

(1) Number of pages 20(2) Date of repair 9.5.46

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.**Government of Madras.***public works* **DEPARTMENT.**

G.O. No.	<u>1436</u>	Press
		<u>Mis</u>
395-398		
Dated	<u>1.7.5</u>	18 <u>64</u>

Not to be folded or roughly handled

10

*Proceedings of the Madras Government, Public Works Department,
17th May 1864.*

Read the following letters :—

No. 395. From Captain T. E. GAHAGAN, R. E., Acting Superintending Engineer, 5th Division, to Colonel C. A. ORR, R. E., Secretary to Government, Department Public Works, dated Salem, 22nd April 1864, No. 2,490.

SIR,

1. On the 11th June 1862, Annasawmy Moodelliar, Store-keeper in the Office of the Executive Engineer at Bangalore, was dismissed for falsifying the accounts of the Store-yard, with the intent to defraud Government.

2. There can be no moral doubt that the Store-keeper profited largely by these falsifications, but owing to the accounts not bearing his signature, and to other legal flaws in the evidence against him, he has not rendered himself open to a criminal prosecution.

3. His dismissal was confirmed by the Chief Engineer in No. 4,034 of the 5th November 1862, after a careful investigation of the case.

4. I have now the honor to request authority* for appropriating the security (Rupees 300 in cash) deposited by Annasawmy Moodelliar.

*In conformity with paragraphs 2 and 10, Chapter XII of the Public Works Code.

As it is necessary that the opinion of the Government Solicitor should be obtained upon the subject referred to in this letter, the Superintending Engineer, 5th Division, is requested to furnish, without delay, the documents mentioned below :—

Security Bond executed by late Store-keeper Annasawmy Moodelly.

Papers regarding the misconduct of do.

Chief Engineer's Proceedings No. 4,034, 5th November 1862.

CHEPAUK, (Signed) CHARLES A. ORR, Colonel, R. E.,
26th April 1864. Secretary to Government, P.W.D.

No. 396. From Captain T. E. GAHAGAN, R. E., Acting Superintending Engineer, 5th Division, to Colonel C. A. ORR, R. E., Secretary to Government, Public Works Department, dated Salem, 30th April 1864, No. 2,584.

SIR,

1. I have the honor to forward in reply to your Enclosures 8. No. — of the 26th instant, endorsed on my No. 1,832 of the 22nd idem (which is herewith returned), the undermentioned documents :—

I. Security Bond (Memorandum of Agreement) for Rupees 300, executed by Annasawmy Moodelliar.

II. No. 101† of the 27th June 1862, from the Acting Executive Engineer, Bangalore, to the Deputy Chief Engineer, Central Circle, reporting Annasawmy Moodelliar for misconduct and recommending his dismissal.

III. No. 14 of July 4th 1862, from Deputy Chief Engineer to the Acting Executive Engineer, authorizing the acceptance of Annasawmy Moodelliar's resignation.

IV. No. 129 of the 24th July 1862, from Acting Executive Engineer to Deputy Chief Engineer, reporting discovery of further misconduct.

V. No. 149 of August 6th 1862, from Executive Engineer to Deputy Chief Engineer, reporting dismissal of Annasawmy Moodelliar.

VI. Chief Engineer's No. 4,034 of November 5th, 1862, confirming Annasawmy Moodelliar's dismissal.

VII. No. 356 of October 31st 1863, from Executive Engineer to Superintending Engineer, 5th Division, recommending forfeiture of Annasawmy Moodelliar's Security.

2. The list of the Yard transactions for February 1862, which should accompany Lieutenant Tulloch's No. 129 of July 24th 1862, cannot be found; but an abstract of it is given in the Chief Engineer's Proceedings last quoted.

3. Some other letters are on record in connection with the case; but are not worth forwarding, as they contain no additional information whatever.

*5 No. 149 of August 6th 1862 from Executive Eng
to Dy. Chief Engineer, reporting dismissal of
Annasawmy*

Proceedings of the Madras Government, Public Works Department,
17th May 1864.

Referred to the Government Solicitor for his opinion as to whether, under the circumstances, the security (Rupees 300) deposited by the late Store-keeper, Bangalore, may be appropriated by Government.

CHEPAUK,
2nd May 1864.

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government, P.W.D.

No. 397. From J. R. BOYSON, Esq., Government Solicitor, to Colonel C. A. ORR, R. E.,
Secretary to Government, Department Public Works, dated Madras, 6th May 1864,
No. 232.

SIR,

1. I have the honor to acknowledge the Order of Government noted in the margin (with its several enclosures) calling for my opinion as to the right of Government to apply the security deposited by V. Annasawmy Moodelliar for the due and faithful performance of his duty, as Head Accountant in the Executive Engineer's Office at Bangalore, towards liquidation of the value of stores entrusted to him by that Department but unaccounted for by him.

2. I considered it desirable to submit the matter for the consideration of the Advocate General, and having done so and also conferred with him thereon, I now forward a copy of his opinion.

3. I likewise return the Order and enclosures above noted.

COPY OPINION.

1. This appears to be a very gross case, and one which in my opinion ought to have been criminally prosecuted. The facts stated are abundantly sufficient, if proved, to have ensured a conviction. I cannot conceive on what grounds Captain Goddard came to the conclusion that V. Annasawmy Moodelliar could not be criminally prosecuted, merely because he had neither written nor signed the false accounts.

2. Under the terms of the Bond, I am of opinion that, as the money is in the hands of Government (or its Officers), it may at once be carried to the credit of Government in part liquidation of the losses sustained by V. Annasawmy Moodelliar's dishonesty.

May 5th, 1864.

(Signed) T. SYDNEY SMYTH,
Advocate General.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

No. 398.

ORDER THEREON, 17th May 1864, No. 1,436.

1. Under the opinion expressed by the Advocate General, authority is granted for the amount of security, viz., Rupees 300, deposited by Annasawmy Moodelly, late Store-keeper at Bangalore, being carried to the credit of Government.

2. Captain Goddard's particular attention will be requested to paragraph 1 of the Advocate General's "Opinion."

(True Extract.)

(Signed) CHARLES, A. ORR, Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 5th Division, with seven enclosures.

„ Accountant General.

„ Controller and Auditor of Public Works Accounts.

Exd. S. T. Augustin.

No. 2584

Superintg. Engrs. Office 5th Div.
Salem 30 April 1864.

From,

Captain J. E. Gahagan R.E.
Ag. Superintg. Engineer 5th Div.

To,

Colonel C. A. Orr R.E.
Secretary to Government
P.W. Dept.

Sir,

I have the honor to forward in reply to

your No. — of the 26th instant, endorsed on my
Enclosures No. 1832 of the 22nd idem (which is herewith returned)
the undermentioned documents:

1. Security Bond (Memorandum of Agreement)
for Rs. 300, executed by Annasawmy Moodalliar.

* with four
Enclosures } 2. No. 101 of the 27th June 1862 from the ^{Executive} Ag. Engineer
Bangalore to the Deputy Chief Engineer C. Circle,
reporting Annasawmy Moodalliar for misconduct and
recommending his dismissal.

3. No. 14 of July 4th 1862, from Deputy Chief Engineer
to the Ag. Engr. Engineer, authorizing the acceptance of
Annasawmy Moodalliar's resignation.

4. No. 129 of the 24th July 1862 from Ag. Executive
Engineer to Dy. Chief Engineer, reporting discovery
of further misconduct.

5. No. 149 of August 6th 1862 from Executive Engr.
to Dy. Chief Engineer, reporting dismissal of
Annasawmy

Proceedings of the Madras Government, Public Works Department,
17th May 1864.

Referred to the Government Solicitor for his opinion as to whether, under the circumstances, the security (Rupees 300) deposited by the late Store-keeper, Bangalore, may be appropriated by Government.

CHEPAUK,
2nd May 1864.

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government, P.W.D.

No. 397. From J. R. BOYSON, Esq., Government Solicitor, to Colonel C. A. ORR, R. E.,
Secretary to Government, Department Public Works, dated Madras, 6th May 1864,
No. 232.

SIR,

1. I have the honor to acknowledge the Order of Government noted in the margin (with its several enclosures) calling for my opinion as to the right of Government to apply the security deposited by V. Annasawmy Moodelliar for the due and faithful performance of his duty, as Head Accountant in the Executive Engineer's Office at Bangalore, towards liquidation of the value of stores entrusted to him by that Department but unaccounted for by him.

2. I considered it desirable to submit the matter for the consideration of the Advocate General, and having done so and also conferred with him thereon, I now forward a copy of his opinion.

3. I likewise return the Order and enclosures above noted.

COPY OPINION.

1. This appears to be a very gross case, and one which in my opinion ought to have been criminally prosecuted. The facts stated are abundantly sufficient, if proved, to have ensured a conviction. I cannot conceive on what grounds Captain Goddard came to the conclusion that V. Annasawmy Moodelliar could not be criminally prosecuted, merely because he had neither written nor signed the false accounts.

2. Under the terms of the Bond, I am of opinion that, as the money is in the hands of Government (or its Officers), it may at once be carried to the credit of Government in part liquidation of the losses sustained by V. Annasawmy Moodelliar's dishonesty.

May 5th, 1864.

(Signed) T. SYDNEY SMYTH.
Advocate General.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

No. 398.

ORDER THEREON, 17th May 1864, No. 1,436.

1. Under the opinion expressed by the Advocate General, authority is granted for the amount of security, viz., Rupees 300, deposited by Annasawmy Moodelly, late Store-keeper at Bangalore, being carried to the credit of Government.

2. Captain Goddard's particular attention will be requested to paragraph 1 of the Advocate General's "Opinion."

(True Extract.)

(Signed) CHARLES, A. ORR, Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 5th Division, with seven enclosures.

„ Accountant General.

„ Controller and Auditor of Public Works Accounts.

Exd. S. T. Augustin.

No. 2584

Superintg. Engr's Office 5th Div.
Salem 30 April 1864.

From,

Captain J. E. Gahagan R.E.
Ag. Superintg. Engineer 5th Div.

To,

Colonel C. A. Orr R.E.
Secretary to Government
P.W. Dept.

Sir,

I have the honor to forward in reply to

your No. — of the 26th Instant, endorsed on my
Enclosures No. 1832 of the 22nd idem (which is herewith returned)
the undermentioned documents:

1. Security Bond (Memorandum of Agreement) for Rs. 300, executed by Annasawmy Moodelliar.
Executive Engineer
2. * with four } No. 101 of the 27th June 1862 from the Ag. Engineer
Enclosures } Bangalore to the Deputy Chief Engineer C. Circle,
reporting Annasawmy Moodelliar for misconduct and recommending his dismissal.
3. No. 114 of July 4th 1862, from Deputy Chief Engineer to the Ag. Engineer, authorizing the acceptance of Annasawmy Moodelliar's resignation.
4. No. 129 of the 24th July 1862 from Ag. Executive Engineer to Dy. Chief Engineer, reporting discovery of further misconduct.
5. No. 149 of August 6th 1862 from Executive Engineer to Dy. Chief Engineer, reporting dismissal of Annasawmy

Annasawmi Mudr.

6 Chief Engineer's No. 4034 of November 5th 1862, confirming Annasawmi Mudr's dismissal.

7. No. 356 of October 31st 1863 from Executive Engineer to Super. Engineer 5th Div. recommending forfeiture of Annasawmi Mudr's security.

2. The list of the yard transactions for Feb'y, 62, which should accompany Lt. Tulloch's No. 129 of July 24th 1862, cannot be found; but an abstract of it is given in the Chief Engineer's proceedings last quoted.

3. Some other letters are on record in connection with the case; but are not worth forwarding, as they contain no additional information whatever.

I have the honor to be

Sir,

Your most obt. Servt.

J. C. Gahagan Capt. R.E.

As. Superint. Engineer 5th Div.

Ames (186)

1st Lt. J. D. Porter
Co. 1st Regt. Ill. Inf.
May 19 1862
His Ex. Supr. Engineer

5th Ave.

to
The Secretary of War

A. A. M.

Subst 303 Subst 3/1864
Subst 2 May 3

E. S. C. No 2584
May 20 4/1864

Approved original docu-
ments connected with the

case of Amos Brown

late 1st Sec. of War

the Regt. of the 1st

Engineers at Bangalore

Dismissed for misconduct

May 11 36-14th May 1864

Ms 396.

Ms

Report to the
Government collector for his opinion
as to whether, under the circumstances,
the security (Rs 300) deposited by
the late John Cooper Bangalore,
may be appropriated by Government.

Chas. R. -
2nd May 1864

Wm. A. R. C. O. R. B.
Secy to Govt

Ms

Subst 303 Subst 6th May 1864

Ms

Contd. Ms

Annadawm

6 Chief

1862, confirm

7. Mr

to

In letter from Govt. Secy to Govt. of
Madras dated 11th May 1864.
No. 232 dated 6th
May 1864.

2041/14

Advocate General's Opinion

The right of Government to
apply the security deposited by V.
Annadawm Mandalior for the due and
faithful performance of his duty,
as Head Accountant in the
Executive Engineer's Office at
Bangalore, towards liquidation
of the value of stores entrusted to
him by that Department but
unaccounted for by him.

2

Dated 2nd May 1864 -
and made on letter from
Acting Superintending
Engineer 5th Division
to Government dated
30th April 1864. -
No. 2584.

No. 232.

Madras May 6th 1864.

From John Robert Boyson
Government Solicitor - Madras.
To Col. C. A. Orr R. E.
Secretary to Government, D. P. W.
Madras.

Sir,

1. I have the honor to acknowledge the order of
Government noted in the margin, (with its several
enclosures) calling for my opinion as to the right of
Government to apply the security deposited by V. Anna-
dawm Mandalior for the due and faithful performance
of his duty, as Head Accountant in the Executive
Engineer's Office at Bangalore, towards liquidation
of the value of stores entrusted to him by that
Department but unaccounted for by him.

2. I considered it desirable to submit the
matter for the consideration of the Advocate General,
and having done so and also conferred with him
thereon, I now forward a copy of his opinion.

3.

3. I likewise return the order and enclosures
above noted. -

I have the honor to be,
Sir,
Your most obedient servant
A. Hays
Gov^t Sol^r.

Copy Opinion.

This appears to be a very gross case, and one which in my opinion ought to have been criminally prosecuted. The facts stated are abundantly sufficient, if proved, to have ensured a conviction. I cannot conceive on what grounds Capt. Goddard came to the conclusion that V. Annasaumy, M^r. could not be criminally prosecuted, merely because he had neither written nor signed the false accounts.

Under the terms of the Bond, I am of opinion that, as the money is in the hands of Government (or its Officers) it may at once be carried to the credit of Government in part liquidation of the losses sustained by V. Annasaumy Moodliar's dishonesty.

[Signed] Y. Sydney Smyth
Colr. General.

May 5/64.

True Copy
J. A. Boyson
Gov^t S^{ol}t.

1864. Date
of Gov^t Order No. 1136
from Mr. C. J. P. 1136/41
The Gov^t S^{ol}t. - Madras.
to Mr. Deputy Gov^t. S. J. P. W.
Dated 6th May.
No. 1136/41
1. Enclosure with papers
returned. - No.
Towards Copy Certificate General's
opinion as to the right of Govern-
ment to apply the security
deposited by V. Annasaumy
Moodliar for the due and faithful
performance of his duty, as stated
above in the Certificate.
Engineer's Office at Bangalore.
Towards liquidation of the value
of losses sustained by him by the
Government but unaccounted for
by him. -
No. 1136-148 May 1864

No 2490

Superinty: Eng^rs Office, 5th Fl^r
Salem, 22nd April, 1864.

From

Captain J. E. Gahagan M.E.

Ag: Superinty: Eng^rs 5th Fl^r

To

Colonel C. A. B. M.E.

Secretary to Government M.E.

Sir,

On the 11th June 1862 Annaswami
Mudaliar, Storkeeper in the office of the
Executive Engineer at Bangalore, was dismiss-
ed for falsifying the accounts of the store
yard, with the intent to defraud Government.

2. There can be no moral doubt that
the Storkeeper profited largely by these falsifi-
cations. But owing to the accounts not bearing
his signature, and to other legal flaws in
the evidence against him, he has not render-
ed himself open to a criminal prosecu-
tion.

3. His dismissal was confirmed by the
Chief Engineer in No 4034 of the 5th November
1862, after a careful investigation of the case.

4. I have now the honor to request
authority for appropriating the security
(Rs 300, in cash) deposited by Annaswami

Grinidy
as Land
to XII of the
de.

I have the honor to be

Yours most Obedt Serv^t

J. E. Gahagan Capt^l M.E.
Ag: Superinty: Eng^rs 5th Fl^r

Cum 2490

Proceedings of the Madras Government
Under date of the 17th May 1864
Read the following letters
Sub: Aug 5th 1860

From the AG Sup^r Egl^r 5th Dec

Requesting authority for a. propri-
ating the security (Rs 300 in Cash)
deposited by Annaswami Madalair,
Ex. Storekeeper of the Executive
Engineers Office at Bangalore, for
reasons stated. —

A.E. 22^d April 1864 N-299

From ——— to ———

Forwards original documents con-
nected with the case of Annaswami
Mondal late H^o Account^{ts} & Store Keeper
of the Executive Eng^{rs} at Bangalore,
dismissed for misconduct.

From the Govt. Solicitor. Madras

Towards copy, Advocate General's
opinion as to the right of Gov^t to
apply the Security deposited by V.
Annamalai Wood for the due & faithful
performance of his duty, as H^y Accountant
in the Ex. Eng^r's Office at Bangalore
towards liquidation of the value of
stores entrusted to him by that
Depart^t but unaccounted for by him

H.E. 6th May 1864 no. 232.

Under the opinion
expressed by the Advo-
cate General, authority
is granted for the
amount of security, viz
Rs 300, deposited by
Annaswamy Moodley
late Storekeeper at
Bangalore, being
carried

Mr. J. M. Smith

4th 90

[illegible]

Thou
the City: City: Empress
St. Ann's

The Secretary of the
 9877952/67 N.W.

Received 22^d April 1864
Dated 23^d

0677699490

Willan order

Responsible authority

Not appropriating the 1000
to 300 in each

deposited by *Microdon*

Indochina, Br. Borneo
Vol 5 H. C. 1904

the executive in power
free at Bannock, for

maons dated, _____
 1868-1871

So it is necessary that
the opinion of the Government
Solicitor should be obtained upon
the subject referred to in this letter.
The Superintendent S^r J^r S^r no longer
to furnish, without delay, the doc-
uments mentioned below.

Received by date

Stone Roofing, Chimney & Excavating, Woodshed

Paris regarding the new condition

29 - Nov. 1941

Nov 1/62.

John Smith }
26 June/64 }
Cincinnati. 20th Decr

Seigrist Court - OAKLAND

Carried to the credit
of Govt

2. Capt. Wm. Toddard

particular attention
will be requested to
Para 1 of the Advo.
- Capt. General's "opinion"

Adm. comp.

To
The Superintendent of Bn with seven enclosures
"Capt. Genl.
"Don't

33
1
O. J. P. 18th May.

11/19
received at the
11/19 1136-19 19 May 1864

To the
11/19 1136-19 19 May 1864
11/19 1136-19 19 May 1864

1777 1864 Dated
18th of June 1864

1864 36

of the 18th June

1864 17 Aug 1864

1864 13/10/65

Compliments granted

for the amount of being

by 18th 300 deposited by 18

Annouring the 18th 1864

the 18th 1864 at 1864

being carried to the credit

of Government.

1864 1864 1864