1. Number of pages. 36
2. Date of repair. 17-6-3
3. Initials of Reference

M.R.O. 1—82,400—23-11-50.

MADRAS RECORD OFFICE.

Government of Madras.

Public Works **DEPARTMENT.**

Cons. 7 April 57

G.O. No. 606	Press Mis.
22-23	
Dated 2 — 4 —	1857

Not to be folded or roughly handled

No. 22. Read the following letter from Colonel C. E. FABER, Chief Engineer; to H. FORBES, Esq., Acting Secretary to Government, dated 11th March 1857, No. 10841.

SIR,

I have the honor to transmit the accompanying letter* from the Civil Architect at the Presidency, requesting authority for constructing an additional compound wall to the Penitentiary on the bank of the Cooum River, at an expense of about (8000) eight thousand Rupees.

* Dated 17th February 1857, No. 130.

2. The present surrounding wall 16 feet high is considered quite inadequate to the security and safe custody of the Prisoners, owing to the different out offices having been originally built in contact with it with a slant inside, which greatly facilitates the escape of the inmates, and as the Commissioner of Police has represented the urgent necessity of erecting another wall similar to that at present existing at the Grand Jail, I beg to recommend that early sanction may be accorded for the work being proceeded with, pending the preparation and submission of an estimate for the same at a subsequent date.

No. 23. ORDER THEREON, No. 606; dated 2nd April 1857.

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.

4th July 1856.

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 of the Superintending Engineer, submitted* by Colonel Faber, 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 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.

* From the Chief Engineer, 25th September 1856, No. 6788.

12th Novr. 1856, No. 139.

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 of November 1856.

17th Novr. 1856, No. 1251.

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 esti-

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

mate for the expenditure had been submitted, the item was, of necessity, removed from the Budget in the Government office.

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 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 aggrevates 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 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 work 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.

Fort Saint George, Public Works Consultation of 7th April 1857.

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.

Vide para. 28th of Extract Minutes Consultation, dated 12th March 1856, No. 461.

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.

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

Central Office of Public Works
Fort St. George 11th March 1857.

No. 1084.

From

The Chief Engineer

To

The Secretary to Government
Public Works Department

Sir,

I have the honor to transmit the accompanying letter from the Civil Architect at the Presidency, requesting authority for constructing an additional compound wall to the Penitentiary on the bank of the Cooum River, at an expense of about (8000) Eight thousand Rupees.

2. The present surrounding wall 16 ft. high is considered quite inadequate to the security and safe custody of the Prisoners, owing to the different out offices having been originally built in contact with it with a slant inside, which greatly facilitates the escape of the inmates, and as the Commissioner of Police has represented the urgent necessity of erecting another wall

to be returned
* 8/17 Feby/57.
No. 130

wall similar to that at present existing at the Grand Sail, I beg to recommend that early sanction may be accorded for the work being proceeded with, pending the preparation and submission of an estimate for the same at a subsequent date.

I have the honor to be
Sir,
Your Most Obedient Servant

Central Office of P. W.
Fort Saint George
11th March 1857.

A. Fraser Colonel
Chief Engineer

Memorandum

Regarding Penitentiary Buildings.

An Extract Minute of Consultation in the Judicial Department dated 10th March 1856 No 293, the Government approved of various arrangements and alterations recommended by the Chief Magistrate in the Penitentiary Buildings, for the purpose of providing accommodation for females, and boys, as also several additions as specified in the margin* within the new Penitentiary, and directed the Chief Engineer to take the necessary measures in communication with the Chief Magistrate, for carrying them out. This order was communicated to the Chief Engineer in one from the Public Works Department dated 13th March 1856 No 377, with the

* 1 A Palisaded Verandah with a Weather board roof in front of the wood Being - shed for the Europeans.
2 Heightening of the boundary wall in several places 3 Wheels over all the wells, with grating over the principal ones.
4 A bathing shed.
5 A rope well & shed.

Chief Engineers Office
Fort St George
The 11th April 1857

Received 14th April 1857

Dated 11th April 1857
No 1088

From the Secretary to Government
Public Department

Sir,

I am directed by the Honorable the Governor in Council to request that you will be pleased to cause the Penitentiary Female Prison to be enclosed with a Palisaded Fence, and to report the probable expence of the same.

I have &c.
(Signed) W. Morris
Secretary to Government

To
The Chief Engineer &c &c &c

1322

C 24 Printed N 28

in one from the Public Works
Department dated 8th
No 1600,
September 1856, and that
Officer was asked to submit
the required Estimate at
an early date.

3 On the 12th Novem-
ber, Colonel Boulderson
sent up to Government
an Extract from a letter from
the Superintending Engineer,
in which it was stated
that the additional
cells ordered for the European
Prisoners would be
ready in about
four months from
that date. The
Government upon this
expressed

expressed
displeasure at the delay
on the part of the Supg
Engineer in carrying out
their orders, and directed
the work to be proceeded
with as fast as possible.
This was communicated
to the Chief Engineer in
an order from the Public
Works Dept. of 28th Nov.
No 2226.

4. The Estimate called
for has not yet been
submitted, and Colonel
Atkinson states in
para 4 of his present
letter, that "it has been
an object with him
to delay submitting
an Estimate for the
whole till the work
was

was so far agreed upon and advanced, that it should be a final one, or that there should be no further alteration ~~necessary~~ from the letter of it, so as to have one estimate and one sanction for the entire work instead of in ~~details~~.

5. The work was entered in the Chief Engineer's Budget Statement No 2 for 1857/58, but was omitted in the Govt. Office owing to absence of Estimate. ~~From the entries made in the Statements, it~~ it is computed that appears that Rs 36,409 will have ~~is computed to be~~ present upon the work to the close of the current Official year, besides a further sum of Rupees 15,000 required for expenditure in the next Official year; thus making a total outlay of Rupees 51,409 a sum far beyond that which it is competent for this Govt to sanction. In the review of the Budget for 1857/58 under preparation, it is noticed in respect to this work that the Govt in authorizing the several improvements did not contemplate that they

they would entail so large an expenditure as that now reported in the Statement, and that they were somewhat disappointed that the Chief Engineer did not prepare them for it, more especially as, by the orders of the 8th Sept. last, he was specially requested to prepare and forward an Estimate of the cost of the improvements. Colonel Faber is also asked to ascertain by personal inspection of the Penitentiary Buildings whether the improvements under execution are strictly those

No 1600

which have been approved and authorized by Government, and to report the result; forwarding at the same time a plan shewing the different descriptions of work in progress, with an Estimate of the cost; in order that the same may be reported to the Govt. of India separately from the Budget, and their authority obtained for the entire expenditure.

H. R.

Public Works Dept

No. 606

Extract from the Minutes of Consultation
Under date the 2d April 1857.

Read the following
letter from the Chief Engineer.

Here enter 11th March 1857 No 1064

I have an extract from the minutes of consultation dated the 18th of March 1856, No 377, the Chief Engineer was ordered to take the ~~necessary~~ measures necessary to give effect to an order passed in the Judicial Department, approving the following alteration in the Residentiary recommended by the Magistrate,

1. A palisaded verandah, with a scatter board roof, in front of the Encheauree out cutchery shed

c24 March 28th

2. Raising the boundary walls in Black
3. Wheels over the wells, and grating over the large wells.
4. A bathing shed
5. A privy each shed.

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

3. One of the works pointed out by the Grand Jury

x 4 July/56. 1855

was a shed under which timbers, reserved 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 Govt. desired that they might be informed why nothing had been done up to the month of September. The reply of the Supdt. Engr., submitted by Colonel Baker, was by no means satisfactory, the chief excuse for delay being that "at various conversations" "see reason to change" "their minds during" "the progress of the work" "of improvement, it

Penn Ch. Reg. 25 Sept/56.
D: 6788.

2½

"perhaps advisable not"
"to be in too great a hurry"
"to push on at first." The
Superintendent of Police,
subsequently ~~subsequently~~ submit-
-ted to Govt., a letter from
the Chief Engineer regarding
the delay that had occurred
in the erection of four ad-
-ditional cells for Europeans,
which it was said could
not be ready for a further
period of four months.

4. The Govt. expressed
their displeasure at the
delay, and directed,
in the Judicial Dept., that
the work connecting
these cells should be
proceeded with as
fast as possible, and
the order was communicated
to the Chief Engr. from the
Dept. of Public Works on
the 28th of November 1856

x 12 Ror 156. Nos 9179.
Nos 139.

17 Ror 56 - Rs. 1237.
Nos 1251

Vide P. 27 P.R.C.
of 12 March 57 -
R. 161.

5. The works now in pro-
-gress at the Penitentiary
were entered in Volume
No. 2 of the Civil Engrs.
budget for 1856/57, and
it was shown that Rupees
36409 would probably
have been expended by
the end of the official
year, Rupees 15000 being
demanded for the year
ensuing. The total
cost therefore it was con-
-sidered would be only
Rupees 51409, but as
no estimate for the ex-
-penditure had been
submitted, Government,
of necessity, removed
from the budget in
the Govt. Office -

6. The Chief Engineer
now forwards a letter
from the Civil Architect,
applying for permission
to expend an additional
sum of Rs 8000 on
an under drain to the

Secretary, for such an estimate is to be submitted hereafter — and Sir request the Chief Engineer's support.

7. The Govt cannot entirely express the displeasure they feel at the proceedings of both the Chief Engineer and the Civil Architect — this is one more than twelve months since Colonel Baker considered to take steps measures are necessary to carry out certain alterations approved of in Mr Rees. Testimony & Report order on repealed on the 9th of September, and the Govt believe that Col. Baker thinks very little of these alterations which it was his bounden duty to adopt or to see that estimates for the work were prepared — that duty or not performed Steps to order for its performance as given, and it has not been performed even to this day — a Report of proposal of works and orders to take measures for Rees ~~Suspension~~ commencement, for been commended with special sanction for Rees execution, and Rees estimate amount. of £6000. to about 3 of £ which, greatly in excess of the sum, Col. Baker perfectly well knows, it is incumbent to the Govt to sanction, has, without ~~sanction~~ authority been incurred at the Presidency. Since the Chief Engineer and the Board of this large expenditure, ~~to~~ without sanction, no notice of the proposed works has been taken by the Chief Engineer

and ask to be heard, with
his cognizance and
approval, and in direct
defiance of the orders of Govt. so
extensive has been
prepared.
8. He Govt. considers that
a humble statement
of these facts is sufficient-
to show his entire
Civil Architect and
the Chief Engineer have
neglected one of their
most important duties,
and they conceive that
if they are allowed to
remain under such
censure he unable
Cause for their dis-
-pleasure - but un-
-fortunately for the of-
-ficial character of
both of these Officers
their subsistence is wrong
afforded by their original

Instruct.
9. With the letter quoted
at the head of this no-
-ceding the Chief Engr.
not only submits an
application from the
Civil Architect for
leave to make a further
expenditure of 6000
Rupees, still without
an estimate, but has
criticised it contrary
with his position to re-
-commend that the
application be complied
with, but he proceeds,
without comment or
remark to Colonel Cot-
-tonn's defence of
his conduct in having
disobeyed the orders of
Govt., and made his
heavy expenditure
without any sanctioned
estimate -
10 He Govt cannot con-
-sider the Chief Engr.
total silence regarding
the reasons assigned by

the Civil Architect for his conduct in conveying information to the Inspectr. and they are constrained to say that little or no reasons are creditable to Lt. Col. Atkinson, Colonel Jones 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 Govr. and Council see that the Civil Architect in saying this, and the Chief Engineer in approving it, have both shewn that they

I Jamaica and estimate and that both compound it with a bill — it is the highest degree disappointing to the Govr. to find it necessary to inform Officers holding such responsible appointments, that their work should fall short of, or exceed, their estimate, and that neither the Chief Engr. nor the Civil Architect can be allowed to shelter themselves under the order of the 28th Novr. 1856, directing that certain work should be proceeded with without delay — that order referred to four additional cells for Queensboard, and did not in any degree supersede former orders

for all the works had been called for -

12th The Govt. feel that, by the omission to submit any estimates they had been led into an expenditure that they never contemplated, and that advantage has been taken of their having requested address as to works, and ordered that measures should be adopted for their execution; to disobey their orders & omitting the most important preliminary measure of all, & to incur an expenditure beyond the authority of the Govt. to sanction.

13. The matter must now be immediately brought to the notice of the Govt. of India for which purpose all papers will forthwith be submitted with estimates for the whole undertaking, & all with due, and as progress, & will by Hebdomadal & preliminary surveys & levels, and of- levends report to Govt. & the Govt. decline to sanction any orders upon

Vide P. 24 C. No. 6 of 12 March 1856 - No. 461 -

the precedent or practice the Govt. consider it desirable that on all occasions of project ~~public works~~ being approved in the Public, the Military, or other Departments of the Secretariat, the order for their execution to the Public Works Dept. should ~~be~~ require the previous ~~being~~ submission of an estimate for the approval of Govt.

B. L.

9 Copies to the Chief Engr.
with an Orig. Encl.
Dept. 2
2—Genl. Dept.
2—Eccl. do
2—Pub. do
3—Mily. do

6 mo 9th Sept 56. No 66-67
" 7th Octr 7-8
" 18th March 7-8

7-8 M

Public Works 1857 Department.
Dft to Govt 7th April.

No 606.

Extract Mins: of Govt:
Dft 2d April 57.
From Chief Engr 20th April 57
6. & 8 Feb and 8 Mch Govt

Passing orders on the application for Sanction of Govt: for the construction of an additional Corrugated Compound Wall to the Penitentiary.

No 22 & 23.

C 24 March 28th