

(1) Number of pages 1-16(2) Date of repair 12-11-38

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

Cons. 10.11.59

G.O. No.	2615	Press Mis.
Dated	8-11-1859	

Not to be folded or roughly handled

Ph

11

*Proceedings of the Madras Government Public Works Department,
for the month of November 1859.*

No. 94. Read the following letter from Lieutenant-Colonel J. H. BELL, Chief Engineer ;
to J. D. BOURDILLON, Esq., Secretary to Government, dated 29th October 1859,
No. 6669.

I have the honor to acknowledge the receipt of proceedings of the Madras Government,
No. 2225, 28th September 1859.

4 Original letters from the District Engineer, Madura, Nos.
594, 650, 651 and 688, dated 19th Sept. 4th, 6th and 11th
October, with 3 enclosures.

1 Original letter from District Engineer, South Arcot, No.
126, dated 11th October 1859, with 1 enclosure.

No. 594, 19th September 1859.

2. With reference to paragraph 3 of that
order, the District Engineer in his letter marginally noted, states that he is unable to report
the actual amount of additional defalcation on
Sub-Overseer Runga Row's accounts, on account

of the further advances made to him after the 15th of December, as the value of the work
done up to that date was not known, so that the additional work done to the tanks, &c., for
which the advances were made cannot be compared with the additional advances.

3. The total advances on account of these works up to the 15th December were 1,958-0-4,
and their value determined by Assistant Supervisor Bywater in January was 2,668-13-4, leaving a
balance to be paid of Rupees 710-13-0, but the additional payments debited to those works, and
credited to himself in his cash book by the Sub-Overseer, were Rupees 1,516, leaving Rupees
806-1-4, as the minimum additional defalcation in his accounts.

4. With reference to paragraph 5 of the order under acknowledgment, Assistant Supervisor
Bywater, in his letter of the 7th October 1859, to the District Engineer of South Arcot,
under whose orders he is now placed, states that when he took charge of the 1st range from the
District Engineer of Madura, as there were several works under Sub-Overseer Runga Row's
charge, which ought to have been repaired without loss of time to prevent breaches, the District
Engineer ordered him to allow the Sub-Overseer to go on with these works, as they were all
under progress. He advanced money accordingly, but discontinued the advances on the receipt
of the District Engineer's disapproval. This explanation, I observe, is substantially the same as
that which I noticed in paragraph 2 of my letter of the 3rd of September, No. 4575.

5. The District Engineer in an official memorandum No. 1019, expresses his satisfaction
at the manner in which the Assistant Supervisor had conducted
himself, and states that he will not fail to bring to the favorable
consideration of the head of the department, the ability and zeal displayed by Mr. Bywater.

6. On the 4th October, the District Engineer reports that the case of Regina versus Runga
Row, brought before the Magistracy at Madura, by order of Government, had been dismissed by the Assistant Magistrate, and
forwards a copy of that gentleman's decision and letter that accompanied it, and with reference to paragraph 3 of the order
states that, on the 5th April he forwarded the accounts and documents, specifying the amount and nature of the fraud, and em-

No. 650.

Extract Minutes of Consultation, No.
789, dated 2nd April 1859.

Dated 30th September 1859.

No. 2325, 28th September 1859.

bezzlement to the Magistrate, who returned them with a request that the District Engineer
would frame in communication with a Vakeel, charges adducing specific instances of fraud, and
that between the 13th and 21st of April the Vakeel received (personally) detailed and clear instructions
and the necessary papers, with a rough memorandum of the instances to be adduced. Then
followed a long delay, and it was not until after more than one reminder, that the Vakeel sent to
the District Engineer about the end of May, the case prepared as required. The whole was forwarded
to the Magistrate on the 1st June.

7. On the 7th September, the District Engineer learnt from a demi-official note from his
Assistant, Mr. Harington, then in charge of the District, (the District Engineer being on privilege
leave), that the hearing of the case had commenced on the 2nd of the same month. On the
9th, the District Engineer received a communication,* from the
Assistant Magistrate, requesting his attendance to give evidence,

Dated the 3rd.

and replied on the 12th—he replied that he would start on the 24th or 25th after he had transacted
some business in the 3rd range of the district, which could not be deferred. To this he

*Proceedings of the Madras Government, Public Works Department,
for the month of November 1859.*

received no reply, but on his return to Madura learnt that the Assistant Magistrate had proceeded to Ramnad about the middle of the month. The District Engineer then applied, to the senior Magistrate for information regarding the case, and although a fortnight had elapsed, the Magistrate stated that he had received no official intimation from the Assistant Magistrate, and that he was about to call for it.

8. The District Engineer will report further upon Davajie Row, when he has obtained the requisite information from Mr. Harington, 1st Assistant District Engineer.

9. The District Engineer proposes after consulting with the Collector and with his concurrence, to appeal to the Sessions Court against the decision of the Assistant Magistrate.

No. 95. ORDER THEREON, 8th November 1859, No. 2615.

The Governor in Council approves of the District Engineer's intention to appeal to the Session Court from the decision in the case reported in this letter. He must observe however that Captain Ryves, even on his own shewing, failed to attend at the hearing of the case when an opportunity to do so was given him; having delayed to give such attendance for apparently about a fortnight.

2. The Government expect that the District Engineer will do all that is necessary to bring the merits of the case fairly to a hearing before the Sessions Court, or to obtain the Court's order for a re-hearing before the Magistrate. He will report the decision of the Court to Government without delay.

3. The long delay that occurred in the disposal of the case before the Magistrate calls for remarks. The formal complaint was preferred on the 1st June, but the hearing did not commence till the 1st September. This delay will be brought to the knowledge of the Faujdari Adalat through the Judicial Department for such notice as they may deem fitting.

4. The explanation respecting Mr. Bywater's conduct is satisfactory. It is to be regretted that he was moved from the district while the case was pending.

(Signed) J. D. BOURDILLON,

Secretary to Government.

At Madras the 29th Nov 1859
Central Office No. 6669
For Saint George
29 October 1859
From, The Chief Engineer
To, The Secretary to Government
D.M.

Enclosures 9
4 Original letters from the
District Engineer Madras
Nos 594, 650, 654 & 688,
of 19th Sept, 4th, 6th & 11th Oct
with 3 enclosures
1 Original letter from
St Aug South Arcot
No 126 of 28th October 1859
with 1 enclosure.

I have the honor to acknowledge the receipt of Proceedings of the Madras Government No 2325 of 28th September 1859

With reference to para 3 of that order the District Engineer in his letter marginally noted states that he is unable to report the actual amount of additional defalcation on Sub Division Punga Row's accounts, on account of the further advances made to him after the 15th of December, as the value of the work done up to that date was not known, so that the additional work done to the Tanks &c for which the advances were

were made, cannot be compared with the additional advances.

3 The total advances on account of these works up to the 15th December were 1958-0-4 and their value determined by Assistant Supervisor Bywater in January was 2668-13-4, leaving a balance to be paid of Rupees 710-13-0 but the additional payments debited to those works, and credited to himself in his Cash book by the Sub Overseer were Rupees 1516 leaving Rupees 806-1-4 as the minimum additional defalcation in his accounts.

4 With reference to para 5 of the order under acknowledgement Assistant Supervisor Bywater in his letter of the 7th October 1859 to the District Engineer of South Creek under whose orders he is now placed state that when he took charge of the 1st Range from the District Engineer of Alacura as there were several works under Sub Overseer Ranga Row's

Row's charge which ought to have been repaired without loss of time to prevent breaches, the District Engineer ordered him to allow the Sub Overseer to go on with these works as they were all under progress. he advanced money accordingly, but discontinued the advances on the receipt of the District Engineer's disapproval. This explanation I observe is substantially the same as that which I noticed in para 2 of my letter of the 3rd of September No. 4575.

5 The District Engineer in an Official Memorandum No. 1019 expresses his satisfaction at the manner in which the Assistant Supervisor had conducted himself and states that he will not fail to bring to the favorable consideration of the Head of the Department the ability and zeal displayed by Mr. Bywater.

6 On the 4th October the District Engineer reports that the

7 Feb 8th 1859

No 650

Case

case of Regina versus Runga Row
 brought before the Magistrate at
 Madurai by order of Government
 had been dismissed by the Assis-
 tant Magistrate, and forwarded a
 copy of that Gentleman's decision
 and letter that accompanied it, and
 with reference to para 3 of the order
 states that on the 5th April he forward-
 ed the accounts and documents,
 specifying the amount and nature
 of the fraud, and embezzlement to
 the Magistrate, who returned them
 with a request that the District
 Engineer would frame in commu-
 nication with a Vakul charges ad-
 ducing specific instances of fraud,
 and that between the 13th and 21st of
 April the Vakul received (personally)
 detailed and clear instructions and
 the necessary papers with a rough memo
 of the instances to be adduced - There
 followed a long delay, and it
 was not until after more than
 one reminder, that the Vakul sent
 to the District Engineer about the
 end.

Letter R Gov
 No 789 of 2nd April
 1859

8/30th Sept 1/59

No 2325
 28th Sep 1/59

end of May the case prepared as
 required. The whole was forwarded
 to the Magistrate on the 1st June.

On the 7th September the
 District Engineer learnt from a demi
 official note from his Assistant M-
 Farington then in charge of the Dis-
 trict (the District Engineer being on
 Privilege Leave) that the hearing of
 the case had commenced on the 2nd
 of the same month - on the 9th the
 District Engineer received a com-
 munication from the Assistant
 Magistrate requesting his attendance
 to give evidence, and replied on the
 12th - he replied that he would
 start on the 24th or 25th after he had
 transacted some business in the 3rd
 Range of the District, which could
 not be deferred. To this he received
 reply, but on his return to Madurai
 learnt that the Assistant Magis-
 had proceeded to Ramanad about
 the middle of the month. The Dis-
 trict Engineer then applied to the
 Senior

* dated the 3rd

senior Magistrate for information
regarding the case and although a
fortnight had elapsed the Magistrate
^{stated} that he had received no official
intimation from the Assistant
Magistrate and that he was about to
call for it.

8 The District Engineer
will report further upon Davazie
Row when he has obtained the
requisite information from Mr.
Harrington 1st Assistant District
Engineer.

9 The District Engineer
proposes after consulting with the
Collector and with his concurrence
to appeal to the Sessions Court
against the decision of the Assis-
tant Magistrate.

del
the
I have the honor to be,
Sir,
Your most Obedt Servt.

W. H. St. Coll

W. H. St. Coll
Chief Engineer
D. J. Hughes & Co. Circular

24th March 1876

Mr. Depy 11/4

No 2615

Proceedings of the Madras Government

Under date the 8th Novr/59

Read the following letter from the Chief Eng^r

Submits, with opinion, correspondence on the subject of the alleged embezzlement of Public money by Sub Overseer Runga Row, and states that the District Eng^r of Madras proposes to appeal against the decision of the Magistrate.

(Here enter 29th October 1859 N. 1859)

The Governor in Council approves of the District Eng^r's intention to appeal to the Session Court from the decision in the case reported in this letter, as the merits of the case were not appear to have been fully weighed by the assistant Magistrate. He must observe however that as Captain Ryne, even on his own showing, he failed to attend

W
L
W

Com. L. - 62-1859/1-82-87

29th Novr 1859 D. 11th
29th Novr 1859 No 2824

Charge of Engineer
to

to be sent to Court
of

Dated 29th October 1859
Received by
29th Novr 1859
Submits, with opinion,

confronted on the

subject of the alleged embezzlement of public money

by the Sub Overseer Runga

Row, and states that the

shall have of Madras

proposed to appeal

against the decision of the

Magistrate.

1894

29th October 1859

at the hearing of the case when an opportunity to do so was given him, having delayed to give such attendance for apparently about a fortnight. It is strange that he should have supposed that the case would be postponed so long for his convenience.

2 The Government expect that the District Engineer will do all that is necessary to bring the merits of the case fairly to a hearing before the Sessions Court or to ^{the Commr's order for} obtain a re-hearing before the Magistrate. He will report the decision of the Court to Govt without delay.

3 The long delay that occurred in the disposal of the case

Tanjore Adalat

131
before the Magistrate ^{newly} calls for notice. The formal complaint was preferred on the 1st June, but the hearing did not commence till the 1st September. This delay will be brought to the ^{knowledge} ~~notice~~ of the ^{Adalat} through the Judicial Department for such notice as they may deem fitting.

4 There was great and unaccountable delay also in making the formal complaint, and for this the Govt. is responsible, as he occupied from the 5th April

to near the end of May *Early in the month of May*
(^{the} exact date ^{is} not given) *many of the*
in preparing the charges. *there will be*

The Govt. vouch will
be called on through
the Judicial Dept.
for explanation of
this delay.

5. The explanation
respecting Mr. Bywaters
conduct is satisfactory.
It is to be regretted
that he was moved
from the District
while ^{the} ~~that~~ case was
pending.

JAH

Soon

*Speculation
later -*

10 Copies. Chief Engineer *Chief*
5 " Judicial Dept. *Dept.*

c 31 October c 4 Nov. 1877

Cons: L. E. O'Brien / 57 No 82/3. Public Works / 1859 - 1861
No. of Govt 710. 20 1860.

2615.

From the Chief Eng 22/10
1862 to 1867 1868 in
the

No. of the Machine for
278. 10 1861/59.

From the Chief Eng 17/12
1862/59 1862 1863 1864.

From the Legation of Prussia
9/23 1862/59 1863 1864.

1864 & 1865.

At the opening of the
Machine which it Eng
intention is applied from
the Magistrate's decision
in the case of embargement
of public money to the
Overseer

From
p. 26.
249.