

(1) Number of pages 16

(2) Date of repair 7-12-42

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. <u>2406</u>	Press
<u>451-453</u>	~~Mis.~~
Dated <u>18-8-1865</u> .	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
18th August 1865.*

Read the following papers:—

No. 451. From Lieutenant-Colonel G. W. WALKER, R. E., Superintending Engineer, 7th Division, to Colonel C. A. ORR, R. E., Secretary to Government, Department Public Works, dated Coimbatore, 27th July 1865, No. 73.

SIR,

* No. 159 of 18th July 1865.

1. From the enclosed copy of letter* from Mr. Sub-Engineer Bailey, it will be seen that the orders of Government, communicated in No. 1,893 of 6th July, were anticipated, on the personal responsibility of that Officer and myself (having full knowledge of the proceedings adopted by him); and that their result has justified such proceedings. In fact I have not communicated to Mr. Bailey the Government Order above noted, until receipt of his final report herewith sent; not to embarrass him in the steps he was taking. That the Government Pleader has evidently misapprehended the case is plain; if only judging from paragraph 3 of his letter,† which asks for a document distinctly stated by Mr. Bailey never to have been executed.

† Dated 20th June 1865, No. 100.

2. I presume the right thing to do with the security money is to pay it into Court, in part payment of the fine of Rupees 800 to which the Overseer has been sentenced. As to the overcharges, I understand Mr. Bailey to apply for permission to write off to "profit and loss" all the sums mentioned in paragraphs 2 and 3 of his letter now forwarded; treated as recoveries from expenditure of either this or the past year, I do not see what difficulty in the adjustment of the accounts Mr. Bailey need anticipate as he does in his 7th paragraph.

3. Fault may be found with Mr. Bailey for not having detected his Overseer's delinquencies sooner; but the fact is that the latter's was quite an outlying charge, distant from the large works of that very important Range (Calicut). I inspected the Pyolly lock myself last season, but too early to see much of the work. However Mr. Bailey and myself have long had our eyes on the man, and the former has at last succeeded in cutting short a career, which under such slack management as that of Mr. H. B. Smith of Wynad notoriety, under whom he formerly served, might have continued to bring disgrace on the Department for many a year. I think Government will acknowledge that Mr. Bailey has done boldly and well in bringing this offender to justice.

From Deputy Commissary H. BAILEY, Sub-Engineer, Malabar, to Lieutenant Colonel G. W. WALKER, R. E., Superintending Engineer, 7th Division, dated Maliapooram, 18th July 1865, No. 159.

SIR,

1. I have the honor to report, for your information, that Overseer Soobrayah was, on the 15th instant, condemned by the Session Court of Tellicherry to imprisonment with hard labor for (8) eight years, and to pay a fine of Rupees 800, or to be further imprisoned for a year and a half.

*Proceedings of the Madras Government, Public Works Department,
18th August 1865.*

2. The following are the items of embezzlement as proved before the Court:—

Name of Work.	Charged in Overseer's Accounts.	Actually paid.	Over-charged.
	RS. A. P.	RS. A. P.	RS. A. P.
Repairing road from Cootiady to Nadapooram	559 7 0	235 0 0	323 7 0
Do. Cootiady Bungalow.	51 2 0	54 0 0	0 2 0
Road Quilandy to Back-water, earthwork.	1,283 2 0	990 0 0	293 2 0
Do. do. do. tunnels.	150 0 0	55 0 0	115 0 0

3. On the Pyolly lock, after I had made every allowance that appeared fair, I find that in the item of masonry there is an over-charge on last year's accounts of Rupees 548-6-1, to which is to be added the value of chunam said to be washed away Rupees 80, or a total of Rupees 628-6-1 on the item of masonry.

4. I have no doubt that serious over-charges were also made in the other items of the estimate, on those for baling and excavation particularly; but as the Coolies are said to have come from Tellicherry nothing could be found out.

5. Up to the end of last month the estimate has been exceeded by rather more than 14 per cent., and there is still some work to be done to complete lowering the floor, putting the gates together, after bringing from Calicut, and filling round the lock. I expect, however, that the present excess will not be much increased, as there will be some items of recovery which I hope will nearly cover the expenditure still required.

6. I would feel obliged by your informing me how the correct expenditure on the works shown in paragraph 2 is to be accounted for, the vouchers received from the Overseer being those on which he has been brought to trial, and by your applying to Government to have the overcharges on those works written off to "profit and loss."

7. The additional expenditure on the Pyolly lock will, I presume, have to be accounted for at the close of the work, though with the new form of accounts I do not see well how this can be done.

(A true Copy.)
(Signed) G. W. WALKER, Lieut-Colonel, R. E.,
Superintending Engineer 7th Division.

Referred to the Government Pleader, who will be good enough to state whether under the circumstances brought to notice, the course suggested in paragraph 2 of Colonel Walker's letter may be adopted.

FORT SAINT GEORGE,
1st August 1865.
(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government, P. W. D.

No. 452. From C. DALE, Esq., Government Pleader, Madras, to Colonel C. A. ORR, R. E., Secretary to Government, Public Works Department, dated Madras, 8th August 1865, No. 129.

1st August 1865, Nos. —, Public Works Department.

1. I have the honor to acknowledge the receipt of the Proceedings of Government under the date and number noted in the margin.

2. I understand that my opinion is requested only as to whether the security money, referred to in the 2nd paragraph of Colonel Walker's letter, should be paid into Court in part payment of the fine of Rupees 800, to which the Overseer has been sentenced.

*Proceedings of the Madras Government, Public Works Department,
18th August 1865.*

3. Under that impression I now do myself the honor of stating, for the information of His Excellency the Governor in Council, that in my opinion, under the circumstances brought to notice by Colonel Walker's letter, the security money should not be paid into Court as suggested by that Officer in paragraph 2 of his letter.

4. The facts are not clearly stated, and my opinion is based on the supposition that the money referred to was lodged by Overseer Soobroya with the Department Public Works as security for the faithful discharge of his duties, and I am not aware of any law which gives a depositee power to deal with money lodged with him for such purpose, in a manner different from the purpose for which it was lodged.

5. The Overseer may have appealed to the High Court, and it is possible, if he has done so, that the sentence may not be sustained in that Court.

6. When the Court is proceeding to recover the penalty imposed, it may attach the sum in the hands of the Department Public Works as money of the Overseer; and it is open to the Department to inform the Court of that sum having been deposited.

7. As regards the 1st paragraph of Colonel Walker's letter, I may observe that I have not now before me any of the papers which were laid before me on the former occasion. Those papers did not contain a clear statement of the case, from which the facts could be collected; I therefore in paragraph 2 of my letter to Government stated the conclusions I had arrived at from a perusal of those papers, with the view that if I had not arrived at a just conclusion, I might be corrected, and an amended clear statement of the facts laid before me.

8. With regard to the concluding sentence of that paragraph, if in the papers laid before me it was "distinctly stated" that the document referred to in the 3rd paragraph of my letter of the 20th June had not been executed, it was an oversight on my part, but which could not in the slightest degree affect the question of whether or not the Overseer Soobroya could be successfully prosecuted under the state of facts laid before me.

9. I return the Proceedings noted above.

No. 453. ORDER THEREON, 18th August 1865, No. 2,406.

ESTABLISHMENT, No. 56.

1. The foregoing letter from the Government Pleader will be communicated to the Superintending Engineer, 7th Division, for information and guidance.

2. Authority is granted for writing off to "profit and loss" the over-charges which appear in the accounts of the Overseer.

(True Extract.)

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

To the Superintending Engineer, 7th Division.
,, Controller of Public Works Accounts.
,, Accountant General.

Exd. S. T. Augustin.

To

The Superintending Engineer
of the Division

Sir,

I have the honor to report for your information that Omear Sobayah was on the 15th instant, condemned by the District Court of Tellicherry to imprisonment with hard labor for 15 English years and to pay a fine of Rupees 800-0-0 or to be further imprisoned for a year and a half.

The following are the items of embargement as proved before the Court.

Name of Work	Charged in Contractors Accounts	Actually Paid	Over Charged
Repairing road from Cochin to Changanassery	558 7	235	323 7
Do. Cochin to Mangalore	54 2	54	0 2
Road from Cochin to Blue Water Coast	1283 2	990	293 2
Do. Do. Do. Do. Tunnel	150	35	115

3. On the 14th July after I had made every allowance that appeared fair I find that in the item of Masonry there is an Overcharge in last years account of Rs. 548-6-1 to which is to be added the Value of Chumam said to be washed away Rs. 80-0-0 or a total of Rupees 628-6-1 in the item of Masonry.

4. I have no doubt that previous overcharges were also made in the other items of the Estimate in those for Digging and excavation particularly, but as the Coolies are said to have come from Tellicherry nothing could be found out.

5. Up to the end of last month the Estimate has been exceeded by rather more than 14 per cent, and there is still some work to be done, to complete lowering

the

the floor, putting the gates together, after bringing from
Kaliut, and filling round the lock. I expect however
that the present expense will not be much increased as
there will be some items of recovery which I hope will
nearly cover the expenditure still required.
I would feel obliged by your informing me how
the present expenditure on the work shown in Para 2 is
to be accounted for. The vouchers received from the Engineer
being those on which he has been brought to trial
and by your supplying to Government to hand the
particulars on which the work is written off to Profit and Loss.
The additional expenditure on the Cally Lock
will I presume have to be accounted for at the close
of the Work, though with the new form of Accounts
I do not see well how this can be done.

Mallapouram }
18 July 1865 }
Shaver }
Supt. R. Bailey }
Sub. Engr. Malabar }

A true Copy
Walker, Lieut Col. R.E.
Superintending Engineer &c.

R.P.

20/9/65

Nov: 18. Aug 27/65 B.M. 451

No 73 Superintending Engineer's Office &c.
Comptrolr 27 July 1865.

From,
Lieut Col. G. W. Walker R.E.
Superintending Engineer &c.
Colonel C. A. Orr R.E.
Secretary to Government S.D. M.

* 159 of 15th
July 1865-

Sir,
From the inclosed copy of letter from
Mr. Sub Engineer Bailey it will be seen that the
Orders of Government communicated in No. 159
of 6 July were anticipated, on the personal
responsibility of that officer and myself is
(having full knowledge of the proceedings adopted
by him); and that their result has justified
such proceedings. In fact I have not commu-
nicated to Mr. Bailey the Government Order
above noted, until receipt of his final Report
herewith sent; not to embarrass him in the
steps he was taking. - That the Government Pleader
has evidently misapprehended the case is plain
if only judging from para 3 of his letter, which
asks for a document distinctly stated by Mr.
Bailey never to have been executed.

* 2/20 June 65
No 100

2. I presume the right thing to do with the
security money is to pay it into Court in part
payment of the fine of Rs 800 to which the
Overseer has been sentenced. - As to the overcharge
I understand Mr. Bailey to apply for permission
to write off to Profit and Loss all the sum

mentioned in paras 2 and 3 of his letter now
forwarded, treated as recoveries from expenditure
of either this or the post wind I do not see
what difficulty in the adjustment of the
accounts Mr. Bailey would anticipate, as he
does in his 7th para.-

3. Fault may be found with Mr. Bailey,
for not having detected his Overseer's delin-
quencies sooner; but the fact is that the latter
was quite an outlying charge, distant from the
large works of that very important Range (Calicut).
I inspected the Paddy Loos myself last season,
but too early to see much of the work. However
Mr. Bailey and myself have long had our
eyes on the man, and the former has at
last succeeded in cutting short a career, which
under such slack management as that of Mr.
H. B. Smith of Wyre and notoriety under which
he formerly served, might have continued to
bring disgrace on the Department for many
a year. I think Government will acknowledge
that Mr. Bailey has done boldly and well in
bringing this offender to justice.-

I have the honor to be
Sir
Yours Most Obedient Servant.

A. Walker, Esq.
Superintending Engineer of the
R.R.

N^o 129

From Clement Dale Esquire Government Pleader Madras.
To Colonel C. A. Aris R. E. Secretary to Government P. W. Department

Madras 5th August 1865

Sir

Para 1. I have the honor to acknowledge the receipt of the Proceedings of Government under the date and number noted in the margin

1st August 1865 No. P. W. Department

2. I understand that my opinion is requested only as to whether the security money referred to in the 2nd para of Colonel Walker's Letter should be paid into Court in parts payment of the fine of Rupees 500- to which the Overseer has been sentenced

3. Under that impression I now do myself the honor of stating for the information of His Excellency the Governor in Council that in my opinion, under the circumstances brought to notice by Colonel Walker's Letter, the security money should not be paid into Court as suggested by that Officer in para 2 of his Letter.

4. The facts are not clearly stated, and my opinion is based on the supposition that the money referred to was lodged by Overseer Loo-broya with the Department Public Works as security for the faithful

Mr. C. A. Aris

1st August 1865 No. P. W. Department

from No. 2836

the duty of the

to

the Secretary to Govt

of the Public Works

1st August 1865

12. 75.

Notes 27. 7. 1865

1865

1865-1866 No. 871865

inward copy of a letter from the Secretary to Govt of the Public Works

and forwarded to the Secretary to Govt of the Public Works

for the Secretary to Govt of the Public Works

1st August 1865

Secretary to Govt of the Public Works

1st August 1865

referred to the same.

the Secretary who will be good enough

to state whether under the circumstances

now brought to notice the same may

be paid in part of the Public Works

letter may be adopted.

1st August 1865

1865

12. 7. 1865 No. 153

1865

1865

faithful discharge of his duties, and I am not aware of any Law which gives a Depositor power to deal with money lodged with him for such purpose, in a manner different from the purpose for which it was lodged.

5 The Overseer may have appealed to the High Court; and it is possible, if he has done so, that the sentence may not be sustained in that Court.

6 When the Court is proceeding to recover the penalty imposed, it may attach the sum in the hands of the Department of Public Works as money of the Overseer; and it is open to the Department to inform the Court of that sum having been deposited.

7 As regards the 1st Para of Colonel Walker's Letter, I may observe that I have not now before me any of the papers which were laid before me on the former occasion; those papers did not contain a clear statement of the case, from which the facts could be collected; I therefore in para 2 of my Letter to Government stated the conclusions I had arrived at from a perusal of those papers, with the view that if I had not arrived at a just conclusion, I might be corrected and an amended clear statement of the facts laid before me.

8 With regard to the concluding sentence of that para, if in the papers laid before me it was "distinctly stated" that the document referred to in

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the 3rd para of my Letter of the 20th June had not been executed, it was an oversight on my part; but which could not in the slightest degree affect the question of whether or not the Overseer Kookroya could be successfully prosecuted under the state of facts laid before me.

9 I return the Proceedings noted above.

I have the honor to be

Sir

Your most Obedt. Servant

Wm. L. Salt

Government Pleader

Madras

No 2406

Proceedings of the Madras Government
Under date the 18th August 1865.
Read the following

From the Superintending Engineer
of the J. & S. Co.

Forwards copy of a letter
from Mr. Bailey reporting
that Overseer Subrajulu was
condemned by the Sessions Court
of Tellicherry to 8 years imprisonment
and to a fine of 800 Rupees.

From the Government & Reader

(Here enter 27 July 1865
No 13)
(Here enter 8 August 1865
No 129)

The foregoing letter from the
Government Reader with her com-
municated to the Superintending
Eng for information & guidance.

Authority is granted
for writing off to Profit & Loss
the overcharges which appear
in the Accounts of the Overseer.

W. B.

W. B.

To The Ld. & S. Co.
Controller
Accl General
Sept 17th August

No 2406

12th Aug 1865 (A. 1865)

No 2406-1865 Aug 1865

Dated 8th August 1865
Recd 10th August 1865
No 129
(written in enclosure)

To the Secretary to Government
of the J. & S. Co.
From Government & Reader
Sept 17th 1865

Of opinion under
the circumstances
brought to notice by the
Madras & S. Co. that the
money should not be paid
into the Court as suggested
by the Officer in Charge
of his letter to the

W 1865 Depu
Pmo of Govt. for
Sept

No 2406.
Pmo of the M Gov
D/18 Aug 6/88

Correspon
relative to the
posals of the Security
money & co. of the late
Quarrier Soobroya
Malabar D. All the
orders thereon.

No 407 @ 450