

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1066

Press

~~Miss~~

60-61

Dated 7.7.1862 19

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
7th July 1862.*

No. 60. Read the following letter from E. B. FOORD, Esq., Acting Magistrate of Bellary; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 16th June 1862, No. 28.

With reference to Government Order, Judicial Department, dated 27th May 1862, No. 846, I have the honor to forward herewith Mr. Foster's explanation regarding the sum of Rupees 168, which were stolen from the Pension Cash Chest in his charge.

2. Believing that the loss of this money was not caused by any carelessness on the part of Mr. Foster, I have not thought it necessary to make any alteration in the arrangements for the safe custody of the Cash Chest, which previously existed.

3. In my letter dated 12th May 1862, No. 21, I had the honor to state that I did not concur in the opinions expressed in Major McMaster's letter.

4. I would respectfully submit that if Major McMaster's opinion, that Government should not be charged with the loss of the money, although he believes that one of the Police-men stole the money, be accepted as a correct one, the responsibility of all guards over public money for the safe custody thereof, will cease.

From W. S. FOSTER, Esq., Assistant Collector of Bellary; to E. B. FOORD, Esq., Acting Collector of Bellary, 14th June 1862, No. 613.

1. I have the honor to acknowledge the receipt of the Government Order, No. 846, dated 27th May 1862, calling on me for explanations as to the remarks of the Superintendent of Police in his letter to you, No. 227 of 9th May 1862.

2. The history of the case given by Major McMaster is correct; so far as he simply mentions the facts connected with the theft; but the general assertions he makes as to the faulty system of sealing and locking the box are by no means so.

3. The box is sealed with the same wax that is used at the Treasury and the Cutcherry: it is a common box certainly, but the padlock is not so common as might be inferred from Major McMaster's letter, as I have not found any other key to fit it, than the right one: even were it a common one, it does matter, as the lock is enclosed in a bag, and sealed so that the key-hole is not open to admit of the lock being tampered with, unless the bag is removed. The seal is not a very small one, though, why a small one should make a bad impression, I do not know: I do not hesitate to say that I have sealed the box with my ring, and it was so sealed at the time the theft was committed: it is true there is no engraving on the ring, but the border is not blank, and it is quite sufficient to identify the seal. But this blankness was not taken advantage of; as the only way in which advantage could be taken of it arises from the blankness of the ring rendering the seal easy to be counterfeited: but the thief did not make the least endeavour to counterfeit it. Indeed the state he left it in, made me, when I saw it, consider that no thief would possibly have left it so evidently tampered with. The state of the seal was therefore considered no temptation by the thief and so cannot in justice be urged against me. Besides I always saw the seal myself before sending the box down to the Guard, and though it was blank, the border which was not so, was always clear and well defined.

4. The box is certainly kept in a small room, and the Guard are within reach of a light: but this is where every thing is kept which is under the Police Guard at the Cutcherry, and there is no other place to keep it. I should remark that it is impossible to keep it at the Treasury (as Major McMaster suggested and as I had from the first thought best) as the Treasury is half a mile from the Cutcherry, and it would therefore require a Guard to take it backwards and forwards, whenever it was required, which Guard was not available: and because the Treasury closes at 5 o'clock, and I have sometimes not finished paying the Pensioners till 6 o'clock.

5. I trust these remarks will satisfy you that the system of sealing and locking the box was by no means careless; and that the place where the box is kept was not chosen in a careless manner.

6. It is true that I forgot to take the key home with me one night: but the Police most certainly did not get possession of it. After my departure from Office, my waiter discovered it.

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and placed it in safe custody that night, and gave it to me the next morning. It is absurd to suppose he could have had any thing to do with the abstraction of the money, as he would be responsible for it, were it not that the seal was found tampered; and he must necessarily have obtained the connivance of one of the Guard.

7. I thought I had satisfactorily explained to Major McMaster, that his impression, that small sums had been continually taken out previous to the discovery of the loss, was incorrect: as I distinctly stated to him, that the last time the box was opened before that, the amount in the box corresponded exactly with the accounts.

8. Notwithstanding Major McMaster's opinion, I will still hold to my own opinion, that the Police have had no undue temptation thrown in their way: their position as a Guard necessarily implies a confidence in them (and for that they are paid) and consequently implies that they will be exposed to temptations: but I maintain that they have not been exposed to any temptations by me further than such as, of course, arise from their position of trust. The loss has occurred through no fault of mine, and so I consider Major McMaster's remark that "Government should not bear the loss" perfectly uncalled for: and as it is by no fault of mine, surely Government should bear the loss, just as if the Cutcherry had been openly attacked by a gang of robbers, and the box containing the money taken.

9. Previous to the discovery of the loss, I had not had occasion to open the box for more than 10 days; when it had been closed before that time, the money had been counted and found correct: but as it was not then the end of the month, the total of the accounts had not been entered in the book, but only the several items: at that examination of the accounts I had made the totals, and found the amount that ought to be in the box, on a separate piece of paper, which I had not kept. At the time of the discovery that the seal had been tampered with, one of the writers in my Office made the totals of the accounts, and it was from his results that I drew the conclusion that there was more money in the box than the accounts shewed should be there: it was then late in the evening, so I put off making a thorough personal examination of them till next day: and then I found he had made a mistake in adding up the several items: upon this I wrote to the Collector and I am aware that, that the Deputy Collector in charge of the Treasury told one of the Inspectors on that same day that the sum was deficient: so that though the Superintendent of Police did not hear of the matter officially until the 12th April, it was known to the Police on the 5th: the Superintendent of Police would doubtless have heard of it then, had he been in Bellary, but at that time he was out in the District.

10. I am exceedingly surprized at the way in which Major McMaster speaks of the conduct of business in my office: carelessness is not a fault of which any one, who has any means of judging, would find me guilty in the conduct of my business. He says "the box was sealed often in a hurry." This is a most unwarrantable and gratuitous assertion on his part. It is directly opposed to what I have always done; and he can have no means of knowing any thing to the contrary: in his enquiry in this case, he only heard the statements of the Inspectors, the Guard, and myself. The Inspectors and the Guard could neither of them inform him of such proceedings, as they are never in the room, when the box is sealed: and I could not possibly have told him so, so contrary is it to my continual practice.

11. I should feel much obliged, if before submitting this to Government, you would let me know whether you think there is any other remark in Major McMaster's letter which requires explanation: I cannot but feel that his whole letter is so unjust to me, that if I undertook to make explanation of the whole, I should take more space than either you or Government could bear with.

No. 61. ORDER THEREON, 7th July 1862, No. 1,066.

Under the explanation given by Mr. Foster the Governor in Council resolves to direct that the sums stolen from the Pension Cash Chest, viz., Rupees (108) one hundred and eight, be written off in the accounts.

*Proceedings of the Madras Government, Judicial Department,
7th July 1862.*

2. The Government would wish to be informed why it is necessary to keep a separate Pension Cash Chest. It would seem to be the simpler and the safer plan that all sums required for the payment of pensions should be drawn from the District Treasury as they are wanted.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

Exd. T. O'Connor.

Judicial Department.
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PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
letter from the Acting Magistrate
of Bellary.

Received 16th June 1862 No 28

Order thereon 7th July 1862 No 1066.

Under the sup-
-position given by Mr. Justice,
the Governor in Council
resolves to direct that the
sums stolen from the Pen-
-sion cash chest, viz Rs 100
one hundred and eight
be written off in the account.

2. The Government
would wish to be informed
why it is necessary to keep
a separate Pension cash
chest. It would seem to be
the simpler & the safer plan
that all sums required for
the

Will

The payment of pensions
should be drawn from the
District Treasury as they
are wanted.

W. A.

W. A. 58/7

The Collector of Bellary }
" Accountant General. } Desd 8th
Civil Paymaster. }

Feb 21
1862. Department.
No. 1266.

PROCEEDINGS OF GOVERNMENT.

Dated 27 July 1862.

It is ordered
Providing that the sum of
\$1000 be paid to the Union Bank
of New York in charge of the
\$1000 to be withdrawn in the
account.

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