M.R.O. 1—32,400—28-11-30.

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

Cons. Dt. 12-10-1858

G.O. No.	೪೮೬ ೯೭೨	Press Mis.
Dated	12 10	1858

Not to be folded or roughly handled

No. 124. Read the following letter from Major E. LAWFORD, Officiating Chief Engineer; to the Secretary to Government, dated 25th September 1858, No. 4025.

SIR,

In acknowledging the receipt of Extract Minutes Consultation No. 1957, dated 23rd September 1858, I have the honor to observe that Mr. Bush's accounts have been forwarded to the District Engineer, but I consider that the chief entries of sums due to Contractors should be thoroughly scrutinized by examination of accounts and actual measurement of work as far as that is practicable, and for this purpose I select the two charges already specified in my letter No. 3392, dated September 3, 1858, viz. Rupees 7,278-1-5 said to be due to Annasawmy Moodelly, and Rupees 2,180 to another Contractor.

2. I beg also to forward a Petition from Moonesawmy Chetty, and Cuttalanthaun Reddy, claiming a sum of Rupees 4,239 which to the best of my recollection did not appear as one sum in Mr. Bush's accounts. This has only been received within the last few days, and I would again refer to the sum of Rupees 808-15-1 which was decided by Captain Jhonston to be due by Mr. Bush to Chokalingum.

3. If the correctness of Mr. Bush's accounts on these four chief items can be proved, there will be a fair inference that only gross neglect of duty can be laid to his charge, but I maintain that the onus probandi rests, not with the Officer who brings these doubtful charges to light, but with him who was entrusted with the disbursement of the Public money, and my doubts of Mr. Bush's honesty rest on the fact of these entries remaining unexplained.

4. It is not my part to vindicate the Chief and Superintending Engineers from the severe censure of Government which throws on those Officers the chief blame of the delinquencies of an Executive Agent, because they did not prevent them, but I may observe that the system of our Department is quite as much in fault, and that the Superintending Engineer *as such* has hitherto had no control over the accounts of the circle which has always formed an entirely separate branch of the business of the Department instead of being as in Bengal managed by an Establishment allotted to each circle. The District Engineer was unquestionably deeply in fault, but for myself, I can prove that I lost no time in endeavouring to rectify the errors committed when I became aware of them.

5. The Government have I observe taken no notice of the deliberate and gross mis-statements which Mr. Bush addressed to them in his appeal, and I conceive it of no avail now to point out how materially those falsehoods bear on the correctness or otherwise of his conduct. If he held a Commission in the Army, such untruth would alone lead to his dismissal, but as it is, Mr. Bush has been allowed to charge me with dereliction of duty in withholding from him the means of closing his accounts while such charge is passed over in total silence, either the statement is true and my conduct deserves censure or its falsehood throws general discredit on all Mr. Bush's allegations.

6. There is another point connected with this subject on which I must solicit specific orders. In para. 2 of Extract Minutes Consultation No. 1957, dated 23rd September 1858, Government observe on the inutility of submitting bills manufactured merely "at the present date" from accounts of long standing and apparently propose to dispense altogether with the Audit of those of Mr. Bush. If such be the intention I shall be glad to know whether this principle is to be carried out with reference to other accounts of the North Arcot District now under examination. The accounts profess to have been entered at the time of the transactions to which they refer and bills are merely transcripts of accounts.

Translation of a Petition from B. Moonesawmy Chetty and Cuttalanthaun Reddy, Contractors of Mahanthravady Tank in Canareypaut Talook; to Major E. LAWFORD, Acting Chief Engineer D. P. W. dated 20th September 1858.

We beg leave respectfully to state for your information, that we had, on the 20th April 1856 obtained a Takeed from Mr. D. H. Bush, Assistant Executive Engineer 2nd Division to execute earth-work and masonry works of Mahanthravady Tank, and while we were engaged in performing the works accordingly, we were in the month of July 1857, ordered by that Officer to stop

the works referred to. We then asked him to look into accounts, and adjust the balance due thereon up to that date. He said he had no money by him, and that he would in a few days send for and pay the amount due to us. He also said that he received instructions from the then District Engineer to send in Bills for works executed, and therefore we should present Bills for the amount due. We consistently with the settlement of accounts made on the 20th May 1857, prepared and presented a Bill for the sum of Rupees 6,068-2-7, but for this amount he paid only Rupees 1,829, and credited the same in the Bill, since, he has been promising to pay the residue soon as his office accounts are brought up, but never paid any thing up to this date.

In consequence of such procrastination made by that Officer to pay us the remaining balance for works actually executed, we presented a Petition to A. Dopping Esq., Acting District Engineer on the 12th August 1858, with reference to the subject, that Gentleman under an erroneous impression that we were Contractors for Palaur Annicut, did not hear our complaint, and threw off the Petition after writing some thing on the face of it.

We never executed any work under him on Contract, but he mistook us, and therefore afforded no justice or redress.

Under these circumstances we beg to submit herewith a copy of the Bill given to us by Mr. Bush, and a copy of our Petition to the Acting District Engineer, and request that you will be pleased to issue orders for the immediate adjustment of the balance due to us, viz. Rupees 4,239-2-7, because in withholding the amount longer, the interest accruing heavily on the principal would be a great loss to us.

To J. H. DOPPING, Esq., District Engineer of North Arcot.

Most Honored Sir,

With sanguine respects and profound submission we the undersigned first earnestly implore your lucidity will be kind enough to peruse these and crown us with desired effect.

We beg to bring to your notice that we obtained a Contract from T. H. Bush, Esq., Assistant Executive Engineer *in May* 1856, to execute the whole of earth work and rough stone, &c. for the Mahadravady Tank in Cavarypack Talook, so from the above period to *November* 1857, we have executed the work to the amount of Rupees 25,258-2-7 and the amount paid to us by him on account of that work is Rupees 21,019, so there leaves a balance of Rupees 4,239-2-7 due to us for which when we demanded him in November 1857, he granted a receipt for the amount (the copy of which is herein enclosed) saying that he is ordered to do so by the then Acting District Engineer in consequence of having no funds available; accordingly we were silent for a short period; and demanded him again in March 1858, he said that he is proceeding to Madras for the purpose of adjusting his accounts and will settle us after the conclusion of it. Honoured Sir, as we are now given to understand that all his accounts are settled, we crave your urbanity would be graciously condescended as to exert your endeavours so as we may have the amount and thereby relieve us from the persecution of creditors from whom we have borrowed the sum.

12th August 1858. (Signed) MOONESAWMY Chetty,

Memorandum of work performed on Mahandravady Tank, by Contractors Moonesawmy Chetty and Tackareddy, &c. and money due to them.

Amount of work done by do. from 1st May 1856, to 31st July 1857, is Rupees twenty-five thousand, two hundred and fifty-eight, annas two, and pice seven.	25,258-2-7
Amount received by do. from do. to do.	19,190
Balance due to them is Rupees six thousand, and sixty-eight, annas two, and pice seven.	6,068-2-7

Camp, Arcot, 29th November. 1857. (Signed) T. H. BUSH, *Assistant Executive Engineer.*

From this amount viz. Company's Rupees 1,829 is paid as per receipt.

(Signed) T. H. BUSH,

No. 125. Order thereon, No. 2121; dated 12th October 1858.

In Extract Minutes Consultation 23rd Ultimo, the Officiating Chief Engineer was directed to select any two acts of supposed dishonesty on the part of Mr. Bush, and thereon to draw up two definite charges.

2. Colonel Lawford has not complied with this requisition. He states that he considers that the chief entries of sums due to Contractors should be thoroughly scrutinized by examination of accounts and actual measurement of work as far as that is practicable, and for this purpose he selects the two charges already specified in his letter, No. 3392, dated September 3rd, 1858, viz., Rupees 7,278-1-5, said to be due to Annasawmy Moodelly, and Rupees 2,180 to another Contractor.

3. He also forwards a Petition from Moonesawmy Chetty and Cuttalanthaun Reddy, claiming a sum of Rupees 4,239, which to the best of his recollection did not appear as one sum in Mr. Bush's accounts. And again refers to the sum of Rupees 808-15-1, which was decided by Captain Johnston to be due by Mr. Bush to Chokalingum. In regard to all these four, there are no definite charges but merely a statement of matters which Colonel Lawford desires to have investigated. It is not seemingly Colonel Lawford's intention to charge Mr. Bush with having embezzled the several sums of money said to be due under these contracts, these as far as the Government understand have not yet been paid at all, nor does it appear in what manner dishonesty is to be imputed to Mr. Bush in connection with these transactions unless it be contended that the contracts were fictitious, wholly or in part, or that work has been credited in Mr. Bush's accounts as having been performed under them which never was performed at all, or admitted to a greater extent than really was performed.

4. To bring this long protracted affair to a conclusion, the Government resolve to direct that the Officiating Chief Engineer will depute the Superintending Engineer Central Circle to Arcot there to enquire on the spot into all the four cases mentioned in Colonel Lawford's letter. He will investigate when, with whom, by whom, for what terms and under what circumstances these alleged contracts were made, what work was performed under them, what money paid, how the transactions are entered in Mr. Bush's accounts and what has been his conduct in reference to them. That individual will of course proceed to Arcot, will be present during the whole inquiry and will have the most ample opportunity of examining the witnesses and accounts produced and of tendering any explanation that he may wish to offer. The Superintending Engineer will submit the result of his enquiry with his own view of the several cases to Government through the Central Office. Colonel Lawford will also report if it is customary for persons in Mr. Bush's rank to make such contracts irrespective of the District Engineer.

5. With respect to what is asked by Colonel Lawford in the concluding para. of his letter, he will have learnt from Extract Minutes of Consultation 7th October. 1858, No. 2073, that the Government have committed the investigation of the North Arcot accounts to the "Commission for investigating the efficiency of Public Establishments" who will determine the manner in which it shall be conducted.

(Signed) T. PYCROFT,
Chief Secretary.

R° 18-8-58 [illegible]

Memorandum of work performed on Ma=
landravady Tank by contractors Moony & am=
=ulty and Tackareddy Drs and money due to them

Amount of work done by De
from 1st may 1856 to 31st July 1857
is Rupees Twenty five thousand
two hundred and fifty eight
Anas two and pice seven } 25258 — 2 — 7

Amount received by De from
Dre to De } 19190 — — —

Balance due to them is
Rupees Six thousand and sixty
eight - Anas two and pice seven } 6068 — 2 — 7

Camp Attur
29th November 1857

T H Bush
Offg Exe Engineer
2d Sn Va

From this Amount (Rs) Cash
Rupees 1827 is paid as per Receipt
J W Bush

To J. H. Dorping Esquire
District Engineer &c &c
Dated 18-8-58

At last Honored Sir Petitioner should be told to attend my office on Friday 20th with this Papers &c

With sanguine respect and profound submission we the undersigned Petitioners earnestly implore your lucidity will be kind enough to peruse these and crown us with desired effect.

We beg to bring to your notice that we obtained a contract from J W Bush Esquire the time Asst executive Engineer in May 1856 to do a contract more measurement execute the whole of Earth works and Rough stone work for the Mahadrawady Tank in the Palam Cavary pack Taluk; So from the above period to November 1857 we have executed the work to the amount of Rs. 2.5.258 - 2-7 and the Amount paid us by him on account of that work is Rs 21019 - 40

J W Bush Sent for the (both) and told us to do the work

there leaves a balance of Rs 4 2 3 9- 2 a 9
due to us for which when we demanded him
in November 1857- he granted a receipt
for the amount- (the copy of which is herein
enclosed) saying that he is ordered to do
so by the then Actg. District Engineer in
consequence of [illegible] & no funds available;
accordingly we were silent for a short period
and demanded him again in March 1858
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condescended as to exert your endeavours so
as we may have the amount and thereby
relieve us from the persecution of creditors
from whom we have borrowed the sum

12th August
of 1858.

Honoured Sir
Your most obedient
and humble Servants
Goodricke & Co

Translation of a Petition from B. Moonesawmy Chetty and Chuttalathucca Reddy Contractors of Mahanthravady Tank in Comarey Talook to Major E Lawford Acting Chief Engineer D.P.W.

We beg leave respectfully to state for your information, that we had, on the 20th April 1856 obtained as Takeed from Mr. D A Bush Assistant Executive Engineer 2nd Division to execute earth work and Masonry works of Mahanthravady Tank, and while we were engaged in performing the works accordingly, we were in the month of July 1857 ordered by that Officer to stop the works referred to. We then asked him to look into accounts, and adjust the balance due thereon up to that date. He said he had no money by him, and that he would in a few days send for and pay the amount due to us. He also said that he received instructions from the then District Engr.

Engineer to send in Bills for works executed, and therefore we should present Bills for the amount due. We consistently with the settlement of accounts made on the 20th May 1857 prepared and presented a Bill for the sum of Rs. 6068-2-7 but for this amount he paid only Rs. 1829, and credited the same in the Bill. Since he has been promising to pay the rescind soon as his Office accounts are brought up, but never paid any thing up to this date.

In consequence of such procrastination made by that Officer to pay us the remaining balance for works actually executed, we presented a Petition to A Dopping Esqr. Acty District Engineer on the 12th August 1858, with reference to the subject that Gentleman under an erroneous impression that we were Contractors for Palaur Anicut, did not hear our complaint, and threw of the Petition after writing something on the face of it.

We never executed any work under him on contract, but he mistook us, and therefore afforded no Justice or redress.

Under these circumstances we beg to submit herewith a copy of the Bill given to us by Mr Bush, and a copy of our Petition to the Acting District Engineer, and request that you will be pleased to issue orders for the immediate adjustment of the balance due to us viz Rs. 4,239-2-7, because in withholding the amount longer, the interest accruing heavily on the principle would be a great loss to us.

(Signed) Moonesawmy Chetty and Cuttalaiuthan Reddy.

Translated by
B Streenivaloo
of the Genl. Dept.
Central Office C.W.

Compd. Huzy

(True Copy)

Officiating Chief Engineer

Central Office of Public Works
Fort Naini, George Town, Madras
4th September 1858

No 41225

From
The Officiating Chief Engineer

To
The Secretary to Government
Public Department

Sir

I have the honor to acknowledge the receipt of
Colonel Minnitt's Endorsement No 1957
dated 23rd December 1858, Marine No
transmitting for orders Mr Burkitt's accounts
for the month of November last.

Mr Burkitt has drawn Rupees 1,000 on account of
Contingencies, and Rupees 1,000 on account of
Establishment, during the month of November
last.

I have the honor to be
Sir
Your most obedient Servant
(Signed) H. Pitt
Officiating Chief Engineer

Enclosure in a letter
From the Officiating
Chief Engineer.

To
The Secretary to Govt.
D.P.W.

Dated 25th
Received } Septr 6/58.

No 4025
W 2261/58

Petition from
Moonesawmy Chetty
and Callatan Thamen
Reddy

specified in my letter No 3392 dated Sept 3/58
viz Rupees 7378-1-5 said to be due to
Annasawmy Moodelly and Rupees 2180
to another Contractor.

2. I beg also to forward a petition
from Moonesawmy Chetty and Cuttu-
lauthaun Reddy, claiming a sum of
Rupees 4239 which to the best of my
recollection did not appear as one
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last few days, and I would again
refer to the sum of Rupees 808-15-1
which was decided by Capt Thuston
to be due by Mr Bush to Chottalingum

3. As the correctness of Mr Bush's
accounts on these four chief items
can be proved, there will be a fair
inference that only gross neglect of
duty can be laid to his charge, but

I maintain that the onus probandi rests
not with the Officer who brings these
doubtful charges to light, but with him
who was entrusted with the disburse-
ment of the public money; and any
doubts of Mr Bush's honesty rest
on the fact of these entries remaining
unexplained

4. It is not my part to vindicate
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from the severe censure of Government
which throws on those Officers the
chief blame of the delinquencies of
an Executive Agent, because they did
not prevent them, but I may observe
that the system of our department
is quite as much in fault, and that
the Superintending Engineer as such
has hitherto had no control over the
accounts of the Circle which has
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branch

Should

branch of the business of the Department instead of being as in Bengal managed by an establishment allotted to each circle. The District Engineer was unquestionably deeply in fault, but for myself, I can prove that I lost no time in endeavouring to rectify the errors committed when I became aware of them.

5. The Government have I observe taken no notice of the deliberate and gross mis-statements which Mr Bush addressed to them in his appeal, and I conceive it of no avail now to point out how materially those falsehoods bear on the correctness or otherwise of his conduct. If he held a Commission in the Army, such untruth would alone lead to his dismissal, but as it is, Mr Bush has been allowed to charge me with dereliction of duty in withholding from him the means of closing his accounts while such charge is passed over in total silence, either the statement is true and my conduct deserves censure or its falsehood throws general discredit on all Mr Bush's allegations.

6 There is another point connected with this subject on which I must solicit specific orders. In para 2 of G. G. No 1907 dated 23rd September 1858 Government observe on the inutility of submitting bills manufactured merely "at the present date" from accounts of long standing and apparently proposes to dispense altogether with the audit of those of Mr Bush. If such be the intention I shall be glad to know whether this principle is to

Stanley

to be carried out with reference to other accounts of the North Arcot district now under examination. The accounts profess to have been entered at the time of the transactions to which they refer and bills are merely transcripts of accounts.

I have the honor to be
Sir
Your most obedient Servt

Fort St. George
25th Sept. 1858

Lawford
Officiating Chief Engineer

To
The Secretary to Government
&c &c

For Orders

Public Works Department No 2261.

From the Offg Chief Engineer 25th October 1858.

To the Secretary to Government with the request to
Submits observations with reference to
G.M.C. No 1957 dated 23rd instant regarding
Submitting a petition on the same subject
Mr Rush

Mr Rush
Petition
with
Enclosure
herein.

Copy to Govt 28th September 58 No 2609

Nov 1858 Read
Govt 12th Octr
No 2261

From
The Offg Chief Engr
To
The Secy to Govt &c &c

Dated 25th Sept 1858
Recd 27th Sept 1858

No 4025

Enclosure:
No 2121. 12th October 1858.
Submits observations
with reference to G.M.C
No 1957 dated 23rd instant
regarding Mr Rush &
submitting a petition
on the same subject

No 24.

C28th Sep. R1 Oct C8th R11th

done.

Orders "this" Week to be drawn for in preference

* I.S. this comm.

Pay Masts made to Hear on last Pay
have not yet published Next Contract
all that Major Lewis Lord attends
appears to be - that he is not
satisfied on Mr. Buck's showing
that certain sums are due to
Contractors - The Money to be
has not been drawn by Mr. B. & it
is Necessary a Question
whether the Govt. are under Obligation
to Pay Parties as asserted
or not - As this point I
would desire Major Lewis
Lord - at once to address
Such Measures as he

deemed Necessary to test
the validity of the claim advanced
by Mr. Buck -

Well -

Major Lewis to account for
Irregularity of Proceedings in this
Affair. Mr. Buck to pass in Abeyance
for Commissioners Report -

(1 Sept 1840)

Sums due by Contract

P.W. Dept

No. 2121

Extract from the Minutes of Commissioners
under date the 12th October 1858.

Read the following
letter from the Officiating
Chief Engineer
Hereunder 25th Sept. 58 ad 40

In the Mem Com
23d Jelluno the Officiating
Chief Engineer was de
sired to select any two
acts of misconduct
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of Secretary due to embrace
should

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been paid at all, nor does it appear in what manner dishonesty is to be imputed to Mr Bush in connection with these transactions unless it be contended that the Contracts were fictitious, wholly or in part, or that more has been credited in Mr Bush's accounts as having been performed under them which never was performed at all, or admitted to a greater extent than really was performed.

4. To bring this long protracted affair to a conclusion the Govt resolve to direct that the Officiating Chief Engineer

1213

Engineer will depute the Superintending Engr Central Circle to proceed there to enquire on the spot into all the four cases mentioned in Colonel Sandfords letter. He will investigate when, with whom, for what terms, by whom, for what services and under what circumstances these alleged contracts were made - what works were performed under them - what money paid, and how the transactions are entered in Mr Bush's accounts, and what has been his conduct in reference to them. That individual will of course proceed to Arco

Accot will be presented
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ing Engineer will sub-
mit the result of his
enquiry with his o-
pinion of the General
Government thereof to
Central Office. Colonel Sanford will also report
if it be customary for
Engineer Officers
to make contracts
of the Description
specified in Mr Burch's
Contract herein &c &c
of the District Engineer.

Ltr to D. E. —

" A

add the above

Ltr have commun
vestigation of th
Accot Accoun
Commission fo
tigating the ef
efficiency of public
establishments" wh
is to determine the
ner in which it
shall be conducted.

10 Copies to the Offs Chief Engr Dec 13

Ltr to Cons 28th Septr 1858

Public Works 1858 Departt.
Cons: 12th October.

No 2121.

Extract Mins of Cons:
of 12th October 1858.

Further Cons: 12th Octr 1858. 126
" 6 Decr 80@89 127

The Offg Chief Engineer to depute the Superintending Engineer Central Circle to proceed for the purpose of investigating certain acts of supposed dishonesty on the part of Mr Bush=

No 124 & 125.

C8 Letter III