

## MADRAS RECORD OFFICE.

Government of Madras.

*Judicial* DEPARTMENT.

|          |         |       |
|----------|---------|-------|
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| Dated    | 21-4-19 | 1860  |

10/11

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,  
for the month of April 1860.*

Read the following papers:—

No. 1. From C. M. TEED, Esq., Administrator General, Madras, to the Chief Secretary to Government, Fort Saint George, dated 22nd March 1860, No. 341.

Paragraph 1. I do myself the honor of forwaring to you the enclosed copy of correspondence, and request that the same may be laid before the Honorable the Governor in Council for his perusal and directions, with my request, that, a duplicate of the Government Promissory Notes referred to in that correspondence may be forthwith issued in the name of the Administrator General, without waiting for the expiration of two years, and without requiring me to execute the Bond of Indemnity referred to in the letter from the Accountant General of the 23rd February 1860, No. 1838.

2. I found my request

1stly. On the circumstance of my being a public Officer.

2ndly. That the Promissory Note in question was, when it miscarried, transmitted to the Accountant General under the Orders of Government, and therefore transmitted by the Administrator General in discharge of a public duty.

3rdly. Because the Administrator General is bound to distribute the Estate of the deceased within a given period, which he will not be able to do, if this Indemnity is required, and

4thly. From the conviction, that the Promissory Note referred to, has not been in reality lost, but that it reached the Accountant General's Office, and has merely been mislaid in that Office.

3. Under the impression that a resumé of what has passed may facilitate a clear understanding of the circumstances under which the Promissory Note is missing, I do myself the honor of submitting the following statement.

4. On the 18th August 1859, Letters of Administration of the Estate of the late Mr. Robert Breithaupt were granted by the Supreme Court to the Administrator General of Madras.

5. Whereupon the Government Promissory Note in question, was handed to this Department by Messrs. Miller and Sons as belonging to the Estate of the deceased.

6. This Note was one, issued in the five per cent. loan of 1856-57, was Nod. 18,369, and was for Rupees 1,500.

7. By the 7th Rule issued by the Government of India, under date the 8th April 1856, "all Government Securities coming into the possession of the Administrator General shall forthwith be lodged in the General Treasury for safe custody."

8. It was in compliance with this Rule, that the Promissory Note referred to, was transmitted to the Accountant General by this Department on the 24th of December last, in a letter dated the 23rd December, of which a copy accompanies marked A, and to which reference is hereafter made in paragraphs 11 and 15 hereof.

9. As the question may, to some extent turn on the fact, whether the Promissory Note was duly despatched by this Department and really delivered into the Office of the Accountant General, and as the matter has been rendered more complicated by reference in the correspondence to other letters despatched from this Department to the Accountant General on the 23rd and 24th December, I think it may facilitate the solution of the matter, by stating in the first place what took place regarding the five letters which have been referred to; in the next place, the course pursued in this Department on the despatch of letters to, and their delivery at, the Accountant General's Office; after which, I will state shortly the facts regarding the transmission to the Accountant General of the Promissory Note referred to.

10. On the 22nd of December, two letters were prepared in this Department to the address of the Accountant General, and both were dated that day, one was Nod. 2029 of 1859, it related

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to the Estate of the late Major H. T. M. Berdmore, and contained seven Government Promissory Notes, while the other, was Nod. 2013 of 1859, and related to the Estate of the late Henry Browne. Both these letters were handed on the evening of the 23rd of December in the usual manner to a Gollah in the Department named Vurthapah for delivery by him at the Accountant General's Office.

11. On the 23rd and 24th of December, three more letters were prepared in this Department to the address of the Accountant General. One was dated the 23rd December, was without No. related to the Estate of the late Mr. R. Breithaupt, and contained the Government Promissory Note for Rupees 1,500 referred to in paragraphs 5 and 6. The second was also dated the 23rd December, was Nod. 2034, and B, related to the Estates of Captain J. P. Frye and Major W. G. P. Jenkins, and contained a remittance list; while the third was dated the 24th December, was without No., related to the Estate of the late Pay Master G. H. Eddy, and contained two Government Promissory Notes. These three letters were also handed in this Department on the evening of the 24th December in the usual manner to the same Gollah named Vurthapah, for delivery by him at the Office of the Accountant General.

12. I regret the necessity which has arisen for a reference to any more of these letters than the one containing the Government Promissory Note in question.

13. I now propose to shew the course pursued in this Department on the despatch of letters to and their delivery at the Office of the Accountant General. So soon as the fair transcript of a letter is signed by the Administrator General and entered into the letter book, an entry is made in the "Delivery book" containing the name of the Estate respecting which the letter refers, particulars of the enclosures if any, the No. of the letter if any, with the date of the letter and to whom addressed. It is the particular duty of a Writer named Patrick Raulim to make this entry, and then to hand each letter to a Gollah attached to the Office. On the following morning (or first day the Office is open) the same Writer takes a report from each Gollah of what he has done with the letters handed to him the previous day, and the Writer then enters (immediately under the entry of the letter) in the Delivery book the purport of such report; to which he obtains the signature of the Gollah. The Gollahs invariably obtain the name of the party to whom they delivered each letter, as regards however letters delivered at the Accountant General's Office, the Gollahs (in addition to obtaining the name of the party to whom they deliver each letter) generally see an entry made in a book kept at the Accountant General's Office, in which is mentioned 1st the name of the office or party whence the letter come, 2ndly the No. of letters then delivered, 3rdly the name of the Delivering Gollah or Peon, and, 4thly the hour at which each letter is delivered.

14. The following are the facts regarding the transmission to the Accountant General's Office of the Promissory Note referred to.

15. On the 23rd December the letter referred to in paragraphs 8 and 11 was prepared as mentioned in paragraph 11, when signed, the letter was entered in the Office letter book, the Government Promissory Note mentioned in paragraphs 5 and 6 was then enclosed in the letter by Mr. Patrick Raulim. The letter was closed and the following entry made in "the Delivery book" by him.

|                                                                     |                                                                                                  |                                                                                 |
|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| Mr. R. Breithaupt.                                                  | One Government Promissory Note, viz., No. 18,369 of 1856-57 for Company's Rupees 1,500.<br>P. R. | 1859, December 23rd.<br>To the Accountant General,<br>Fort Saint George.<br>Gc. |
| 24th, Vurthappah delivered to Vurdappah Gollah. Signature in Tamil. |                                                                                                  |                                                                                 |

After which, and on the evening of the 24th of December, the letter with the Promissory Note enclosed was delivered by Mr. Patrick Raulim to Vurthapah, together with the two other letters mentioned in paragraph 11, with directions to deliver the three at the Office of the Accountant General.

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16. On the same evening (24th December) the Gollah Vurthapah proceeded to the Office of the Accountant General and there delivered the three letters to a Gollah also named Vurthapah, he then saw the Accountant General's Gollah make an entry into his book, mentioning the receipt of three letters from this Department.

17. The following day was Christmas day and this Department was not open till Tuesday the 27th of December, when Mr. Patrick Raulim received from Vurthapah the usual report which he entered and obtained the man's signature to such entry.

18. The letter of the 24th of December relating to Mr. Eddy's Estate was acknowledged by the Accountant General on the 9th of January 1860.

19. The letter of the 23rd December, relating to the Estate of Mr. Robert Breithaupt (A) not having been acknowledged, this department on the 23rd January 1860, addressed the Accountant General—copy accompanies marked B—whereupon a correspondence ensued, copies of which also accompany, and are marked C, D, E, F, G, H and I.

20. From the Accountant General's letter of the 31st of January 1860, No. 1737,\* I collect that the fact of three letters having been delivered at his Office on the 24th December was not then communicated to Mr. Harrison. In his letter of the 11th February 1860, No. 1792,† however that Gentleman shews that on his examining the book kept in his

Office he found "three letters are entered as having been received from this Office on the 24th "December last." Thus corroborating the testimony given by this department, as to the despatch and delivery of those three letters. It is true the Accountant General adds "a careful enquiry "has however been made, the result of which leaves it doubtful, whether more than two letters "were actually delivered by my Peon on that day." The Accountant General's reasons for arriving at that conclusion, are contained in that letter, and of which His Excellency in Council will doubtless form his own opinion, irrespective of any observation I could make on the subject; I therefore abstain from offering any observation upon it, further, than to remark, that my Gollah Vurthapah denies ever having (as he believes) stated that he delivered two letters "ONLY" on the 24th and that two "ONLY" were given to him for delivery on that day. He was interrogated regarding the delivery of "two letters." The questions were put to him in a direct and leading form, "whether he did not deliver two letters," &c., and he replied accordingly and stated he delivered two letters on the evening of the 23rd, but denies he ever intended to state, that he delivered two letters "only" on the evening of the 24th, and believes he never made any such statement, but the questions were put to him very confusedly, and in a manner which I collect made him feel nervous and dispossessed.

21. I would however solicit the particular attention of His Excellency in Council to the statement contained in the Accountant General's letter of the 11th February 1860, which it is alleged was made by Vurthapah, and in that, His Excellency will observe, that the word "only" does not occur.

22. I have made enquiries and am assured that on no occasion have my Gollahs taken letters to the Accountant General's "from other departments and offices." Not that I see how that affects the present enquiry, except that it distracts the attention from the real point at issue.

23. His Excellency in Council will however not fail to observe, that the Accountant General's Gollah Vurthapah says, that he did receive from this department three letters on the 24th December, and entered that No. in the book.

24. I apprehend no reasonable doubt can be entertained, that the letter from this department, dated the 23rd December last A, on the subject of the Estate of the late Mr. Robert Breithaupt, and containing the Government Promissory Note of the five per cent. loan of 1856-57, Nod. 18369 for Rupees 1,500, was delivered at the Office of the Accountant General on the

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evening of the 24th of December last, and has unfortunately been mislaid for the moment. I trust therefore that His Excellency in Council will be pleased to forward to the Government of India, my present request with his recommendation, that a duplicate of such Note may be forthwith issued in the name of the Administrator General of Madras, without waiting the usual period of two years, and without requiring me to execute the Bond of Indemnity usually taken in cases where Government Promissory Notes are lost by the holders thereof.

25. If however His Excellency in Council should consider that a doubt exists as to the delivery at the Office of the Accountant General, or whether foul play has been practised, it appears to me, that the only course then open, will be for me to lay an information before the Police with the view of the matter being fully investigated and criminal proceedings instituted. I however fully agree with the opinion expressed by the Accountant General, that no one, either in, or out of his Office, could have any object in keeping or making away with the Government Promissory Note in question, for, from the endorsements upon it, the Note would be valueless in the market. And under all the circumstances I am inclined to believe, the Note has got mislaid or mixed with other papers received as stated in the 5th paragraph of the Accountant General's letter of the 11th February last, No. 1792.

A.

From CLEMENT DALE, Esq., Administrator General, Madras, to the Accountant General, Fort Saint George, dated 23rd December 1859.

I have the honor to forward to you the undermentioned one Government Promissory Note and request you will be so good as to register the same in the Registry of Securities in your Office and return it to me at your earliest convenience.

MEMO:—

No. 18369 of 1856-57 for... Co.'s Rupees 1,500.

B.

(ESTATE) MR. R. BREITHAUPT.

From CLEMENT DALE, Esq., Administrator General, Madras, to the Accountant General, Fort Saint George, dated 23rd January 1860.

I have the honor to draw your attention to my letter of the 23rd ultimo: and to request you will be so good as to return to me the Government Promissory Note No. 18,369 of 1856-57 for Co.'s Rupees 1,500 therein referred to, duly registered.

C.

From R. P. HARRISON, Esq., Accountant General, to CLEMENT DALE, Esq., Administrator General, dated 27th January 1860, No. 1718.

Bond Department.

No. 18369 of 1856-57, for Co.'s Rupees 1,500. I have the honor to inform you that your letter of 23rd ultimo, with its enclosure, the Promissory Note described in the margin alluded to in your letter of the 23rd instant, have not been received in this Office.

D.

(ESTATE) MR. R. BREITHAUPT.

From CLEMENT DALE, Esq., Administrator General, Madras, to the Accountant General, Fort Saint George, dated 30th January 1860, No. 172.

I have the honor to acknowledge the receipt of your letter of the 27th instant and in reply to state that, the letter from this Department of date the 23rd ultimo, enclosing the Government Promissory Note therein described and which you inform me has not been received in your Office, appears by the records of this Department to have been delivered on the following day (the 24th) by the bearer of this letter Gollah Vurthappah, to the Gollah of the Accountant General's Office of the same name.

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I beg to draw to your attention that the letter under enquiry and the letter to your address dated 23rd December last, enclosing two Government Promissory Notes appertaining to the Estate of the late Pay Master G. H. Eddy, were delivered in your Office, on the same day by the same Gollah and to the same Gollah of your Office. This letter has been acknowledged by you in your letter to my address dated 9th instant, Nod. 1596.

The bearer will point out the Peon to whom he delivered the letter firstly above referred to.

E.

From R. P. HARRISON, Esq., Accountant General, to the Administrator General, Madras, dated 31st January 1860, No. 1737.

Bond Department.

In reply to your No. 172 dated 30th instant, wherein you state that your letter to my address dated 23rd ultimo, enclosing Government Promissory Note No. 18369 of 1856-57, for Rupees 1,500 was delivered to a Gollah named Vurthappah of this Office, by a Gollah employed by yourself bearing the same name; and assume as proof of the said letter and Note having been delivered at this Office that a second letter addressed to me by you dated 24th idem was duly received and has since been acknowledged by me and that therefore because I received two letters from you one must have been the missing communication. I have the honor to inform you that I have caused your Gollah Vurthappah to be carefully examined that he alleges that on Friday the 23rd December at half past 5 p. m. he placed in the hands of Gollah Balakistna of this Office, two letters, and that on Saturday the 24th idem, at half past 6 p. m., he delivered to Gollah Vurthappah of this Office other two letters, all of which appears to be consistent with the facts, as I find that on the 23rd December 2 letters Nod. 2013 and 2029 both dated 22nd December were received, which were duly entered and initialed by myself and Assistants on 24th idem, and 2 other letters that on that day one Nod. 2034, dated 23rd December, the other without number dated 24th idem, were received which were also initialed in like manner.

2. I shall be very happy to render you any assistance in my power in recovering the lost document if it be lost, but I have no reason whatever to believe that it, or the letter said to have carried it, ever reached this Office.

F.

From CLEMENT DALE, Esq., Administrator General, Madras, to the Accountant General, Fort Saint George, dated 31st January 1860, No. 183.

1. I have the honor to acknowledge the receipt of your letter of the 31st instant, No. 1737.

2. In adverting to the delivery at your Office and to your subsequent acknowledgment thereof, of the letter relating to the Estate of Mr. Eddy, it was not mentioned by me as proof of the delivery in your Office of the other letter regarding the Estate of Mr. R. Breithaupt, I was perfectly aware that that circumstance was no proof of delivery of the missing letter, I merely drew your attention to the fact as one which might facilitate your enquiry.

3. From enquiries I have made since the receipt of your letter now under acknowledgment and from reference to the book kept in this Office recording the transmission and delivery of letters, despatched by the Administrator General, I find that on the evening of the 23rd December last, Gollah Vurthappah was the bearer of two letters to your address one Nod. 2029 of 1859, dated 22nd December 1859, regarding the Estate of Major H. T. M. Berdmore containing seven Government Promissory Notes and one Nod. 2013 of 1859, dated 22nd idem, regarding the Estate of Henry Browne. That on the evening of the 24th, the same Gollah was the bearer of three letters to your address as follows:

One without No. dated 23rd December 1859, in the Estate of Mr. R. Breithaupt containing one Government Promissory Note, for Company's Rupees 1,500.

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One Nod. 2034 and B dated do. in the Estates of Captain J. P. Frye and Major W. G. P. Jenkins, containing a remittance list, and one without No. dated 24th December 1859, in the Estate of Mr. G. H. Eddy containing two Government Promissory Notes.

4. Previously to settling the letter I addressed to you on the 30th instant No. 172 I did not examine the book referred to and consequently I did not then know that the letter No. 2034 and B. had been despatched on the 24th. I certainly was under the impression that only the two letters without No. regarding Breithaupt's and Eddy's Estates had been despatched, I have since enquired of the chief Clerk of this Department why in drafting No. 172 he did not allude to the third letter and he states that as the letter No. 2034 and B. had no connexion with Government Bonds, he did not think it necessary to refer to it, fearing that if he did so it might cause confusion in the reference. I do not agree with this view of the matter and admit it was unfortunate no allusion was made to the third letter and I do myself the honor of tendering you my apologies for the omission and regret if the omission should be the cause of any extra trouble to yourself or your establishment.

5. I forward by the bearer for your inspection the book to which I have referred shewing the daily transmission of the letters from this Department and the report of their delivery, the entries in this book are regularly made by Writers whose duty it is to have the letters properly despatched, the report of the delivery Peon is the following morning entered from his statement and he is then required to sign the book. I therefore entertain no doubt that the three letters were handed in this Office to my Gollah Vurthapah for delivery as noted in that book.

6. For your easy reference I have placed in each page where the entries are made a paper and against each of the two letters despatched on the 23rd, I have caused a large X to be made in red ink and against each of those despatched on the 24th I have caused a large X to be likewise made in red ink.

7. I apprehend that after the foregoing explanation and inspecting the book you will concur with me in entertaining no doubt as to the despatch of those five letters from this Office. The only question then remains is the delivery of those five letters at your Office.

8. As regards those despatched on the 23rd you will observe my Gollah reported in due course that he delivered those two letters to Gollah Balakistna of your Office, this information I gather from your letter is correct.

9. Then respecting those despatched on the 24th you will observe my Gollah Vurthapah reported in due course that he delivered those three letters to Gollah Vurthapah of your Office. I admit his bare assertion not made on oath is no proof of their delivery, but in again soliciting your kind assistance in the matter, I would refer to the fact that, as regards two of those letters my Gollah's report was correct. I would also beg to state that he has reported to me that when letters are delivered at your Office an entry is made in a book by the receiving Peon and that on the 24th when he delivered the three letters an entry was made in the usual manner by Gollah Vurthapah of your Office and as he believes the receipt of three letters was then entered. May I request that you will kindly call for the production of that book and yourself inspect the entry made on the 24th.

10. I make this request because Gollah Vurthapah of this Office has stated to me, that yesterday Gollah Vurthapah of your Office admitted he received three letters on the 24th from my Gollah and stated he had so entered them, and that on my Gollah requesting that the book might be produced, his request was refused.

11. I may add I learn that Gollah Vurthapah has been in this Department five years, and that he bears a very high character for the correct discharge of his duties.

12. Thanking you for your kind offer to render to this Department any assistance in your power, and participating with you in the belief that the Note in question is not lost.

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|                                                           | Promissory Note Nos.                                                                          | Amount. |                                             |
|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------|---------|---------------------------------------------|
|                                                           | No. 58036 of 1856-57 for C. Ra.                                                               | 1,000   |                                             |
|                                                           | " 58037 " " "                                                                                 | 2,500   |                                             |
|                                                           | " 58038 " " "                                                                                 | 2,500   |                                             |
| H. T. M. Berdmore, Major.                                 | " 64604 " " "                                                                                 | 600     | 1859, December 22nd.                        |
|                                                           | " 64605 " " "                                                                                 | 1,400   | To the Accountant General, Fort St. George. |
|                                                           | " 71969 " " "                                                                                 | 3,000   |                                             |
|                                                           | " 71970 " " "                                                                                 | 500     |                                             |
|                                                           |                                                                                               | P. R.   |                                             |
| 23rd, Vurthappah delivered to Balakistna Gollah. அரசப்பக. |                                                                                               |         |                                             |
|                                                           | No enclosure.                                                                                 | P. R.   | 1859, December 22nd.                        |
| Henry Browne.                                             |                                                                                               |         | To the Accountant General, Fort St. George. |
| 23rd, Vurthappah delivered to Balakistna Gollah. அரசப்பக. |                                                                                               |         |                                             |
|                                                           | One Government Promissory Note, viz.                                                          |         | 1859, December 23rd.                        |
| Mr. R. Breithaupt.                                        | No. 18369 of 56-57 for C. Ra.                                                                 | 1,500   | To the Accountant General, Fort St. George. |
|                                                           |                                                                                               | P. R.   |                                             |
| 24th, Vurthappah delivered to Vurthappah Gollah. அரசப்பக. |                                                                                               |         |                                             |
|                                                           | List of remittance duly rectd. by the Sub Treasurer showing a sum of Rs. 244 = £ 22-8.        |         | 1859, December 23rd.                        |
| Captain J. P. Frye and W. G. P. Jenkins.                  |                                                                                               | P. R.   | To the Accountant General, Fort St. George. |
| 24th, Vurthappah delivered to Vurthappah Gollah. அரசப்பக. |                                                                                               |         |                                             |
|                                                           | Two Government Promissory Notes as well as the Letters of Administration for registry.        |         | 1859, December 24th.                        |
| G. H. Eddy, Pay Master.                                   | No. 400 of 110 of 1832-33 Tanjore debt for C.'s Rs. 1,000, 40744 of 56-57 for C.'s Rs. 2,000. |         | To the Accountant General, Fort St. George. |
|                                                           |                                                                                               | P. R.   |                                             |
| 24th, Vurthappah delivered to Vurthappah Gollah. அரசப்பக. |                                                                                               |         |                                             |

G.

From R. P. HARRISON, Accountant General, to the Administrator General, dated 11th February 1860, No. 1792.

Board Department.

I have the honor to acknowledge the receipt of your letter, No. 183, dated the 31st ultimo.

2. In reply I beg to state that I have examined the book in which entries are made of letters received, and that I find that three letters are entered as having been received from your Office, on the 24th December last, a careful enquiry has however been made, the result of which leaves it doubtful whether more than two letters were actually delivered by your Peon on that day.

3. On receipt of your first communication, I requested my Principal Uncovenanted Assistant, to make an enquiry regarding the missing letter, and I enclose for your information a statement made to him by your Gollah Vurthappah, and taken down in English at the time. This statement was made in Tamil in the presence of two Native Assistants. (Managers of departments)

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who state that Vurthappah positively declared that he delivered two letters only on the 24th and two only were given to him for delivery, and that he made this statement though at the time aware that three letters were entered in the book.

4. Vurthappah the Gollah of this Office, to whom the letter is said to have been delivered, says that he did receive three on the 24th December, and entered that number in the book; but this is inconsistent with a statement he had previously made before Mr. Peachey; and it appears also that your Peons occasionally bring letters from other Departments and Offices.

5. The letters which were received from your Office on the 24th December, were not delivered till  $\frac{1}{2}$  past 6 P. M. They were taken with all other letters, which had reached the Office, in a box to my private room on the 26th and opened in my presence on the following day, all letters containing bonds were locked up in a drawer in my writing table, and were taken by me to Office on the day after it was opened, and made over to the Bond Department.

6. Every search has been made in this Office, but I regret to say without success. No one in it could have any object in keeping or making away with it, and under all the circumstances, I am inclined to believe that it never was received.

7. It appears to me that the only course left is for you to adopt the usual measures for obtaining a duplicate of the missing Promissory Note, and in effecting this object, I shall be glad to afford you any assistance in my power.

Vurthappah says:—

That on Friday 23rd December last, at about half past five in the evening, he gave two letters to Balakistna Gollah in the Accountant General's Office, several of the Gollahs (three) were sitting together at the time. Balakistna enquired from where I brought the letters, and I told him from the Administrator General's Office and that my name was Vurthappah, and I asked his name, which he gave as Balakistna.

On Saturday, 24th December, at about half past six in the evening, I handed two more letters to Vurthappah Gollah in the Accountant General's Office, there were four or five; Rungasawmy, Vurthappah and two more. They asked the same questions as to names as before, and I went away.

(True Copy.)

(Signed) W. B. RAYNOR,  
2nd Asst. Acct. Genl.

II.

(ESTATE,) MR. R. BREITHAUP.

From C. M. TEED, Esq., Administrator General, Madras, to the Accountant General, Fort Saint George, dated 17th February 1860, No. 263.

I have the honor to acknowledge the receipt of your letter of the 11th instant, and with reference to the last para. to request you will be good enough to inform me of the mode and form of procedure for obtaining a duplicate of the Government Promissory Note therein referred to, and whether it is usual for parties making such application to enter into any Bond of Indemnity, and if so, whether such will be required from the Administrator General.

I.

From R. P. HARRISON, Esq., Accountant General, to C. M. TEED, Esq., Administrator General, dated 23rd February 1860, No. 1838.  
Bond Department.

1. In reply to your letter of the 17th instant, I have the honor to inform you that the usual course required to be observed on the loss of a Promissory Note, is to advertise its loss in three distinct issues of the Fort Saint George Gazette, agreeably to the form published in the

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Gazette of the 24th June 1856, page 947, and to submit a statement of the case affording explanation regarding the loss of the Note to the Chief Secretary to this Government for the consideration of the Government of India. Should the Government of India be satisfied as to the loss of the Note, authority is given for the issue of a duplicate at the expiration of two years from the date of the last advertisement; on the execution of a Bond of Indemnity holding Government harmless against the consequences of such issue.

2. But in the present instance, I will recommend to Government that a duplicate of the Note may be granted at once instead of after the expiration of two years as generally required, on your forwarding explanation regarding its loss, intimating that it has been three times advertised in the Gazette. A Bond of Indemnity executed by you should accompany your application to be transmitted to the Accountant General to the Government of India.

Referred to the Accountant General for report.

28th March 1860.

(Signed) T. PYCROFT,  
Chief Secretary.

No. 2. From R. P. HARRISON, Esq., Accountant General, to the Chief Secretary to Government, Fort Saint George, dated 2nd April 1860, No. 511.

I have the honor to acknowledge the receipt of the Order of Government, dated the 28th ultimo, forwarding to me, for report, a letter, bearing date the 22nd idem, No. 341, with its enclosures, already returned, from the Administrator General, in which that Officer requests, that a duplicate of a Government Promissory Note, which is said to have been contained in a cover, which it is alleged was delivered to this Department on the 24th December last, and is now missing, may be forthwith issued in the name of the Administrator General, without waiting for the expiration of two years, and without requiring him to execute a Bond of Indemnity.

2. The Administrator General has already laid before the Government the whole of the correspondence which has passed between his Office and mine on the subject of his letter, and I have only to offer a few observations upon such parts of his address to Government as appear to call for remark.

3. The question at issue is whether the cover, which is said to have been despatched on the 24th December, from the Office of the Administrator General, and to have contained the missing Promissory Note, was ever delivered to this Department. The fact of three letters having been entered in the receipt-book of the Gollah of this Office, certainly, in itself, affords some prima facie evidence that three were delivered, but the Gollah of the Administrator General's Office distinctly stated that he only delivered two letters on the 24th; and in the Administrator General's letter of the 30th January last, reference was made to two letters only, as having been delivered on that day. In a subsequent letter, dated the 31st January, the Administrator General stated that no mention was made of the third, because it had nothing to do with Government Bonds. Two of the letters sent by the Administrator General were found in the box, into which the letters were placed, when it was taken to my room, and it is very improbable that the third, if it had been delivered, would not have been forthcoming also, since no one in this Office could have had any object in destroying, or making away with it. But, if it was admitted that a third cover was received, it would be no proof that it contained a Promissory Note. Only a few days since, a cover to my address, from the Administrator General, was found to contain a letter to Francis Clark, East India House. The missing Note may have been sent to some one else through similar carelessness in his Office.

4. With reference to the remarks contained in the 20th paragraph of the Administrator General's letter, I beg to observe that my Principal Uncovenanted Assistant, Mr. Peachey, positively states that no leading questions, whatever, were put to the Administrator General's Gollah, that he was simply told to tell his own story, and did so without exhibiting any nervousness or confusion whatever. I have questioned Teagiah and Visvanadum, two highly respectable Native

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for the month of April 1860.

Assistants, Managers of Departments, who were present, upon this point, and I have no hesitation in expressing my opinion, that the Gollah's statement, (denying what he had said in this Office,) which the Administrator General appears to have at once accepted as truth, is altogether false.

5. It would appear from the 4th and following paragraphs of the Administrator General's letter, that the missing Promissory Note was made over to his Department in August 1859, but no explanation is given why it was detained in his Office till the 24th December, and then sent, after Office hours, and in fact after this Office had closed for the Christmas holidays; neither is there any thing in either of his letters to shew in whose custody, in his Office, the missing Note was kept, or that the Administrator General has satisfied himself that it was actually put into the cover, which is said to have been sent to, and delivered at, this Office, upon these points I think some explanation might be required from the Administrator General.

6. The Registers of this Office shew that the missing Note, No. 18369 of 1856-57, was issued in favor of Mr. M. Sterling, and that the last payment of interest, up to 31st August 1858, was made to Mr. R. Breithaupt. The Note was made over to the Administrator General, as Administrator to Mr. Breithaupt's Estate, and I would, under the circumstances, recommend, that the Government of India may be moved to issue a duplicate of the Note to the Administrator General, on his shewing that the loss has been duly advertised, (which he has not done,) and executing a Bond of Indemnity, without waiting for the prescribed period of two years.

No. 3.

ORDER THEREON, 21st April 1860, No. 478.

On the Administrator General reporting that he has advertised, in three several issues of the Fort Saint George Gazette, the loss of the Note in question, the Government will forward the above correspondence to the Government of India, and support the recommendation of the Accountant General for the immediate issue, under the circumstances, of a duplicate Note, on execution of an Indemnity Bond.

(Signed) T. PYCROFT,  
Chief Secretary.

Exd. F. Cartledge.

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Promissory Note in question was handed to the Department by Messrs Miller & Sons and belonging to the Estate of the deceased.

This Note was one issued in the Five per Cent Loan of 1856/57, was No. 18369 and was for Rs 1500.

By the 7th Rule issued by the Government of India under date the 18th April 1856. All Government securities coming into the possession of the Administrator General shall forthwith be lodged in the General Treasury for safe custody.

It was in compliance with this rule that the Promissory Note referred to was transmitted to the Accountant General by this Department on the 24th of December last in a Letter dated the 23rd December of which a copy accompanies marked A and to which reference is hereafter made in paras 11 & 15 hereof.

As the question may to some extent turn on the fact whether the Promissory Note was duly despatched by this Department and really delivered into the Office of the Accountant General, and as the matter has been rendered more complicated by reference in the correspondence

Why not  
be sent  
to the  
Accountant  
General  
on the 24th  
of December  
last in a  
Letter dated  
the 23rd  
December  
of which a  
copy  
accompanies  
marked A  
and to which  
reference is  
made in  
paras 11 & 15  
hereof.

correspondence to other Letters despatched from this Department to the Accountant General on the 23<sup>rd</sup> and 24<sup>th</sup> December, I think it may facilitate the solution of the matter, by stating in the first place what took place regarding the five Letters which have been referred to, in the next place the course pursued in this Department on the despatch of Letters to and their delivery at the Accountant General's Office, after which, I will state shortly the facts regarding the transmission to the Accountant General of the Promissory note referred to.

10. On the 23<sup>rd</sup> of December two Letters were prepared in this Department to the address of the Accountant General, and both were dated that day, one was No 2029 of 59, it related to the Estate of the late Major H. H. Berdmore and contained seven Government Promissory notes, while the other, was No 2013 of 59, and related to the Estate of the late Henry Browne. Both these Letters were handed on the evening of the 23<sup>rd</sup> of December in the usual manner to a Gollah in the Department named Vithapath for delivery by him at the Accountant General's Office.

11. On the 23<sup>rd</sup> and 24<sup>th</sup> of December, three

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three more Letters were prepared in this Department to the address of the Accountant General. One was dated the 23<sup>rd</sup> December, was without No. related to the Estate of the late Mr. R. Breithaupt, and contained the Government Promissory note for Rs 1500 referred to in paras 5 and 6. The second was also dated the 23<sup>rd</sup> December, was No 2034 and B related to the Estates of Capt. St. Eye and Major M. G. P. Jenkins, and contained a Remittance List; while the third was dated the 24<sup>th</sup> December, was without No. related to the Estates of the late Paymaster G. H. Eddy, and contained two Government Promissory notes. These three Letters were also handed in this Department on the evening of the 24<sup>th</sup> December in the usual manner to the same Gollah named Vithapath for delivery by him at the Office of the Accountant General.

12. I repeat the necessity which has arisen for a reference to any more of these Letters than the one containing the Government Promissory note in question.

13. I now propose to show the course pursued in this Department on the despatch of Letters to and their delivery

delivery at the Office of the Accountant  
General. So soon as the fair transcript  
of a Letter is signed by the Administrator  
General and entered into the Letter Book,  
an entry is made in the "Delivery Book"  
containing the name of the Estate respecting  
which the Letter refers, Particulars of the  
Enclosures if any, the No. of the Letter if any  
with the Date of the Letter and to whom addressed.  
It is the particular duty of a Writer named  
Patrick Paulin to make this entry, and  
then to hand each Letter to a Gollah attached  
to the Office. On the following morning (or  
first day the Office is open) the same Writer  
takes a report from each Gollah of what he  
has done with the Letters handed to him  
the previous day, and the Writer then  
enters (immediately under the entry of the Letter  
in the Delivery Book) the purport of such  
report, to which he obtains the signature  
of the Gollah. The Gollahs invariably obtain  
the name of the Party to whom they delivered  
each Letter, as regards however Letters delivered  
at the Accountant General's Office, the  
Gollahs (in addition to obtaining the name  
of the Party to whom they deliver each  
Letter) generally see an entry made in a  
Book

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and relating to the Estate of Mr Robert  
Brethamph (A.) not having been  
acknowledged, this Department on the  
28<sup>th</sup> January 1860 addressed the Accountant  
General. Copy accompanies marked B.  
Whereupon a correspondence ensued,  
copies of which also accompany, and  
are marked C, D, E, F, G, H, I and J.  
20. From the Accountant General's  
Letter of the 31<sup>st</sup> of January 1860 No. 1737.  
marked B. I collect that the pack of three Letters  
having been delivered at his Office  
on the 24<sup>th</sup> December was not then  
communicated to Mr. Harrison. In  
his Letter of the 11<sup>th</sup> February 1860 No. 1792,  
marked C. however that Gentleman shows that on  
his examining the Book kept in his Office  
he found three Letters are entered as  
having been received from this Office  
on the 24<sup>th</sup> December last. Thus  
corroborating the testimony given by this  
Department, as to the despatch and  
delivery of those three Letters. It is true  
the Accountant General adds "A careful  
enquiry has however been made, the result  
of which leaves it doubtful, whether  
more than two Letters were actually  
delivered

delivered by any person on that day".  
The Accountant General's reasons for  
arriving at that conclusion, are contained  
in that Letter, and of which His  
Excellency in Council will doubtless  
form his own opinion, in respect of any  
observation I could make on the subject.  
I therefore abstain from offering any  
observation upon it, further than to  
remark that my Coliah Tuthapah  
was yesterday evening (as he believes) stated  
to the Principal that he delivered two Letters only  
on the 24<sup>th</sup> and that two only were given  
to him for delivery on that day. He was  
interrogated regarding the delivery of  
two Letters. The questions were put to him  
in direct and leading form "Whether  
he did not deliver two Letters?" and  
he replied accordingly and stated  
he delivered two Letters on the evening  
of the 23<sup>rd</sup>, but denies he ever intended  
to state that he delivered two Letters  
only on the evening of the 24<sup>th</sup>, and  
believes he never made any such  
statement, but the questions were put  
to him very confusedly, and in a manner  
which

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Proceedings of the Madras Govt.  
Read the following letters -  
From the Adminis.

Administrator Genl. Letter 22 Mar '60.  
the Acct. Genl. No. 341  
2 April '60.  
No. 511.

Order: 21 April 1860 No 478.

On the Administrator  
General reporting that  
he has advertised, in three  
several issues of the Fort  
St. George Gazette, the loss  
of the Note in question, the  
Govt. will forward the above  
correspondence to the Govt.  
of India, & support the re-  
commendation of the  
Acct. Genl.

Accountant General  
for the immediate issue,  
under the circumstances,  
of a duplicate Note, on  
executive of an Indem-  
nity Board.