M.R.O. 1—77,006—8-6-37.

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(2) Date of repair

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 182 Press ~~Mis.~~

378-379-380

Dated 16- 1- 1866.

Not to be folded or roughly handled

Read the following papers :—

No. 378. From Mrs. M. L. SMITH, Widow of the late Mr. Executive Engineer H. B. SMITH, to the Secretary to Government, Public Works Department, Fort Saint George, Madras, dated Bombay, 30th November 1865.

Excuse the liberty I take in addressing you on a matter of great moment to me just now, and which fills my mind with much distress and anxiety, the heavy claim laid by the Department Public Works on the property in the Wynad of my late husband, Mr. Henry B. Smith, late Executive Engineer, has compelled me to plead to the Governor and Council to consider my pecuniary circumstances and relinquish the claim, as I am not in a position to meet the heavy demand. I enclose you the letter I have addressed to the gentlemen in Council, and may I earnestly beg you will be pleased to place it before the Council. At the same time may I ask you kindly to use your good interest for me. I am taking a bold step in thus addressing you, a perfect stranger, but having the severe affliction of suddenly losing a tender husband, and earthly supporter, I am called upon to act for myself, more for the sake of my fatherless children, dependent upon me; and the One who is a true friend to the widow and orphan will, I am sure, raise me up earthly friends, and as such I trust you will plead for me and mine. I am anxious to sell my property, and the Wynad Coffee Planters have an idea of purchasing it; but I have been informed this claim to Government must be paid out of the first proceeds of the sale, and this will be a very heavy loss to me, indeed I shall realize very little, if any, in this case, and I must beg you will kindly consider my circumstances. I knew nothing of this claim on our property until after my husband's death, which took place on the 22nd June; and I am quite sure he was in ignorance of the fact, having left Wynad for Bombay in December 1864, and he received no intimation regarding Government affairs, of this I am convinced, and it is hard, will you not agree with me? now that my poor husband cannot defend himself that this claim should be held forth, and so bitterly distress his widow and helpless orphans.

Trusting you will give these letters your attention, and think kindly of me, although a stranger, but one in affliction.

My address is at present Gilder Street, Tarcteo, Bombay.

After 10th January 1866, to the care of Messrs. Binny & Co., Madras.

From Mrs. M. L. SMITH, Widow of the late Executive Engineer H. B. Smith, to the Governor in Council, Fort Saint George, dated Gilder street, Tractes Bombay, 30th November 1865.

1. Painful as the task is, I am compelled to address you on the subject of a claim that is held forth by the Department Public Works against by late husband, Mr. Henry B. Smith, late Executive Engineer in your Presidency, and I earnestly beg you will give this letter your courteous attention, and not deny me the support I require from your hands.

2. I am in correspondence with the Coffee Planters in Wynad about selling the house and property there, which belonged to my late husband, and am informed, much to my surprise and anxiety of mind, that there is a heavy claim attached to my property by the Public Works Department, this has only come to my knowledge since the death of my husband; and I am quite sure he was never made aware of this fact which took place after he left Wynaad, early in December 1864. The claim is a heavy one indeed, and will leave me very little to realize from the sale of my property, which will be a terrible loss to me, but not so much for myself do I think as for my little fatherless children; this claim on my property is, I think, a great barrier to the Planters purchasing it; and thus I shall suffer severely. I now beg of you, gentlemen, to consider my case, and cause this

claim to be relinquished, considering the sad event that took place on the 22nd June, the death of my poor husband. I know it only requires an order to be passed on this my appeal by the Members in Council to settle this affair in my favor, and relieve me from this difficulty. Even if my poor husband were at fault in his official duties, he is now free from any human judgment, and surely you would not wish to cause the widow and orphans to suffer; no doubt many of you are a husband and father, and as such I appeal to your feelings. Forget what faults you had to find with *him* who now lies at rest, the best of us are apt to fall into error at times, and he was greatly mis-judged and *harshly* accused; bear in mind, I beg of you, his twelve years' service, and the numerous excellent testimonials given to him by Colonel Cotton, and several others high in the service, under whom he worked, and gave so much satisfaction. Once more earnestly entreating you to act kindly towards the widow and orphans of your late Government servant.

Referred to the Superintending Engineer of the 7th Division, with a request that he will submit a list of the claims which he has established against the Estate of the late Mr. Smith, and report whether, under the peculiarly unfortunate circumstances of the case, there is any objection to the Government foregoing the amount of their demands.

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

FORT SAINT GEORGE,
20th December 1865.

No. 379. From the Superintending Engineer, 7th Division:—
(Here enter 23rd December 1865.)

No. 380. ORDER THEREON, 16th January 1866, No. 182.

ACCOUNT, No. 35.

Under all the circumstances of the case, the Government are willing to relinquish their claim against the estate of the late Mr. Smith, Executive Engineer in the Malabar District.

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

To the Superintending Engineer of the 7th Division.
,, Controller of Public Works Accounts.
To Mrs. M. L. Smith, care of Messrs. Binny & Co., Madras.

Exd. S. T. Augustin.

To
The Governor & Council
Fort St. George
Madras.

Gentlemen

Painful as the task is I am compelled to address you on the subject of a claim that is held forth by the P. W. D. against my late Husband Ex^r Henry B. Smith late Executive Engineer in your Presidency and I earnestly beg you will give this letter your courteous attention and both deny me the support I require from your hands.—
I am in correspondence with the Coffee Planters in Wynaad about selling the House & Property there belonged to my late Husband, and am informed much to my surprise & anxiety of mind that there is an heavy claim attached to my Property by the P. W. Department this has only come to my knowledge since the decease of my Husband and I am quite sure he was never made aware of this fact which took place after he left Wynaad early in December 1864.— The claim is an heavy one indeed & will leave me very little to realize from the sale of my Property which will be a terrible loss to me but not so much for myself tho I think as for my little Fatherless Children; this claim on my Property is I

Dec^r 17 January.

Accountant Public Works Dept

No 5

Statistics a great barrier to the Directors
purchasing it, and thus I shall suffer deeply.
I know beg of you Gentlemen to consider my
case and cause this claim to be relinquished,
considering the sad event that took place on
the 22nd June, the death of my poor Husband,
I know it only requires an order to be passed
on this my appeal by the Members in Council
to settle this affair in my favour, and relieve
me from this difficulty, even if my poor
Husband were at fault in his official duties,
he is now free from any human judgement &
only you would not wish to cause the widow &
Orphans to suffer, bedsides many of you are a
Husband & Father, & can enter into feelings
- Forget what faults you had to find with him who
poor lies at rest the best of us are apt to fall into error
at times, & he even greatly misjudged & harshly
accused, been an honest & faithful servant to you for 12 yrs service
& the numerous excellent testimonials given to him
by Col. Cotton & several others high in the Service under
whom he worked & gave so much satisfaction. —
Once more earnestly entreating you to act kindly
towards the Widow & Orphans of your late
Government Servant — I remain Gentlemen

Yours faithfully

Margaret L. Smith

November 30th 1865 Gibbs Street Parel

Bombay

Gentlemen

22

Mrs L Smith
Bunny
care of Mesrs H.O. Inaden & Co

Dated 17th January

Comor — 23d Dec 1865.

From Lt. Col. G. W. Walker
Supt Sub. 7th D.S.
To Colonel C. A. Ort
Secd Asst. D.P.W.

Sir With reference to your communication dated 30th Nov. 1865 and to the papers which accompanied the same, I have the honour to state that the attachment of the property of the late husband of Mrs Smith to which the claim referred to in your letter has reference was removed by an order of the Court of Chancery dated 17th Nov. 1864 and that no legal proceedings have been taken thereon.

Under the peculiar circumstances of her case I would recommend that such claim be forborne pending a decision of the Court in that behalf.

I have the honour to be Sir
Your obedient Servant
Thos. Sidney Cooper
Lieut. Col. & Chief Engr.

Endorsed
Rec'd Nov. 30th 1865
Lieut. Col. Walker
Supt. Sub. 7th D.S.
Comor
Dec. 23d 1865
Lieut. Col. Cooper
Chief Engr.
Relative to claim of Mrs Smith
Widow of the late Mr Eyre Smith
Gilder Street
Referred to the Asst Civil Engineer of the
District with request that he will
furnish a report thereon
Dec. 27th 1865
Lieut. Col. Ort
Secd Asst. D.P.W.
Relative to claim of Mrs Smith
Widow of the late Mr Eyre Smith
Gilder Street
Referred to the Asst Civil Engineer of the
District with request that he will submit a list of the claims
which he has established against
Mrs Smith, and report whether
any equitable circumstances
attach to the case, Also his opinion
thereon
Jan. 1st 1866
Lieut. Col. Walker
Supt. Sub. 7th D.S.
Comor

I have too much reason to believe that the funds who purchased, & house built on it, with money embezzled from the Govt. Funds entrusted to Mr. Smith for disbursement. See my letter referred to in the letter from the Com: Troller printed with G.O. No. 345 of 17th Nov. 1865 — See also my letter printed with G.O. No. 3787 of 21st Dec. 1863; with refer: ence to which I am sor: ry to state my belief that no notice was the offence therein made known: pun: ished, that Mr. Smith set to work to replace from public funds the money wh. he was compelled to replace at Commissioners

I have felt it to be my duty to make the Govt

fully acquainted with the real nature of their claim on the late Mr. Smith's property — It rests with them to determine in the course to be pursued with reference to this Widow's Petition — I have been unable to deal with similar applications received from time to time, owing to the impossibility of making her acquainted with the charges against her late husband —

I have the honor to be
Sir
Your most obed. Servant
Chas. Herbert Lt. Col.
Insp. Gen. J. D.

Vide also G.O. No. 364 of 20th Dec. 1864,

Accounts
Public Works Dept
182
No 182
Proceedings of the Madras Government
Under date the 16th January 1866
Read the following

From Mrs H. L. Smith
Widow of the late Mr. Engr Smith
Requesting that the claims of
Govt against the estate of her husband
may, under the circumstances explained,
be relinquished.
(Here enter 30th Nov. 1865)

From the Supg Engineer of the 4th Div.
Reporting on the letter from Mrs
H. L. Smith requesting that the
claims of her late husband may be
relinquished.
(Here enter 23rd Decr 1865)

Under all the circumstances of the case, the Govt are willing to relinquish their claim against the estate of the late Mr. Smith, Supervising Engineer in the Malabar District.

Wh.
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760 E 7 Dec
426 Interlined
12 Mrs H L Smith
Bunny
Care of Resp. 4th Div. Madura
Dept. 17 January

Ex. 182 - 16th January 1866.

No. 879

Proc. 21 December 63 No 543-544
" 17 Nov 64 350-351
" 20 Dec 430-431
" 15 June 65 386 385
" 17 Nov 363 364

P.W. 1865 Depart
Pro. of Govt for January
No 5159

From
Supt Engineer 4th Divn

Dated 23d Dec
Recd 25th } 1865

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Reporting on the letter from Mrs H. L. Smith requesting that the claims of Govt against the Estate of her late husband may be relinquished.