

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 427	Press ~~Mis.~~
14-15	
Dated 21-4-1857.	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 21st April 1857.

No. 14. Read the following Extract from the Minutes of Consultation in the Public Works Department, dated 2nd April 1857, No. 606.

Read the following letter from the Chief Engineer.

Applies for temporary sanction of Government the construction of an additional or outer compound wall to the Penitentiary at an expense of about 8,000 Rupees, pending final sanction on the submission of a regular estimate at a subsequent date. } Here enter 11th March 1857, No. 10841.)

1. In an Extract from the Minutes of Consultation, dated the 13th of March 1856, No. 377, the Chief Engineer was ordered to take the measures necessary to give effect to an order passed in the Judicial Department, approving the following alterations in the Penitentiary recommended by the Chief Magistrate.

1. A palisaded verandah, with a weather board roof, in front of the European's working shed.
2. Raising the boundary wall in places.
3. Wheels over the wells, and grating over the larger wells.
4. A bathing shed.
5. A rope walk shed.

2. On the 8th of September following, an order was conveyed to the Chief Engineer, to prepare, and submit at an early date, estimates for certain other works to the Penitentiary, the necessity for which was pointed out in a letter from His Honor the Chief Justice, on a presentment by the Grand Jury.

3. One of the works pointed out by the Grand Jury was a shed under which Europeans, sentenced to hard labor, might be worked, and as the Chief Engineer had been directed to adopt measures for the erection of this as far back as the 13th of March, the Government desired that they might be informed why nothing had been done up to the month of September. The reply

* From the Chief Engineer, 25th of the Superintending Engineer, submitted* by Colonel Faber, September 1856, No. 6728. was by no means satisfactory, his chief excuse for delay being that "as parties concerned sometimes see reason to change their minds during the progress of the work of improvement, it is perhaps advisable not to be in too great a hurry to push on at first." The Superintendent of Police, subsequently submitted to

12th Novr. 1856, No. 139.

Government, a letter from the Superintending Engineer, regarding the delay that had occurred in the erection of four additional cells for Europeans, which it was said would not be ready for a further period of four months.

4. The Government expressed their displeasure at this delay, and directed, in the Judicial Department, that the construction of these cells should be proceeded with as fast as possible, and this order was conveyed to the Chief Engineer from the Department of Public Works on the 28th November 1856.

5. The works now in progress at the Penitentiary, were entered in Statement No. 2 of the Chief Engineer's Budget for 1857-58, and it was shewn that Rupees 36,409 would probably have been expended by the end of the official year, Rupees 15,000 being demanded for the year ensuing. The total cost therefore it was computed would be not less than Rupees 51,409, but as no estimate for the expenditure had been submitted, the item was, of necessity, removed from the Budget in the Government office.

Vide para. 27 of Extract Minutes Consultation, dated 12th March 1857, No. 461.

6. The Chief Engineer now forwards a letter from the Civil Architect, applying for permission to expend an additional sum of Rupees 8,000, on an outer wall to the Penitentiary, for which an estimate is to be submitted hereafter, and this request the Chief Engineer supports.

7. The Government cannot easily express the displeasure they feel at the proceedings of both the Chief Engineer and the Civil Architect. It is now more than twelve months since Colonel Faber was ordered to take whatsoever measures were necessary to carry out certain alterations approved of in the Penitentiary, that order was repeated on the 8th of September, and the Government believe that Colonel Faber himself will not deny that the very first measure which it was his bounden duty to adopt, was to see that estimates for the work were prepared—that duty was not performed when the order for its performance was given, and it has not been performed even to this day, a general approval of works, and orders to take measures for their commencement, has been converted into special sanction for their execution, an expenditure

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amounting to about 36,000 Rupees, greatly in excess of the sum, which as Colonel Faber perfectly well knows, it is competent to this Government to sanction, has been incurred at the Presidency, where the Chief Engineer and the whole of his large establishment reside, no notice of the irregularity has been taken by the Chief Engineer, and up to this time, with his cognisance and approval, and in direct and open breach of the orders of Government, no estimate has been prepared.

8. The Government consider that a simple statement of these facts is sufficient to shew how entirely the Civil Architect and the Chief Engineer have neglected one of their most important duties, and they conceive that if the matter ended here, there would be ample cause for their displeasure, but unfortunately for the official character of both of these Officers their persistence in wrong aggravates their original fault.

9. With the letter quoted at the head of these proceedings the Chief Engineer not only submits an application from the Civil Architect for leave to make a further expenditure of 8,000 Rupees, still without an estimate, and has considered it consistent with his position to recommend that this application be complied with, but he forwards, without comment or remark, Lieut. Colonel Atkinson's defence of his conduct in having disobeyed the orders of the Government, and made this heavy expenditure without any sanctioned estimate.

10. The Government must consider the Chief Engineer's total silence regarding the reasons assigned by the Civil Architect for his conduct as conveying acquiescence in their propriety, and they are constrained to say that, little as those reasons are creditable to Lieut. Colonel Atkinson, Colonel Faber's silence is still less creditable to him. The Civil Architect says, that "it has been an object with him to delay submitting an estimate till the work was so far agreed upon and advanced, that it should be a final one and that there should be no further alteration from the letter of it." The Government are of opinion that the Civil Architect in saying this, and the Chief Engineer in approving it, have both shewn that they are ignorant of the intention of an estimate, and that both confound it with a bill; it is in the highest degree disappointing to the Government to find it necessary to inform Officers holding such responsible appointments, that their work should fit their estimate, and not their estimate their work.

11. Neither the Chief Engineer nor the Civil Architect can be allowed to shelter themselves under the order of the 28th of November 1856, directing that certain works should be proceeded with without delay, that order referred only to four additional cells for Europeans, and did not in any degree supersede former orders under which estimates for all the works had been called for.

12. The Government feel that, by the omission to submit any estimates, they have been led into an expenditure that they never contemplated, and that advantage has been taken of their having expressed approval of works, and ordered that measures should be adopted for their execution, to disobey their orders by omitting the most important preliminary measure of all, and to incur an expenditure beyond the authority of this Government to sanction.

13. The matter must now be immediately brought to the notice of the Government of India for which purpose the Chief Engineer will forthwith submit complete estimates of all work done, and in progress, and will, by personal inspection, satisfy himself, and afterwards report to Government, whether the works are in accordance with the orders passed on 13th of March, and 8th of

September 1856. Pending the receipt of this estimate and report, the Government decline to pass any orders upon the present reference.

14. The Government consider it desirable that on all occasions of projects being approved in the Public, the Military or other Departments of the Secretariat, the order for their execution to the Public Works Department should require the previous submission of an estimate for the approval of Government.

(A true Extract.)

(Signed) H. FORBES,
Acting Secretary to Government.

No. 15.

ORDER THEREON, No. 427; dated 16th April 1857.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

Encl. P. Cartledge.

*Indy to Consult March 1856
No 17048*

*In Dy to Cons 21 April
Judicial 1857 Report*

*Extract Mins. Cons.
Public Works Department
No 606*

*Dated 24th
Recd 2nd April 1857*

File No 145

One share copy A No 540

*Directing that all projects for
buildings in the Public or other
Departments of the Secretariat, the
order for the Work to the Public
Works Department should require
previous submission of an estimate
for approval in that Department.*

No 427

To be recorded

16 April 57

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