts of which Objectionable Expenditure first appeared.	COMPARISON WITH ESTIMATE.			COMPARISON WITH APPROPRIATION OF THE YEAR.			Expenditure during the Month.
			Amount of Estimate.	Expenditure up to Date.	Excess over Estimate.	Amount of Appropriation.	Expenditure of the Year.	Excess over Appropriation.	
32.	Want of Completion Reports. North Arcot Division Imperial Military 3. Works.	May 1883	791.	759.					

Opinion of the Superintending Engineer, with final Remarks by Examiner.

Orders by Government.

he submitted
as soon as possible.

Completion Reports
for these works
are due.

Item No. 32 Completion
reports due should
be early submitted
to the Examiner.

D. P. Curdson

Examiner of P. W. Accounts,

Madras.

17/9

The Supy Engr Fourth Circle
thru the Examiner P. W. Accounts

15/9

Report to accompany the Estimate for completing the construction of Government House at Ootacamund and for furnishing it, called for in letter from the Government of India, No. 87, of the 13th January 1883.

Owing to the yearly increasing difficulties of securing a suitable residence for His Excellency the Governor and Staff at Ootacamund, during the annual hot-weather sojourn of Government on the Nilgiri Hills, it was decided in 1876 to acquire the property known as "Upper Norwood," adjoining closely to which was the "Lower Norwood" property, already in possession of Government. On each of these existed bungalows built in the old style, ill-arranged, constructed of very indifferent materials, and not even water-tight. Lower Norwood was especially, from its low situation and bad construction, extremely damp and unfitted as a residence.

2. In view to economy, the first intention was to use the bungalows for the Governor's family and staff; adding merely such public rooms, in a separate building, as were deemed to be indispensably necessary for His Excellency's office and for reception purposes.

3. The plans proposed under this view when in great measure carried out were found very inadequate, but no final decision as to their precise scope could be arrived at in 1877, as the Government did not go to the Hills that year. In 1878 it became, however, sufficiently clear that the two old bungalows above adverted to were quite unsuited, both as regards character and amount of accommodation, for the Governor's family and staff; and that considerable additions must be made to the buildings.

4. This led to organic changes in the original design, and after a series of modifications the plan finally adopted was that of a large two-storied building, affording complete accommodation for the family, in addition to the public reception rooms of the first design, but making no provision for the Private and Military Secretaries, Staff, &c.

5. It is needless to trace the various changes and many alterations of the plans which this rather wide departure from the original scheme necessarily involved, or which arose from other causes. Suffice it to say that, by September 1878, the outlay had reached 2½ lakhs, when the Government of India raised objections to the provision of a residence for His Excellency the Governor at a Hill Station at the public expense, on the ground that it was opposed to the orders of the Secretary of State. But in reply it was submitted that the principle of "prohibiting the transfer, periodically, of the seat of Government to the Hills" had been abandoned by the Home authorities; that it had been assumed that the Local Government had full authority to incur expenditure within their powers of sanction (Rs. 10,00,000); and that economy had been consulted by spreading the outlay over several years.

6. The estimate framed under the above circumstances, and which for all practical purposes may be considered as the original estimate, amounted to Rs. 2,66,660, and was sanctioned by the Madras Government in G.O., No. 4488 W., of 25th November 1878. But even as regards this, economy was still so much kept in view that no provision was made for either decorating the outside or inside of the building (in fact, interior plastering was to a great extent omitted), for furniture, for providing quarters for His Excellency's Staff, for adequate servants' houses, &c., or, indeed, for anything much beyond the bare walls of the principal mansion.

7. The first revised estimate was forwarded to the Government of India for sanction with G.O., No. 3016 W., of 27th November 1879, and amounted to Rs. 2,76,000; but this again provided for little more than a revision of the rates of the work, and made no further provision than the first for even necessary adjuncts, to say nothing of securing even the most ordinary comfort. This revised estimate was formally sanctioned by the Government of India in their Secretary's letter, No. 560, of 31st January 1880.

8. As neither of the abovementioned estimates had any amount entered in them for the cost of acquiring the Norwood Estate, and as it had been shown that a large expanse of terraced roof was altogether unsuited to a wet monsoon at Ootacamund, and that the expense of an iron pent roof must be incurred; further, as became clear, first to the late Mr. Adam, and subsequently to Mr. Hudleston, the Acting Governor, that some additions must be made to the scheme in order to secure a habitable house with a road of approach to it, the estimate was again recast in 1881, providing for the following items:—

	RS.
1. Purchase of Upper Norwood property	20,306
2. Improvements to do.	21,440
3. Constructing the new building	3,17,093
4. Water-supply	8,582
5. Covered passage from the new building to Upper Norwood ...	1,693
6. New road of approach	33,800
Total	4,02,914

9. At the time of the submission of this estimate the outlay had reached Rs. 3,31,742, the yearly expenditure on the work from the commencement being as follows :—

	RS.
1876-77	62,733
1877-78	1,10,662
1878-79	57,967
1879-80	30,990
1880-81	45,990
to December 1881	23,400
Total	3,31,742

10. As this was the condition of matters when His Excellency the present Governor assumed office, it may be as well to advert to the fact that practically there was little more than the bare walls of what could no doubt in time and with adequate outlay become a suitable Government House. The flat roof (which had not been approved of by the department) had proved leaky, and only the south wing had been provided with an iron pent roof over the terracing; most of the dwelling rooms had remained unplastered, and many essential conveniences were absolutely wanting. Accommodation for the staff further than such as could be found in the old bungalows (one of which proved quite uninhabitable) there was none; the provision for servants and cattle was either entirely inadequate or wholly wanting; the furniture consisted only of a few old articles brought up from the Government House at Guindy (Madras); the new road of approach in substitution for the old steep and dangerous track which previously served as such had only just been commenced; the roads near the house itself and its surroundings had only been worked out in the roughest fashion, &c. In fact, although the skeleton of a suitable Government House was there, some of the most clearly proved necessities had not been provided for. As to ordinary conveniences, to say nothing of comforts or embellishments, they had no existence.

11. Under the above circumstances, in August 1882 a Committee assembled to report on the further requirements of Government House, with a view to the completion of the main building, and the adaptation of the subsidiary ones for occupation by His Excellency the Governor's Staff and household, and their report is recorded at length in G.O., No. 2139 W., of 19th August 1882. The approximate estimate framed by the Committee for the proposed additions, not including furniture, &c., amounted to Rs. 1,88,000. The expenditure on the building in 1882-83 was Rs. 42,083, making, with the outlay previously incurred, a grand total of Rs. 3,89,524, or including furniture Rs. 4,54,524.

12. The letter of this Government forwarding the above report showed that, notwithstanding this sensible increase to the outlay, some essential items, such as furniture, had not been entered, and the Government of India, in their reply, No. 87, of 13th January 1883, called for "a complete estimate of the cost of finishing and furnishing the house."

1. In consequence of a reminder from the Government of India, dated 19th April 1883, the Superintending Engineer was called on to submit the complete estimates, the preparation of which was to take precedence of all others.

14. The estimate now submitted, amounting to Rs. 7,79,150, is in reply to the last-quoted demand to the Government of India, and comprises the following items, which it is believed will be found to cover all actual requirements of the scheme from first to last :—

- I. The six sub-heads of the estimate sanctioned in G.O., No. 390 W., of 11th February 1882, i.e., all previous outlay, whether on account of the Norwood property or new works as then foreseen.
- II. Twenty-four of the works specified in the report of the Committee of August 1882 as above adverted to. That report mentioned twenty-eight works; but four of these having since then been held as being more correctly chargeable to the sanctioned estimate, have been so treated.
- III. Six additional minor works, which on the latest information were found to be essential.
- IV. Contingencies to the amount of Rs. 15,000 as previously recommended by the Committee.

15. As regards the six sub-heads of the estimate of February 1882, no outlay whatever has been incurred since that date on the first two,* which had previously been completed; consequently no revision of those sub-heads is necessary.

16. But expenditure has been incurred against three† of the others, and those estimates have consequently been revised.‡ As regards No. 5, a small outlay was incurred for a rough temporary covered passage, which is to be superseded by sub-head No. 12 of the present estimate.

* Nos. 1 and 2.

† Nos. 3, 4, and 6.

‡ See accompanying comparative statements.

17. The general result of the revision of the sub-heads in question is as follows :—

No.	Nature of Work.	As sanctioned.	As revised.
		RS.	RS.
3	New building	3,17,093	3,12,460
4	Water-supply	8,582	6,900
5	Covered passage	1,693	115
6	Road of approach	33,800	56,770
	Total	3,61,168	3,76,245
	Excess over previous sanctions	...	15,077

The comparative statements* for the new building, water-supply, and road of approach clearly show, in separate columns, the work done, remaining to be done, and not required. The principal cause of the apparent reduction in the cost of the new building is the provision of a separate estimate for "decorations"† on a greater scale than was formerly contemplated, and which was clearly inadequate to a work of this character. But the revised amount for the new building includes Rs. 10,258 for completing the roofs, ceilings, floors, windows, fire-places, &c., where they are still in an unfinished state.

18. Of the remaining thirty-one sub-heads, detailed estimates are furnished for twenty-five, and lump sums have been entered against the remaining six, the details of which cannot now be estimated more exactly. These lump-sum entries are as follows :—

	RS.
I. Finishing exterior of main building	20,000
II. Conservatory and glass covered passage from Upper Norwood	10,000
III. Furniture (see the annexed appendix by the Private Secretary, giving the needful information in reference to this item)	1,25,000
IV. Completing the garden front	6,000
V. General surroundings and laying out and planting the grounds.	15,000
VI. Unforeseen contingencies	15,000

19. The following remarks seem necessary in regard to some of the sub-heads of the estimate :—

No. 4. *Water-supply*.—The saving occurred in the cost of iron piping, which had been over-estimated.

No. 5.—Only a rough temporary covered passage has yet been built, which cost Rs. 115; for this a conservatory and glass covered passage is to be substituted.

No. 6. *Road of approach from "Charing Cross."*—It may here be observed that nothing could well have been worse than the old road, which was so narrow, steep and tortuous as to be quite dangerous. Near its commencement it leads through one of the most frequented business portions of the station, and after that leads to a number of private houses and hotels and the Public Gardens, lastly to Government House; on the whole it may be looked on as forming one of the most important of the Ootacamund roads, quite irrespective of its incidental connection with Government House, and its cost might thus have been fairly debited to Miscellaneous Public Improvements.

The late Governor, Mr. Adam, saw at once the absolute necessity of providing for this road, and after his death the Acting Governor, Mr. Hudleston, decided finally to carry it out. As this work progressed alterations were found necessary in various features of the estimate, and several of the original proposals were improved upon. Stone curbing was substituted for brick-work in defining the footpaths as being more durable; gravelled side paths were provided; also additional means of cross drainage; and especially for dealing with the unwatering of a very insanitary swamp through which the road was taken, and the drainage of which was considered to be most desirable. This latter has led to rather heavier expenditure than was anticipated. The revised estimate provides also for ornamental parapets, surmounted by lamps, at the Garden Bridge; and on the branch line towards Stonehouse Hill a new masonry culvert is to take the place of an old and unsightly platform bridge. Provision has also been made for ornamental gate piers, with suitable lamps, at the entrance to the Gardens.

Nos. 8 and 31.—The decorations and furniture are being provided under the immediate supervision of the Private Secretary. That officer's memorandum in regard to the latter is appended.

No. 9. *Improvements to Lower Norwood.*—As before noted, this old building, from defective construction, was condemned as unfit for habitation, and the improvements here provided for have been in progress this season, and much of the work required has already been carried out.

Nos. 11 and 19.—The old bungalows here adverted to are Upper Norwood and Garden Cottage, the first of which has been before mentioned. Both are very old bungalows of faulty construction and with leaky roofs, quite unfit in their present condition for affording the needful accommodation of the Private Secretary and His Excellency's Surgeon with their families, for which they are intended.

No. 12. *Conservatory and Glass Covered Passage.*—Information regarding this work, on which to base an estimate, has been written for to England, and in the course of another month it will probably be possible to furnish a detailed estimate.

No. 28. *Road to Snowdon.*—The estimate only provides for widening to 15 feet, metalling, and improving the cross drainage, as approved by His Excellency the Governor. As regards this item, it may be observed that on much the same grounds the outlay on this road might, like that of the new road of approach, have been debited to Miscellaneous Public Improvements, and not specially to the Government House estimate. It connects the Public Gardens with the house now occupied by His Excellency the Commander-in-Chief, as also with Snowdon and Dodabetta, which are so frequently visited by the residents in Ootacamund.

Similar remarks apply to No. 20, Road to Garden Cottage.

OOTACAMUND,
4th July 1883.

(Signed) R. H. SANKEY, Colonel, R.E.,
Chief Engineer, P.W.D.

Appendix to the Report.

List of Works included in the Complete Estimate of Government House, Ootacamund.

No. of Sub-heads.	Nature of Work.	Amount.
		RS.
1.	Cost of Upper Norwood property	20,306
2.	Improvements to Upper Norwood property	21,440
3.	Constructing the new Government House	3,12,640
4.	Water-supply for the new building	6,900
5.	Covered way to Upper Norwood	115
6.	New road of approach	56,770
7.	Completing the water closets, and providing three trap sinks and four swing doors	820
8.	Interior decorations	53,000
9.	Improving Lower Norwood	13,657
10.	Covered passage from Lower Norwood to the main building.	4,980
11.	Improving Upper Norwood	16,860
12.	Conservatory and glass covered passage to the main building.	10,000
13.	New blocks of servants' quarters	20,530
14.	Moving the drinking-water cistern and relaying the pipes... ..	120
15.	House for the coachman, and similar building to accommodate the cook, and afford shelter to the guard and fire-engine	18,140
16.	New cow-shed and store-room	3,290
17.	New gram-shed and boiler	880
18.	Stable-yard improvements	1,370
19.	Improvements to Garden Cottage	10,000
20.	Improving road to Garden Cottage	1,620
21.	Repairing small cottage by the Fern House for the Apothecary	390
22.	Improving the bungalow above Garden Cottage	1,880
23.	Finishing the exterior of the main building	20,000
24.	Clearing away existing row of servants' houses and forming a standing ground for carriages	900
25.	New south-east approach	5,300
26.	Entrance to stable-yard	760
27.	Stable for sick horses	1,960
28.	Improving road to Snowdon	6,620
29.	Completing the garden front	6,000
30.	General surroundings	15,000
31.	Furniture	1,25,000
32.	Improvements to kitchen, store-rooms, cellars, &c.	2,930
33.	Passage from servants' rooms to hall, and dry-earth closet... ..	1,100

No. of Sub-head.	Nature of Work.	Amount.
		RS.
34.	Passing drainage of roofs under verandah floors	280
35.	Shed to be used for cutting up wood, and for horses to stand in on party nights	832
36.	Completing the harness-room	1,760
37.	Unforeseen contingencies	15,000
Total ...		7,79,150

(Signed) J. BEATTY, Colonel, R.E.,
Superintending Engineer, Fourth Circle.

2nd July 1883.

Estimate for furnishing Government House, Ootacamund.

A lump sum of Rs. 1,25,000. In this lump sum are included the items amounting to Rs. 48,975, about which the Honorable Major Baring spoke when in Madras in 1882, and to the sanction of which in the Financial Department of the Government of Madras the Government of India accorded their confirmation in paragraph 3 of their Financial letter, No. 87 of 13th January 1883. In contracting not to exceed an additional expenditure of Rs. 76,025 for completing the furnishing of the house, His Excellency the Governor agrees that out of that sum no further expenditure shall be incurred on glass, China, or linen in accordance with the instructions conveyed in the latter part of paragraph 4 of the letter of the Government of India above quoted.

(Signed) A. AWDRY, Captain, R.E.,
Private Secretary.

OOTACAMUND,
3rd July 1883.

FOURTH CIRCLE—PUBLIC WORKS DEPARTMENT—NILGIRI DIVISION.

List of Plans connected with Government House, Ootacamund.

Estimate Item No.	Plan No.	Names of Plans.
...	1	Plan showing Government House and Garden.
...	2	Gate piers with lamps to Garden Entrance.
6	3	Skew culvert on Stonehouse approach road.
...	4	New faces to Garden Bridge.
...	5	Lower Norwood.
9	6	Covered way from Lower Norwood.
10	7	Upper Norwood.
11	8	New blocks of servants' quarters.
13	9	Coachman's house, and House for cook, guard and fire-engine.
15	10	Cow-shed and straw store.
16	11	Gram store and gram-boiling shed.
17	12	Improvements to Garden Cottage.
19	13	Improving road to Garden Cottage.
20	14	Improving bungalow to accommodate the Governor's Band.
22	15	Standing ground for carriages on party nights.
24	16	New south-east approach.
25	17	Entrance to stable-yard.
26	18	Sick horse stable.
27	19	Improvements to Snowdon Road.
28	20	Shed for standing horses and cutting wood.
35	21	Ground plan of upper floor.
...	22	Do. of lower floor.
...	23	Elevation of main building.

NILGIRI DIVISION,
30th June 1883.

(Signed) J. C. LARMINIE,
Executive Engineer, Nilgiri Division.

(Signed) J. BEATTY, Colonel, R.E.,
Superintending Engineer, Fourth Circle.

9TH JULY 1883, No. 1915 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

READ—the following papers :—

From Colonel J. BEATTY, R.E., Superintending Engineer, Fourth Circle, to the Chief Engineer, Public Works Department, dated Ootacamund, 2nd July 1883, No. 123 C.W.

As directed in your letter, No. 83 E., of 4th May 1883, I have the honor to forward, herewith, the complete estimate of Government House, Ootacamund. The accompaniments of this letter are as follow :—

* Sent herewith.

+ In a separate cover.

+ Do. do.

§ With the bundle of estimates.

|| With the bundle of plans.

¶ Will follow.

1 Report * with Appendix.

1 Specification.†

20 Plans.†

4 Comparative Statements.‡

25 Detail edEstimates with Abstracts.‡

1 List showing the different Sub-heads of the Estimate.§

1 List of Plans.||

1 General Abstract Estimate.¶

From the same Officer, dated Wellington, 3rd July 1883, No. 151 C.

In submitting the estimate for completing Government House and furnishing it, I did not send copies of the sanctioned plans and elevations of the main building, as these were submitted with the sanctioned estimate of February 1882, and there are copies with the Private Secretary to His Excellency the Governor, as well as possibly in your own office. But, lest they should be wanted, I have now the honor to send you the copies that were sent me with G.O., No. 346 W., of 1st February 1883.

“Report” on Estimate, dated 4th July 1883.

ORDER—dated 9th July 1883, No. 1915 W., Public Works.

Ordered to be forwarded to the Government of India.

(Here enter No. 1916 W., dated 9th July 1883.)

(True Extract.)

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

To the Superintending Engineer, Fourth Circle, with copy of Report.
„ Private Secretary to His Excellency the Governor, with copy of Report.
„ Financial Department.

Exd. A. F. Goodall.
Spare Copies

BUILDINGS AND ROADS.
CIVIL WORKS.

Gobt. of {1883} Madras.

PUBLIC WORKS.

Dated July, 9th.

Recd.

Encl.

G.O., 9th July 1883, No. 1915 W.

JULY.

Government House, Ootacamund

*Ordered that the complete estimate for —
be forwarded to the Government of India.*

9TH JULY 1883, No. 1916 W., PUBLIC WORKS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

LETTER—from

COLONEL R. H. SANKEY, C.B., R.E.,

Secretary to the Government of Madras,

Public Works Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

PUBLIC WORKS DEPARTMENT.

SIR,

I am directed by the Right Honorable the Governor in Council to forward, herewith, with the documents noted in the margin, the complete estimate for Government House at Ootacamund as called for by the Government of India in their letters of the 13th January 1883, No. 87, and 19th April 1883, No. 394.

2. The present estimate, amounting to Rs. 7,79,150, covers, I am to say, not only the outlay originally incurred in

acquiring the Upper Norwood property on which the house has been built, but also of various roads and other improvements only incidentally connected with the work, together with all past and probable future outlay upon it and its surroundings, including decorations inside and outside, as well as furniture.

3. It is understood that the Government of India has signified its readiness to accept a lump sum estimate for the furniture, and as regards some few items, of which, owing to their special character, it is impossible at the present moment to give the details, full explanation will be found in the report appended to the estimate.

4. From that report it will be observed that altogether inadequate provision was made in the earlier estimates for suitable accommodation for the household and establishment of the Governor.

5. From the Proceedings of the Committee assembled in August 1882 under the orders of this Government it will, moreover, be found that several of the old buildings, which had been originally intended for the partial accommodation of His Excellency's Staff, had been built of bad materials, and had become almost uninhabitable from damp (one indeed was medically condemned from this cause), and that the provision of servants' quarters and other out-houses was altogether insufficient.

6. With no other object than to make the place suitable as a residence for the Governor, his staff and servants, His Excellency in Council has found it indispensable to make certain additions to the previous schemes, which will be found duly set forth in the report.

7. The expenditure booked against the work, including Rs. 65,000 out of the lump sum of Rs. 1,25,000 for furniture up to end of the past official year, amounts to Rs. 4,54,524, thus leaving Rs. 3,24,626 for expenditure during the present and following years. During the year now current about Rs. 60,000 will in all probability have to be spent, and the remainder will be distributed over the following years in such amounts as may be found to be convenient with reference to the other demands on Provincial Funds.

I have the honor to be,

Sir,

Your most obedient servant,

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

OOTACAMUND,
9th July 1883.

Exd. A. F. Goodall.
Spare Copies

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of (1883) Madras.

PUBLIC WORKS.

Dated July, 9th.

Recd.

Encl.

G.O., 9th July 1883, No. 1916 W.

JULY.

Government House, Ootaca-
mund

FORWARDING complete estimate for —.

8TH AUGUST 1883, No. 2184 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Account.

READ—the following paper:—

Application for a re-appropriation of Budget Grants, Provincial, Nilgiri Division, from the Superintending Engineer, Fourth Circle, dated 27th July 1883, No. 301.

ORDER—dated 8th August 1883, No. 2184 W., Public Works.

The following transfers of Provincial Funds are sanctioned:—

From	RS.	To	RS.
Sub-Registrar's Office at Gúdalúr, Budget Item No. 58	4,833	Sub-Registrar's Office at Pulivendla, in the Cuddapah Division	2,320
		Provincial Reserve	2,513

2. An allotment of Rs. 1,000 is made to the Nilgiri Division under Provincial Repairs, Miscellaneous Public Improvements, being the balance of reserve with Government under that head.

3. The appropriations required for the four incomplete works of last year, entered in the statement, will be considered later in the year, as there are no funds at present from which the Superintending Engineer's demands can be met, but the works may be pushed on pending the necessary appropriation.

(True Extract.)

(Signed) R. H. SANKEY, Major-General, R.E.,
Secretary to Govt., P.W.D.

To the Superintending Engineer, Fourth Circle, with copy of Statement.

" " " Third Circle.

" Examiner, Public Works Accounts, with copy of Statement.

Exd. A. F. Goodall.
Spare Copies

GENERAL.
ACCOUNT.

Govt. of {1883} Madras.

PUBLIC WORKS.

Dated August, 8th.

Recd.

Encl.

G.O., 8th Aug. 1883, No. 2184 W.

AUGUST.

Re-appropriation of Budget
Grants

Passing orders on the application for a —,
Provincial, Nilgiri Division.

22ND AUGUST 1883, No. 2364 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

READ—the following papers :—

From Colonel J. BEATTY, R.E., Superintending Engineer, Fourth Circle, to the Secretary to Government, Public Works Department, dated Ootacamund, 7th June 1883, No. 229 W.

With reference to G.O., No. 383 W., of 3rd February 1883, sanctioning the purchase of Messrs. Brown and Co.'s property at Vayitri for Rs. 4,500, I have the honor to report that the Telegraph Department being urgently in need of the building, the Executive Engineer paid the purchase-money in March, on the understanding that the owner would execute a proper deed of transfer as soon as it had been prepared by the Government Solicitor.

2. The owner states * that he is still quite prepared to give a fair title to the property, but the Government Solicitor does not see how to prepare a conveyance, and suggests that the correspondence should be forwarded to Government for orders.

* Vide his letter of 13th ultimo.

ENCLOSURES.

From E. BARCLAY, Esq., Government Solicitor, to the Executive Engineer, Nilgiri District, dated Madras, 22nd May 1883, No. 282.

With reference to your letter of 20th March last, No. 633, I forward herewith copy of a letter I addressed on the 17th ultimo (No. 221) to Mr. Brown regarding his title to the premises referred to in your letter and which form part of the Pookote Estate, and copy of Mr. Brown's reply, dated 13th instant.

2. From my letter to Mr. Brown you will see how very unsatisfactory his title to anything beyond an undivided one-fourth share in the property is. Mr. Brown, in his letter, says that the ground proposed to be sold is considerably less than the one-fourth he is entitled to, but that is not the point, for what Mr. Brown is entitled to is not a particular one-fourth part of the estate, but an undivided one-fourth share in the whole estate, so that he cannot convey more than an undivided one-fourth share in any part of it.

3. Then, again, Mr. Brown says that his mortgage to Messrs. Oakes and Co. did not include the property in question, as it had been previously mortgaged by him to Dr. Henderson; but supposing that Mr. Brown was, as he alleges, entitled to a moiety of the estate, it must be an undivided moiety, for there is nothing to show that he had any particular divided share of the estate, and his mortgage to Messrs. Oakes and Co. would be of an undivided moiety in the whole estate, subject to Dr. Henderson's previous mortgage; in fact, Messrs. Oakes and Co. would have only a second mortgage.

4. Mr. Brown says it formed no part of his contract that he was to guarantee his title to the property, and that had he the slightest idea that I intended inspecting more than the original lease, he would have declined allowing me an inspection. Mr. Brown has, however, overlooked the provisions of Section 55 of the transfer of Property Act, which, however, is no new law. Some of these provisions are that the seller is bound (a) to disclose to the buyer any material defect in

the property of which the seller is, and the buyer is not, aware, and could not with ordinary care discover; and I need hardly say that insufficiency of title is a very material defect of which Mr. Brown as seller must be taken to be aware, and which Government could not, without an inspection of the title-deeds, be aware or discover; (b) to produce to the buyer, on his request for examination, all documents of title relating to the property which are in the seller's possession or power; (c) to answer to the best of his information all relevant questions put to him by the buyer in respect to the property or the title thereto; (d) on payment or tender of the amount due in respect of the price to execute a proper conveyance of the property when the buyer tenders it to him for execution at a proper time and place, and, most important of all, that the seller shall be deemed to contract with the buyer that the interest which the seller professes to transfer to the buyer subsists and that he has power to transfer the same. As a matter of law, it did form part of Mr. Brown's contract that he was to guarantee his title to the property. He contracted to sell to Government certain land in which he has, according to his own showing, but an undivided half share, and that subject to a mortgage, and in which, according to the title-deeds, he has only an undivided one-fourth share, so that really he is, as matters stand at present, unable to perform his contract, for he cannot execute a proper conveyance of the property he contracted to sell.

5. I do not see how I am to prepare a conveyance of the property from Mr. Brown to Government. I would suggest that the correspondence be forwarded to Government for orders.

From E. BARCLAY, Esq., Government Solicitor, to H. W. BROWN, Esq., Pookote, Wynaad, dated Madras, 17th April 1883, No. 221.

The title-deeds relating to your property, consisting of a house, godown and about 3 acres of land, forming part of the Pookote Estate, Wynaad, have been sent to me by Messrs. Oakes and Co. for inspection and examination on behalf of Government.

I have made a careful and complete examination of these deeds and find that the title is in a very unsatisfactory condition.

The earlier title is extremely incomplete, but it seems that in the year 1854 the estate was vested in the following persons in the shares specified below:—

One-half in Mr. William Robson.
One-fourth in Mr. William Elsam.
One-fourth in Messrs. H. B. and E. Elsam.

The title to Mr. Robson's moiety seems to be tolerably clear, but there is no evidence to show how Messrs. H. B. and E. Elsam became entitled to their share beyond some pencil notes on a schedule of deeds which is with the papers.

In fact, the greater part of the evidence, if such it can be called, as to the devolution of title is derived from pencil notes on the above schedule.

By a deed, dated the 1st May 1863, Mr. William Elsam conveyed his one-fourth share to yourself, and this seems to be the only direct interest you have in the property, and even this share is encumbered by mortgage as hereafter appears.

Messrs. H. B. and E. Elsam appear to have become insolvent in or about 1854, and their share became vested in the Official Assignee at Bombay. I can find no trace among the title-deeds of this share ever having been conveyed to you. Perhaps you may be able to throw some light on the subject. If no assignment has been made to you, the interest still remains in the Official Assignee at Bombay, and he will have to be a party to any assignment to Government.

Another flaw in the title is the mortgage by you to Messrs. Oakes and Co., dated 30th September 1873, of your so-called moiety in the property, of which no reconveyance, as far as I can discover, has ever been made. If no reconveyance has been made, the representatives of the then partners of Oakes and Co. and Mr. Dawson will have to be reconveying parties to Government on an assignment being made.

Again, no representation appears ever to have been taken out to Mr. William Robson's estate in this country; the proper conveying party of Mr. William Robson's interest is his representative here, as his executrix in England has no power over property in India.

The title being in this extremely unsatisfactory condition, I cannot advise Government to accept it until, at all events, some satisfactory evidence is produced of the assignment to you from the Official Assignee at Bombay and of a reconveyance to you from Messrs. Oakes and Co., or of the readiness of the representatives of the former partners, Messrs. W. T. S. and James Oakes, and of Mr. Dawson to become parties to the assignment to Government.

Perhaps you will be able to produce the above evidence, and I shall be glad to hear that you can do so.

In the event of your being unable to do this, the following persons will have to be parties to the assignment to Government:—

Yourselves as mortgagor.
The representatives of Messrs. W. T. S. Oakes and James Oakes } Of one-fourth.
and Mr. H. R. Dawson as mortgagees

The Official Assignee at Bombay representing Messrs. H. B. and } Of one-fourth.
E. Elsam
The representative in this country of the estate of the late Mr. } Of one-half.
William Robson

The difficulty as to the representation in this country to Mr. Robson's estate still remains. If I am correct in my supposition that no representation has been taken out, this should be done, as until it is there is no properly constituted person who can make any assignment on behalf of the estate.

I shall be much obliged by your letting me hear from you as soon as possible, with any evidence you are able to furnish regarding the difficulties in the title that I have pointed out.

I enclose a copy of my notes of the history of the title which may be of use to you, and if you can clear up any of the objection to the title you will find, I shall be very glad.

From H. W. BROWN, Esq., to the Government Solicitor, dated Vayitri, 13th May 1883.

Telegraph Office, Vayitri.

I am in receipt of your letter of the 17th ultimo and note contents. In reply, my house was purchased and possession taken by Government unconditionally nearly four months ago.

It formed no part of my contract that I was to guarantee my title to the property, and had I the slightest idea that you intended inspecting more than the original lease, I would have declined allowing you an inspection. With all due deference to your opinion, I am, however, quite prepared to give a fair title to the property; you yourself acknowledge that I have a good title to one-fourth of the Pookote Estate; the house was built by myself, and the ground proposed to be sold with it is considerably less than the one-fourth I am entitled to.

It is with Messrs. Oakes and Co.'s full knowledge and consent that I disposed of the property, and although my half interest in it was mortgaged to them in 1873, it did not include the property in question, as latter had been previously mortgaged by me to Dr. Henderson in March 1873 and redeemed by me from his executors on 19th November 1878, so there is no necessity for Messrs. Oakes and Co. being parties to the transfer.

No. 67.

Forwarded to the Superintending Engineer, Fourth Circle, for such action as he may think requisite. It will be noticed that the property is now in possession of the Telegraph Department.

(Signed) J. C. LARMINIE,
Executive Engineer.

26th May 1883.

No. 163 E., Public Works.

Seeing that Mr. Brown is required under the law to convey the property to Government with a proper title, which he seems unable to do, the Government Solicitor is requested to state whether Mr. Brown can now be called on to refund the purchase-money which has already been paid to him, or failing this, whether the money can be recovered by civil suit. The Government might in this case offer to rent the building, with the proviso that they will purchase whenever Mr. Brown is in a position to sell with a title which shall be satisfactory to the Government law officers.

2. As an alternative arrangement, the Government Solicitor is requested to report whether there would be any objection to the acquisition of the property under the Land Acquisition Act, and whether this would not get over the difficulty of defective title.

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Government.

16th June 1883.

From E. BARCLAY, Esq., Government Solicitor, to the Secretary to Government, Public Works Department, dated Madras, 19th June 1883, No. 312.

I beg to acknowledge receipt of copy of Proceedings of Government, Public Works Department, dated 16th instant, No. 163 E.

2. Of the three courses suggested in those Proceedings, I think that of taking up under the Land Acquisition Act the property which Mr. Brown contracted to sell to Government would be the safest, as thereby all question as to the title would be avoided, for Government acquires a title under the Act itself to land taken up thereunder.

3. As, however, the purchase-money has already been paid to Mr. Brown, it would be advisable to communicate with him in the first instance, and, referring to the deficiency of title, to inform him that, with a view to getting over the difficulty, it is proposed by Government to acquire the land under the Act, and to award to him as compensation the amount already paid to him for purchase-money. If Mr. Brown makes no objection to this course and makes no claim for further compensation, the acquisition can be proceeded with; but should Mr. Brown make any further claim, which however is unlikely, it will be necessary to consider what course should be adopted with a view to compelling a refund of the purchase-money.

4. It would be hardly advisable to offer to rent the premises from Mr. Brown, as doing so would be an admission of his title, and of course Mr. Brown could give Government no better title for a term of years than he could in case of a sale.

From Colonel R. H. SANKEY, C.B., R.E., Secretary to Government, Public Works Department, to H. W. BROWN, Esq., Vayitri, Wynaad, dated Ootacamund, 21st June 1883, No. 172 E.

With reference to the recent correspondence with the Government Solicitor in regard to the title to the ownership of the building at Vayitri now occupied as a Telegraph Office, I am directed to inform you that the Government Solicitor points out that in the present circumstances of the title he is unable to draft a conveyance which would secure the Government in undisputed possession. The only way to remove the difficulty would be to take up the property on behalf of Government under the Land Acquisition Act. I am to inquire whether you see any objection to this course, and whether you would be prepared to accept as compensation the sum already paid to you as the price of the property.

2. An early reply will oblige.

From H. W. BROWN, Esq., to the Secretary to Government, Public Works Department, dated Vayitri, 5th July 1883.

I beg to acknowledge the receipt of your letter of the 21st ultimo, No. 172 E. In reply, I never agreed that the property in question should be taken up under the Land Acquisition Act. I have sold it to Government, put them in possession of, and have been paid for it. It is, therefore, theirs to do whatever they may please with it.

I must, however, remind you that I have held the land for a long time, and have been openly dealing with it for more than twelve years; and the Government Solicitor knows, or rather he ought to know, that such possession gives sufficient title, and if by the wording of the notice which Government propose to publish, or by any other act of theirs, doubt be thrown on my title, or any suggestion or hint is thrown out that I have no title, or that my title is defective in any way, I reserve to myself the right to obtain damages from them should I suffer by such act.

No. 215 E., Public Works.

Referred to the Government Solicitor for remarks and advice as to the course to be pursued.

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Government.

10th July 1883.

To the Government Solicitor.

From E. BARCLAY, Esq., Government Solicitor, to the Secretary to Government, Public Works Department, dated Madras, 14th July 1883, No. 348.

I beg to acknowledge receipt of your memorandum of the 10th instant, No. 215 E., with copy of correspondence with Mr. Brown regarding the premises at Vayitri purchased by Government for a Telegraph Office.

2. There is only Mr. Brown's statement that he has held the land and openly dealt with it for over twelve years, and as a matter of fact this is not, so far as I can make out from the papers, the truth; for on the 30th September 1873, or less than ten years ago, Mr. Brown mortgaged to Messrs. Oakes and Co. his undivided half share of the property, of which the premises in question form a part. In this mortgage it is actually recited that Mr. Brown was entitled to a half share in the property mortgaged. That being so, it seems clear that Mr. Brown has, according to his own showing, only a half share in the premises he has pretended to sell to Government, though in truth, except perhaps for the law of limitation, as to which, however, there is, as above mentioned, only Mr. Brown's statement, Mr. Brown has only a fourth share in the property, as will be seen from the enclosed copy history I have made of the title.

3. I observe from Mr. Brown's letter of the 5th instant to your address that he carefully avoids answering the question put in your letter to him of the 21st ultimo, No. 172 E., viz., whether he will accept as compensation the sum already paid to him as the price of the property if it is taken up on behalf of Government under the Land Acquisition Act. As to this question, Mr. Brown merely threatens Government with an action for damages if any doubt be thrown on his title in acquiring the property.

4. I think there are two courses open to Government in this case—either to take up the property under the Land Acquisition Act and to decline to pay Mr. Brown anything more than he has been paid, or to file a suit against him to compel him to give Government a good title; or in the event of his failing to do so, for a decree that the contract be set aside, and that upon Government giving up the Telegraph Office Mr. Brown be decreed to repay the purchase-money.

5. In adopting the former of these courses, there will be no necessity to throw any doubt upon Mr. Brown's title; indeed, no mention of it need be made in the notice, and I would suggest that Mr. Brown be again asked for a specific reply to the question put to him in your letter, No. 172 E. If the other course I have suggested be decided on, it would, I think, be as well to lay the whole of the papers before the Advocate-General for his opinion before proceedings be adopted.

The history of the title is as follows:—On the 16th June 1846 a karar or lease was granted by the representatives of one Alliel Nair to Mr. G. J. Glasson of the former's jenm land called Walia Pookote in the Ernád Amshom in the Wynaad, with the exception of those places which were used for religious purposes and for elephant pits. The lease was for ninety-nine years from the 18th May 1845, and the rent reserved was Rs. 30 per annum. On the same day, 16th June 1846, Mr. Glasson, as Manager of the Wynaad Coffee Company, assigned the lease by an endorsement thereon to the proprietors of the Company in the following shares:—

George Johnston Glasson, four-tenths.	A. B. Sturdee, one-tenth.
William Elsam, two-tenths.	J. C. Ibbs, one-tenth.
George Turner, one-tenth.	H. Fraser, one-tenth.

In a list of deeds amongst the papers there is a pencil note to the effect that Mr. Ibbs, by an endorsement on certain articles of agreement which are not with the papers, assigned his share (in the property) to Messrs. Elsam, Turner and Rustomjee. There is also a pencil note to the effect that Mr. Glasson, on 26th February 1846, assigned his four-tenth share to Rustomjee. This is, however, before the date of the lease, which, however, dated back to 1st of May 1845.

By an agreement, dated 19th April 1849, between W. Elsam, George Turner and Rustomjee Nowrojee of the one part and William Robson of the other part, after reciting that Mr. Robson had agreed to purchase a half share in Walia Pookote Estate, it was agreed that the parties should continue the cultivation of the estate in manner therein provided, and that within twelve months the parties thereto of the one part should make a good title to an undivided moiety of the estate, and convey the same in legal form to Mr. Robson. A pencil note on this document mentions that no such conveyance was ever executed, and there is none amongst the title-deeds. About this time Mr. Robson appears to have obtained from the Nair a fresh lease, the date of which does not appear, of the Walia Pookote land for ninety-nine years, from the 18th May 1850, at the rent of Rs. 30 per annum.

By a deed, dated 25th July 1849, Mr. Sturdee transferred his share and interest in the land to William Elsam, Rustumjee Nowrojee and George Turner.

By a deed, dated 15th September 1849, Mr. Fraser transferred his share in "the lands denominated Baliah Pookot" to William Elsam, Rustumjee Nowrojee, and George Turner.

A pencil note in the abovementioned list shows that Rustumjee was Elsam's dubash and assigned his share, but to whom does not appear.

Another pencil note on the list suggests that on 3rd July 1854 George Turner assigned his share to Elsam, but the only document to support this suggestion is a letter from Turner to Henry Elsam, dated 3rd July 1854, in which Turner acknowledges receipt of his account current with the Wynaad Coffee Company and a draft on Messrs. H. H. Elsam for £374-5-7. There is, however, the additional fact in support of this supposed sale, viz., that Mr. Turner's name does not appear in any of the subsequent deeds.

Supposing that the above pencil notes are correct, and that Rustumjee's assignment of his share was to Mr. William Elsam, then by July 1854 that gentleman had one undivided moiety and Mr. Robson the other moiety, or a right thereto. This state of affairs does not, however, appear to have continued for any great length of time, for from a pencil note in the list of deeds Mr. Wm. Elsam appears to have divided his moiety with Messrs. Henry and Edward Elsam, giving them one-fourth between them and retaining one-fourth himself, and another pencil note shows that Henry and Edward Elsam became insolvent in Bombay. This fact is confirmed by a letter from the Official Assignee, Bombay, to Mr. Robson, dated 20th October 1855, and headed "Re H. B. and E. Elsam," in which the Official Assignee says that Mr. H. B. Elsam has brought to his notice the deserted state in which the "Pookote" Coffee Estate was reported to be, and enclosing a draft for Rs. 250 on account of the expenses of the estate; also by another letter from the Official Assignee to Mr. John McFarlane, Solicitor, dated 23rd December 1857, requesting permission to see the agreement between the proprietors of the Pookote Estate. This letter is also headed "Re H. B. and E. Elsam." In reply, Mr. McFarlane declined to allow an inspection of the deeds of the Pookote Estate, of which he said he had a bundle in his possession, until some arrangement was made for payment of his costs.

Further pencil notes on the list show that William Robson died 5th January 1859, leaving a will which was proved (it does not say where) on 7th April 1859, and that by his will he gave to his wife, Sarah Robson, all his real and personal estate for her own absolute use and appointed her executrix. A Power of Attorney from Mrs. Robson to Mr. Brown and others, dated 8th April 1859, corroborates the above, and shows that the will was proved in England.

So far the papers show, though they by no means prove, that the owners of the estate were Mrs. Robson as to one-half, Mr. William Elsam as to one-fourth, and Official Assignee, Bombay, as representing H. B. and E. Elsam, as to one-fourth.

By a deed, dated 1st January 1861, and recited in a deed, dated 1st May 1863, William Elsam assigned to trustees all his one-fourth in this estate upon trust for Mrs. Elsam for life, and after her death to dispose of the property as she should by deed or will direct or appoint. By the deed of 1st May 1863 Mr. and Mrs. Elsam, without even joining the trustees of the settlement of 1st January 1861, in whom Mr. Elsam's one-fourth share was vested, purported to assign the same to Mr. Brown. This deed of 1st May 1863 did not convey Mr. Elsam's one-fourth share in the estate to Mr. Brown at all, and were it not that Mr. Brown has been in possession for over twelve years, he would have no title.

By a deed, dated 30th September 1873, after reciting the lease to Mr. Robson, and that after divers mesne assignments, Mr. Brown was absolutely entitled to half share of the land comprised in the last-mentioned lease. Mr. Brown mortgaged such undivided half share to Messrs. W. T. S. Oakes, James Oakes, and H. R. Dawson. There is no re-conveyance to Mr. Brown or anything to show that this mortgage has been paid off, nor is there anything to show that Mr. Brown is entitled to more than a one-fourth share in the estate.

To give Government a good title, the necessary parties to the conveyance will be—

Mr. Brown as mortgagor. The representatives of W. T. S. Oakes } of one-fourth.
and James Oakes, deceased, and Mr. H. R. Dawson as mortgagees }

The Official Assignee of Bombay, representing H. B. and
E. Elsam. ... of one-fourth

The representative in this country of the late William Robson ... of one-half.

As regards the latter, there appears to have been no representation to Mr. Robson's estate in India.

From Major-General R. H. SANKEY, C.B., R.E., Secretary to Government, Public Works Department, to H. W. BROWN, Esq., Vayitri, Wynaad, dated 24th July 1883, No. 243 E.

I am directed to acknowledge the receipt of your letter, dated 5th July 1883, on the subject of the building occupied as a Telegraph Office at Vayitri, and to request the favor of a specific reply to the question asked in my letter of the 21st June 1883,

No. 172 E., viz., whether, in the event of the Government taking the property under the Land Acquisition Act, you would be prepared to accept as compensation the sum already paid to you as purchase-money.

2. The notice to be issued under the Act will make no mention of the validity or otherwise of your title.

3. An early reply will oblige.

From H. W. BROWN, Esq., to the Secretary to Government, Public Works Department, dated Vayitri, 12th August 1883.

I have the honor to acknowledge the receipt of your letter, No. 243 E., dated 24th ultimo.

In reply, should the Government take up the property alluded to under the Land Acquisition Act, I shall be prepared to accept Rs. 2,000 in addition to what I have already been paid as compensation in full.

Provided that the notice to be issued under the Act makes no mention as to the validity or otherwise of my title.

ORDER—dated 22nd August 1883, No. 2364 W., Public Works.

The papers will be referred for the opinion of the Advocate-General as to the course which the Government should take under the circumstances.

(True Extract.)

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

To the Government Solicitor.

Exd. A. F. Goodall and A. F. Aaron.
Spare Copies

BUILDINGS AND ROADS
CIVIL WORKS.

Govt. of (1883) Madras.

PUBLIC WORKS.

Dated August, 22nd.

Recd.

Encl.

G.O., 22nd Aug. 1883, No. 2364 W.

AUGUST.

Messrs. Brown and Co.'s
Property at Vayitri

*Papers on the subject of the purchase of—
referred to the Advocate-General.*

*1666c. 6/9/83.
8178. 40322/9.*