

(1) Number of pages 28

(2) Date of repair _____

(3) Initials of the Referencer J ✓

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P. W. DEPARTMENT

G.O. No. 3060
B.P. No:

Press.
Mis.

Dated 18 — 12 — 1885 198.

V. S. M

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Account.

READ—the following papers:—

From Colonel W. H. BURTON, R.E., Officiating Superintending Engineer, V Circle, to the Chief Engineer, Public Works Department, dated Chepāk, 4th November 1885, No. 3324.

With reference to G.O., No. 3134 W., dated 20th December 1884, and Superintending Engineer's letter, No. 4151, dated 7th February 1885, I have the honor to report that the Government Solicitor has stated with regard to the sums of Rs. 1,471-15-10 and Rs. 1,000 due to the late Somoo Chetty, contractor—

"It does not appear that any interest is payable or is accruing on the sum of Rs. 1,471-15-10 and that sum might be invested in Government securities if Government see fit."
"Nothing can be done with the sums mentioned in your letter under reply unless and until the estate of the late contractor Somoo Chetty is legally represented. If he left a will, his legal representative will be the executor of that will who has obtained probate of the same. If he died intestate, then his legal representative will be the person who has obtained letter of administration to his estate or a certificate under Act 27 of 1860. No part of the sums mentioned in your letter under reply nor any interest thereon should now or at any time be paid to any person but the legal representative of Somoo Chetty."

2. The sum of Rs. 1,471-15-10, as already reported, has been written off to the credit of Provincial Revenue. On the 27th July 1885, the Executive Engineer in pursuance of the Examiner's suggestion inserted a notification in the *Fort St. George Gazette* to the effect that if the amount due to the late Somoo Chetty was not claimed within three months, with power of administration obtained from the judicial courts, the money would be credited to Government, to which the guardians of the late Somoo Chetty's children have replied—

"After a mature consideration we are not prepared to become the legal guardians or to obtain the letter of administration on behalf of the minors though out of charity we shall continue to maintain them (minors)."

We may, however, submit for your information that the minor can recover the amount from Government at any time within three years from the date of his attaining the majority (*Vide* Section 7 of Act XV of 1877, Law of Limitation)."

"We have no objection to the money being entrusted with the Administrator-General with the sanction of Government as mentioned in your letter, No. 1945, dated 27th July 1885."

3. I request that the Administrator-General be moved to take charge of the amounts and if, as seems probable, he still declines to do so, I would request that orders be given to the sum of Rs. 1,471-15-10, deposited in cash, being invested in Government paper and to the interest on Rs. 1,000, deposited in Government promissory note, being drawn and reinvested in both cases in the name of the Executive Engineer of the Presidency division on account of the estate of the late Somoo Chetty.

G.O., dated 1st December 1885, Mis. No. 3263, Judicial.
Read—endorsement of the Public Works Department, dated 16th November 1885, No. 1867 C.

Read—also the following letter from the Administrator-General, Madras, dated 24th November 1885, No. 3710 :—

I have the honor to acknowledge the receipt of your endorsement, No. 1974, dated 20th November 1885, forwarding, for my remarks, the docket of the Under Secretary to Government, Public Works Department, dated 16th November 1885, No. 1867 C., and the letter from the Superintending Engineer, V Circle, No. 3324, dated 4th November 1885 (all which are herewith returned) requesting that the Administrator-General be moved to take charge of the monies belonging to the late Somoo Chetty, contractor.

2. In reply, I have to state that, as the deceased was a Hindu, I am unable to take charge of the monies in question. The estates of Hindus, Muhammadans, Buddhists, and Parsees are exempted from the jurisdiction of the Administrator-General by Section 16 of Act II of 1874 (Administrator-General's Act) apart from which there are other difficulties which would render it impossible for me to administer to the deceased's estate.

Order—dated 1st December 1885, Mis. No. 3263, Judicial.

Copy of this letter will be communicated, with referred papers, to the Public Works Department with reference to endorsement in that department, dated 16th November 1885, No. 1867 C.

(True Extract.)

(Signed) H. A. STUART,
Acting Assistant Secretary.

Office note from the Examiner, Public Works Accounts, dated 7th Dec. 1885, No. 720.

From ERNEST BARCLAY, Esq., Government Solicitor, to the Secretary to Government, Public Works Department, dated Madras, 11th December 1885, No. 525.

With reference to your docket, No. 2102 C., dated 9th instant, I regret to say that I have no further suggestions to make with regard to the money due to the late contractor Somoo Chetty. Government is simply in the position of a debtor to the estate of a deceased person, and is not bound to, and should not pay the debt to, any person but the legal representative of the deceased creditor, the more especially as in this case there are minors who appear to be interested in the money.

2. With regard to the suggestion that a suitable guardian might be appointed to take charge of the money on behalf of the minors, I am not aware of any procedure by which this could be carried out by or on behalf of Government. The money might certainly be invested, but not in the name of the Executive Engineer *on behalf of the minors*. To do this would be to assume that the minors are the only persons entitled to the money, regardless of whether the late Somoo Chetty left any debts or not.

3. I return the papers sent to me with your docket.

ORDER—dated 18th December 1885, No. 3060 W., Public Works.

The Government Solicitor's reply will be communicated to the Superintending Engineer, V Circle, and the Examiner, Public Works Accounts.

2. The money in question will be invested in Government promissory notes in the name of "The Executive Engineer, Presidency division, on account of the estate of the late Somoo Chetty." The amount, with interest up to date, will be paid to the legal representatives of the late Somoo Chetty on their establishing their claim.

(True Extract.)

Captain, R.E.,
Under Secy. to Govt., P.W.D.

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

Exd. A. Aubert.
Spare Copies

GENERAL
ACCOUNT.

Govt. of 1885 Madras.

PUBLIC WORKS.

Dated December, 18th.

Recd.

Encl.

G.O., 18th Dec. 1885, No. 3060 W

DECEMBER.

Money due to the late Contrac-
tor Somoo Chetty, Presidency
Division

Orders on correspondence relating to the
disposal of the —.

No. 3324

SUPERINTENDING ENGINEER'S OFFICE,

V CIRCLE, MADRAS,

Chennai, 4th November 1885.

From

THE SUPERINTENDING ENGINEER,

V CIRCLE,

To

THE

Chief Engineer
P. W. Dept.

SIR,

Enclosures.

With reference to G. O. No. 3134 of
dated 20th December 1884 and Super-
intending Engineer's letter No. 4151
dated 7th February 1885, I have the
honor to report that the Government
Solicitor has stated with regard
to the sums of Rs. 1471-15-10 & Rs. 1000
due to the late Somoo Chetty Con-
tractor "It does not appear that
any interest is payable or is accruing
on the sum of Rs. 1471-15-10 and
that sum might be invested
in Government Securities if
Government see fit."

"Nothing can be done with the
sums mentioned in your letter
under reply unless paid until
the estate of the late Contractor
Somoo Chetty is legally represented.
If he left a Will his legal repre-
sentative will be the Executor of
that

that Will who has obtained pro.
bate of the same. If he died
intestate then his legal representa-
tive will be the person who has
obtained letter of Administration
to his estate or a Certificate under
Act 27 of 1860. No part of the
sums mentioned in your letter
under Reply nor any interest thereon
should now or at any time be paid
to any person but the legal
Representative of Somoo Chetty.

2. The sum of Rs 1471-15-10 pds
already reported, has been writ-
ten off to the credit of Provincial
Revenue. On the 27th July 1885,
the Executive Engineer, in pursu-
ance of the Examiner's suggest-
ion, inserted a notification
in the Fort St. George Gazette
to the effect that if the amount due
to the late Somoo Chetty was
not claimed within three months
with power of Administration ob-
tained from the judicial Courts,
the money would be credited to Govt.
to which the guardians
of the late Somoo Chetty's children
have accepted. After a mature
consideration we are not prepared
to become the legal guardians of
to obtain the letter of Administration
on behalf of the minors, though out
of

of charity we shall continue to
maintain them (minors). 3060
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We may however submit for your
information that the minors can
recover the amount from Govern-
ment at any time within three
years from the date of his att-
aining the majority (Vide Section
7 of Act XV of 1897 Law of Limi-
tation).

We have no objection to the money
being entrusted with the Ad-
ministrator General with the
 sanction of Government as men-
tioned in your letter of 19th July
dated 27th July 1885.

3. I request that the
Administrator General be moved
to take charge of the amounts
and if, as seems probable, he still
declines to do so, I would re-
quest that orders be given to the sum
of Rs 1471-15-10 deposited in cash
being invested in Government
paper and to the interest on Rs 1000
deposited in Government Promissory
Note being drawn and re-invested
in both cases in the name of
the Executive Engineer

of the Presidency Division on
account of the Estate of the
late Thomas G. Petty.

I have the honor to be
Sir

Gennet's Hotel, New York

Washington

Coll. P. V. C.

Off. Chap. Eng. Co.

Signature

3
Off. Chap. Eng. Co. from the General P. V. C. Co. of the
15th Nov. 1863.

J. C. P. 4312/83

2

3060
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R. N. 613.
11-11-85

No 2562 D 11th Nov 85

For remarks

10/11/85
Su

From

THE SUPERINTENDING ENGINEER,

5TH CIRCLE,

To

THE Chief Engineer
J. H. D.

Dated

4th November 1885.

Recd.

ENCLOSURES.

No. 3324.

Ex State of the Lake
Sornoo Chetty -
Contractor - Requesting

Requests that the Administrator
Genl. be moved to take charge
of the amts. Rs 1471-15-10 & 1000
if he declines, that orders be
given to the sum of Rs 1471-15-10
deposited in cash, being invested
in Government paper & to the interest
on Rs 1000 deposited in Government
Promising Note being drawn on
issued in both cases in
the name of Executive Engineer
Producey Division of account
of the —

To

JC/R/43/2/85

[Form No. viii.]

3060
6

GOVT.
OF MADRAS.

1885.

(P. W.
DEPT.)

EXAMINER, P. W. ACCOUNTS.

Madras, 13th November 1885.

OFFICE NOTE No. 643.

To

W.

Your O.N. No. 3562 D. dated 11th
November 1885.

The money is no longer

required for the purposes of this
Department, and I think the Executive
Engineer should be entirely relieved
of its charge. In accordance with
the spirit of Code para 960, it seems
to me that the Administrator General
is the proper Officer to deal with
the property.

KEEP-WITH

Genl. No.

dated

188 .

C.

12/11

Madras, November 16 1885.

No. 1867 C.

Referred to the
Judicial Dept. with request
that the Administrator
General may be
moved to take charge
of the sums in question

The Cons. C. P. R. E.
Under Secy. Gen. P. W. D.

14.11.85

P. W. Dept.
To be returned with
reply

Referred

Recd 9852

1885

1885

1885

22/11/85

6/11

Judicial Department. 3060

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

Endorsement of the P. W. Dept. of 16 November 1885 No. 1867 C.

Also Letter from the Administrator

General, Madras, dated 24th November
1885 No. 3410.

I have the honor to acknow-
ledge the receipt of your endorsement
No. 1944 dated 20th November 1885 for-
warding for my remarks the docket of
the Under Secretary to Government, Public
Works Department, dated 16th November
1885, No. 1867 C and the letter from
the Superintending Engineer & Circle No.
3324 dated 4th November 1885 (all
which are herewith returned) re-
questing that the Administrator Gen-
eral be moved to take charge of
the monies belonging to the late
Somoo Chetty, Contractor.

In reply I have to state
that as the deceased was a Hindu, I
am unable to take charge of the

monies in question. The Estates of
Hindus, Mahomedans, Buddists, and
Parsees, are exempted from the juris-
diction of the Administrator-General
by Section 16 of Act II of 1874 (Admi-
nistrator-General's Act) apart from
which there are other difficulties
which would render it impossible for
me to administer to the deceased's
Estate.

Order. 1st Decr, 85 No 3263 Vis

Copy of this letter will be
communicated, with referred papers,
to the Public Works Department
with reference to endorsement in that
Department dated 16th November
1885 —, No 1864 C.

True extract

H H Thiant

Asstt Secretary.

To.

The Public Works Department, with
referred papers.

3060
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R. No 700.

5. 12. 85. Rec: 4.

Chepur
5th Dec/85

No 2758 D

To C^y With adventure to
your Office - note
No 643 dated 13th
November 1885, Can
you suggest any
other means by which
the Executive Engineer
can be relieved of
the charge of the
money ill.

4. 12. 85

W

[6]

Govt. of 1885 Madras.

To

The M^d Dept



Rec 3/12/85

Proceedings, dated 1/12/85 1885
No. 1263/85
Subject.

Copy of letter from
the Administrator
General with correspondence
regarding the estate of
Souror Chetty a
Contractor.

70

[C. No. 8.]

3060
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GOVT.
OF MADRAS.

1885.

F. W.
DEPT.

EXAMINER, P. W. ACCOUNTS.

Madras, December 7. 1885.

Office Note No. 720.

7 DEC 5

To W.

Your O. N. No. 2758 D. dated 5th.
December 1885.

I would suggest that the
papers be forwarded to the Govern-
ment Solicitor for advice. A suitable
guardian might perhaps be appointed
to take charge of the money on
behalf of the minors.

3. The money might be mean-
while drawn and invested in Govern-
ment Promissary Notes in the name
of the Executive Engineer, on behalf
of the minors.

dec

C.

7/12

W. H.

1611
Chepall
9th Decr/85

No. 2102 C
Referred to the
Government Solicitor
for favor of opinion
(By order)

J. M. P. M. S. Capt. R. B.
Under Secy to Govt.
W.
6.12.85

P. W. Dept.
To be returned with
reply.

10/12/85

306011

With Enclosure

3060
3060
Madras, 11th December 1885

From Ernest Barclay
Government Solicitor
Madras

To
The Secretary to Government
Public Works Department
Madras

Sir,
1. With reference to your Docket No. 2102 C dated 9th instant, I regret to say that I have no further suggestions to make with regard to the money due to the late Contractor Somoo Chetty. Government is simply in the position of a debtor to the estate of a deceased person, and is not bound to, and should not pay the debt to any person but the legal representative of the deceased creditor, the more especially as in this case there are minors who appear to be interested in the money.
2. With regard to the suggestion that a suitable guardian might be appointed to take charge of the money on behalf of the minors, I am not aware of any procedure by which this could be carried out by or on behalf of Government. The money might certainly be invested, but not in the name of

3060
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of the Executive Engineer on behalf of the minors.
To do this would be to assume that the
minors are the only persons entitled to
the money, regardless of whether the late
Somoo Chetty left any debts or not.

3. I return the papers sent to me
with your docket and

I am Sir
Your Obedient Servant
Ernest Barclay
Government Solicitor

Recd 10782
(1885) Department

From
The Government Solicitor
Madras

To
The Secy to Government
Public Works Department
Madras



N^o 325

Dated 11 Dec 1883
Recd 14

Returning the papers &
offers opinion as to payment
of the money due to the late
Contractor Somo Chetty & as to
the investing the same.

Cue 15/12/83 R 18/12

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the

Read the following

From the Suptg Engineer V Circle A.R. N^o 3324 a/4th Nov^r 1885.
Office note from the Exam^r P.W. Accts. N^o 6143 a/13th Nov^r 1885.
Proceedings of the Judicial Dept N^o 3263 a/1st Dec^r 1885.
Office note from the Exam^r P.W. Accts. N^o 720 dated 7th Dec^r 1885.
From the Govt Solicitor N^o 525 dated 11th Dec^r 1885.

The reply of the
Government Solicitor will
be communicated to the
Suptg Engineer V Circle, and
the Examiner P.W. Accounts.

2. The money in question
will be invested in Govt
Provisionary Notes in the
name of "The Executive
Engineer, Presidency Division,
on account of the
estate of the late Somo
Chetty" the notes,
with

with interest up to date,
will be paid to the
legal representatives
of the late Somoo pretty
on their establishing
their claims to them.

W

15.12-83

The Hon. H. S. Sullivan



To

The Suply Sup to India
Govt Solicitors

Ex am. P. H. Accto.

HB

9/1/86

Am. 15/12/85

Am. 15/12/85

3060
14

10782

Govt. of 1885 Madras.

PUBLIC WORKS.

14/12/85

1/1/86

Dated

Recd

Encl.

G.O., 18. Dec 1885, No. 3060 W

Money due to the State

Contractor Somas Chetty

Presidency

Orders in correspondence
relating to the disposal of

50
4

1/1/86

54/2