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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Public Works

DEPARTMENT

G.O. No.	1267	W	Press.
B.P. No.			Mis.
Dated	1. 6. 1885		1885 .

Not to be folded or roughly handled

1st JUNE 1885, No. 1267 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

READ—the following papers:—

Letter from the Superintending Engineer, IV Circle dated 4th Aug. 1883, No. 322.
" " " IV " " 7th May 1884, " 217 E.W.
" " " IV " " 10th " " 246 C E.W.

From E. BARCLAY, Esq., Government Solicitor, to the Executive Engineer, Nilgiri division, dated Madras, 5th May 1884, No. 250.

In reply to your letter of 1st instant, I beg to inform you that no suit has yet been filed against Mr. Brown, and I hope that no suit will be necessary. The matter is a complicated one, and I am in communication with Mr. Brown's legal adviser on the subject; and I hope, eventually, to be able to make out in Mr. Brown such a title to the property bought from him by Government as I can advise Government to accept.

No. 227 E.W.

Forwarded to the Chief Engineer, Public Works Department, for information, with reference to this office letter, No. 217, of 7th instant.

OOTACAMUND,
15th May 1884.

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

From E. BARCLAY, Esq., Government Solicitor, to the Secretary to Government, Public Works Department, dated Madras, 14th October 1884, No. 541.

I beg to acknowledge receipt of your memorandum, dated 10th instant, No. 747 E.

2. After very considerable difficulty I prepared, in consultation with the Advocate-General, such a conveyance of the property at Vayitri sold by Mr. Brown to Government as we could advise Government to accept. A fair draft of this conveyance, which, from the state of the title, is somewhat long, was sent by me on the 15th August last to Mr. Rosario, Mr. Brown's legal adviser at Tellicherry, for approval; and, at the same time, I requested Mr. Rosario to send me, for perusal, a reconveyance of the Pookote estate (part of which is the land sold to Government) from a Dr. Henderson, to whom I had learnt that the estate had been mortgaged, to Mr. Brown. On the 1st September I received from Mr. Rosario a reconveyance, not from Dr. Henderson, but from his executors, Dr. Henderson having died; and on the 2nd .dem I wrote Mr. Rosario inquiring whether Dr. Henderson's will was proved by either of the executors (Mr. Ferguson and Mr. Mitchell), and, if so, in what court, as no mention was made in the reconveyance of any probate, and requesting, if the will was proved, that I might be allowed to see the probate. To this letter I have as yet received no reply, but I am writing again to Mr. Rosario, and, if the question about probate of Dr. Henderson's will is satisfactorily answered, I have every hope that this long-pending matter will shortly be settled.

From the same officer, dated Madras, 24th April 1885, No. 146.

I beg to acknowledge receipt of your memorandum, dated 18th instant, No. 12 E.

2. Since my letter, dated 14th October last, No. 541, I have been endeavouring to have the conveyance of the property at Vayitri sold by Mr. Brown to Government completed; but, I regret to say, so far without success.

3. On the 14th October last, I wrote to Mr. Brown's legal adviser at Tellicherry calling his attention to the matter and informing him that I could not allow it to remain in abeyance any longer. On the 23rd idem, I wrote Messrs. Oakes and Company, informing them of the purchase by Government of this property, which was included in a mortgage to them by Mr. Brown; that I had prepared a conveyance of the property and had sent it to Mr. Brown's legal adviser for approval, but could get no reply from him.

4. On the 10th November last, Messrs. Oakes and Company wrote requesting me to take notice that the purchase-money of any property mortgaged to them, which might have been sold by Mr. Brown to Government, was to be paid to them direct, and that, as Mr. Brown could not dispose of any portion without their joining in the conveyance, they presumed I would inform them when the deeds had to be executed and the money paid. In reply, I had to inform Messrs. Oakes and Company that Government had already paid the purchase-money to Mr. Brown.

5. On the 13th November, I received back the draft conveyance from Mr. Brown's legal adviser, approved by him subject to the omission of a recital therein that Messrs. Oakes and Company's mortgage had been paid off. This recital had been inserted as I was under the impression that the mortgage had been paid off.

6. On the 14th November, I forwarded the draft conveyance to Messrs. Oakes and Company for approval, with an inquiry whether it would be executed when engrossed. In reply, Messrs. Oakes and Company informed me the next day that the deed would be executed on payment of the purchase-money to them as mortgagees. On the 17th November, I wrote Messrs. Oakes and Company that Mr. Dawson, in his own right and as executor of Mr. James Oakes, and the Administrator-General, as executor of Mr. W. T. S. Oakes, were the necessary parties to the deed, and that, as Government had already paid the purchase-money to Mr. Brown, I trusted that Mr. Dawson would not insist upon the position he had taken up. On the same day, I also wrote to Mr. Brown's legal adviser informing him that I had altered the deed as requested by him, and of the correspondence which had passed between myself and Messrs. Oakes and Company, and inquiring whether Mr. Brown was prepared to pay Messrs. Oakes and Company the purchase-money he received from Government so that the matter might be completed.

7. On the 18th November, I received a letter from Messrs. Oakes and Company informing me that the interest in the property of Mr. W. T. S. Oakes and Mr. James Oakes had, under their partnership arrangements, become vested in the present firm, and that the executors of Mr. W. T. S. Oakes and Mr. James Oakes were not entitled to receive any portion of the debt due by Mr. Brown, but would, at the firm's request, sign any deeds necessary for the realisation of the property, and that it was out of the question to expect that the firm could permit the alienation of any portion of the security mortgaged unless the value was paid to them direct.

8. Having received no reply to my letter of 17th November to Mr. Brown's legal adviser, I wrote to him again on the 16th January last calling attention to the matter, but I have received no reply from him.

9. I have seen Mr. Dawson about this matter on several occasions since the beginning of the year. He informed me that Mr. Brown had been very ill, and I requested Mr. Dawson, who is a personal friend of Mr. Brown, to see whether some arrangement could not be made regarding the payment of the purchase-money by Mr. Brown to Messrs. Oakes and Company. I have reason to believe that Mr. Dawson did attempt to make such an arrangement, as my firm has recently heard twice from Mr. Brown regarding moneys coming to a person indebted to him; but my firm was not in a position to furnish the information asked for. I understand from Mr. Dawson that Mr. Brown is in poor circumstances.

10. My difficulties in taking proceedings to compel the completion of the conveyance are (1) that such proceedings will have to be taken up-country and (2) that Messrs. Oakes and Company, Mr. Dawson, as executor of Mr. James Oakes, and the Administrator-General, as executor of Mr. W. T. S. Oakes, will all have to be joined in such proceedings. If, however, Government are prepared to give up possession of the property, Mr. Brown might be sued for a refund of the purchase-money, though

he will probably be entitled to deduct therefrom a reasonable amount as rent during the occupation of the premises by Government, unless Government can show that they have sustained damages to an equal or greater amount than such rent.

No. 39 E.

Referred to the Superintending Engineer, IV Circle, for early remarks on the suggestion (paragraph 10) of the Government Solicitor to sue Mr. Brown for the purchase-money, possession of the property being given up.

OOTACAMUND,
28th April 1885.

(Signed) J. SHAW-STEWART, Colonel, R.E.,
Secretary to Government, P.W.D.

From Colonel J. BEATTY, R.E., Superintending Engineer, IV Circle, to the Chief Engineer, Public Works Department, dated Coimbatore, 18th May 1885, No. 204 E.W.

As directed in G.O., No. 39 E., of 28th ultimo (herewith returned), I have the honor to report that I see no objection to the course proposed by the Government Solicitor, and to request permission to hand the building back to Mr. Brown.

2. The building is now in temporary charge of the deputy collector, who provides a care-taker, and it may be at once handed over to Mr. Brown.

ORDER—dated 1st June 1885, No. 1267 W., Public Works.

In proceedings, dated 3rd February 1883, No. 383 W., the Government sanctioned the purchase, for Rs. 4,500, of a house at Vayitri from a Mr. H. W. Brown.

2. After the purchase-money had been paid, and the building taken over, the Government Solicitor found that the title was in a very unsatisfactory state, and, on the Advocate-General's opinion, printed with proceedings, dated 11th October 1883, No. 2857 W., the Government authorised the institution of a suit against Mr. Brown to compel him to convey the property to Government with a good title.

3. Since then the Government Solicitor has been endeavouring to obviate the necessity for legal proceedings by preparing, in communication with Mr. Brown's legal adviser, such a conveyance of the property as he could advise the Government to accept. The difficulties in accomplishing this have, however, proved insuperable, and, as a last resource, the Government Solicitor suggests that the property be handed back to Mr. Brown, and that a suit be filed to compel that gentleman to refund the purchase-money, subject to deduction of a reasonable amount as rent during the occupation of the premises by the Government.

4. The Superintending Engineer, IV Circle, is authorised to act accordingly. The property will be handed back to Mr. Brown, and, if the purchase-money cannot be recovered without resort to legal proceedings, a suit should be filed against him, the instructions contained in the Government Solicitor's letter of the 31st October 1883, communicated with G.O., No. 3140 W., dated 6th November 1883, being attended to.

(True Extract.)

(Signed) J. SHAW-STEWART, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Superintending Engineer, IV Circle.
" Examiner, Public Works Accounts.
" Government Solicitor.

Exd. E. Fernandez.
Spare Copies

GENERAL
ESTABLISHMENT.

Govt. of 1885 Madras.
PUBLIC WORKS.

Dated June, 1st.

Recd.

Encl.

G.O., 1st June 1885, No. 1267 W.

JUNE.

Mr. Brown's House at Vayitri

Orders authorising the Superintending Engineer to hand back the property to Mr. Brown and to recover the purchase-money from him, filing a suit for its recovery if necessary.

Public Works Department, 1883-84

Current No. 6657

Letter No. 322

Dated the 4th August 83.

From the Supg. Engr. 4th Circle

NOTE OF REMARKS.

1. The enclosed is termed a 'complete' estimate for the Vylthiri telegraph office. Amount of estimate is Rs. 4870.
2. The term 'complete' is used to signify not only the amount spent in the purchase of the building, Rs. 4500, but also the sums employed in effecting a few trifling alterations and additions to it, Rs. 370, making a total, as above, of Rs. 4870.
3. The estimate does not bear the countersignature of any telegraphs authority.

6th August 83

RTH

+ The matter was all arranged in connection with the purchase of telegraphable cable for the Vylthiri telegraph office.

C. No. 66521

P. W. Secretariat.

Note by Budget Section.

Work

Telegraph Post Office at Dytuni

Remarks and References.

1267
4

Fund *Provincial*
 Service Head *Civil Buildings*
 Departmental Head *Original Works*
 Amount of Estimate Rs. *4810*
 Expenditure in previous year *4500*
 Allotment in current year "
 Balance required to complete *370*

Total Rs.

Note of available funds.

The building at Dytuni was purchased and paid for last year. The repairs amounting to Rs 370 has to be carried out now.

[Signature]
 Budget Clerk.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the

1267
5

Read the following

in the Supp. Paper } N. E. No 322 of 4th August 1883
to the Civil

The estimated amount
being Rs 4,890 for the pur-
chase and repair of the
building at Tipture, for
a Telegraph office, is sanc-
tioned.

2. The Supp. Paper Forest
Civil should arrange to
have the repairs car-
ried out at once, and
an appropriation of the
amount will be made
later in the year.

3. This sanction has
been registered as Provin-
cial No. 10 of 1883. 84
and classified as Civil
Buildings Original Works

cu
5/8

5/8

for the purchase

Note by Budget Section.

for Forest Civil
in B.M. Accounts

2168a 314.0W 6-11-23
 2207W 11-10-23
 2264W 22-5-22 (W)
 282W 2-2-23
 2047C 11-11-22

Locomotive pending
 settlement of the
 bill for 203rd
 and purchase
 done

2168a 314.0W 6-11-23
 2207W 11-10-23
 2264W 22-5-22 (W)
 282W 2-2-23
 2047C 11-11-22
 3140W 6-11-23
 (21) (11)

Cir 16/2

Genl
 Instat

02117

INDIAN TELEGRAPH.

Class D.S.

To (Station)

Madras

From (Station)

Cotacamund

OFFICIAL INSTRUCTION.

Words.

Day.

Hour.

Minute.

24 9. 14. 46.

12 1/2

To (Person)

Deputy Madras Works. Chepauk

From (Person)

Madras Works.

Stop issue of
 order regarding Browns
 house visit if
 issued recall it
 return complete file
 to cotacamund.

RECD. FROM

AT

Hr.

Min. By

SENT TO

AT

Hrs.

L.N.

M. By

Telegraph Master.

Date

MADRAS 9-6-35

St. W. Brown.

2. After the purchase

N. 168. 211. RWL 6-11-83

3581

10.

The order was issued on the 8th inst. Memos have been despatched today to S. E. W. C. C. and Prob. Solicitor recalling all copies. The file is herewith submitted as directed.

Ed.
S.W.
10.6.85

R.H.

See that the file is complete and despatch to W. today.

20 W. 1267
G.O. No 1267 W 2/1
1-6-85 & complete
file forwarded.
J.D.
10.6.85

10.6.85

Civ 16/8

3145
(21) (11)

A
enc

1267 W PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

1267 UNDER date the 1st June/85
READ the following

20 W

1267

This file, just received from Madras, will be kept for the present with the memorandum issued this day to S.S. & Mr. Solicitor

Yes M. C.
11.6.85
11.1.85

- (H.C. No 312 of August 4th 1883)
- (.. " 217 E.W. of May 7th 1884)
- (.. " 246 C of " 10th ")
- (.. " 217 of " 15th ")
- (.. " 541 of Oct 14th ")
- (.. " 116 of April 24th 1885)
- (.. " 204 of May 18th ")

In Proceedings dated 3rd February 1883, No. 383 W, the Government sanctioned the purchase for Rs 4,500, of a house at Vajitri from a Mr. A.W. Brown.

2. After the purchase

W 168a 316RW 6-11-83

10.

To W. 168a 316RW 6-11-83
A.O. 801267W 2/1
1-6-85 4 complete
file forwarded -
J.D.
10-6-85

Civ 16/8

~~A~~
enc

1267 W PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

1267 UNDER date the 1st June 85
Read the following

Letter from the S. E. IV Circle (M.C. No 322 of August 4th 1883)
do from do do do (M.C. No 217 of May 7th 1884)
do from do do do (M.C. No 246 C of " 10th "
do from do do do (M.C. No 327 of " 15th "
do from the Govt Collector, Madras (M.C. No 541 of October 1st "
do from the do do do (M.C. No 116 of April 24th 1885)
do from the S. E. IV Circle (M.C. No 204 of May 18th "
promote mole

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1267
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October 1883, communicated
with G.O. No 3140 H.A.F. 6th
November 1883, being
attended to.

W.

24.5.83

Hon. H. E. Sullivan



To Mr. Suply Engr. IV Circle 10
" Gen. M. A. C. 11
" Govt. Solicitor 4

Aug. 1885. Cir 2/15

1267
110

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4.

jd 2/6