

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 278	Press
539-560	Mis.
Dated 27-1-	1868.

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
27th January 1868.*

No. 539. Read the following Proceedings of the Madras Government in the Military Department, dated 16th January 1868, No. 204:—

Read the following papers:—

From the Controller of Military Accounts, Fort St. George, 6th December 1867, F, to the Secretary to Government, Military Department.

1. I have the honor to forward, for submission to Government, a letter from the Examiner Pay Department, dated 3rd December 1867, No. 2,717, raising the question whether he is, under War Office Circular No. 981, dated 19th November 1866, responsible for the breakage of certain panes of glass in his Office.

2. It appears to me that the occupant of a public office, although the personal occupation extends to only a portion of the twenty-four hours, must be held responsible for any damage arising from neglect even on the part of his subordinates or office servants. He has the power of determining the party responsible to himself, and recovering the cost of repair.

3. In respect to the breakage of glass, however, it is within my own observation that the fitting of the windows is imperfect, and in sudden gusts of wind the windows in my own room have been blown open although fastened as securely as they could be in their present state.

4. The breakage does not appear to have arisen from neglect, and such being the case, I do not think that Major Rideout should be held responsible for the damage.

5. The Executive Engineer however considers that he has no option under the terms of the Circular, and requires that the glass should be re-placed.

6. It seems to me that even in the item of glass the rule must admit of exceptions, and that until the fittings of the windows in this office are such as effectually secure the windows, the Officers of the Department cannot fairly be held responsible for such damage as that referred to.

7. The demand has now for the first time been made, and I have the honor to request the views of Government in respect to the responsibility of occupants of public offices, and in the particular case submitted.

8. The return of the enclosures is requested.

—

From the Examiner Pay Department, Fort St. George, 3rd December 1867, No. 2,717, to the Controller of Military Accounts.

1. I have the honor to submit, for your consideration, the accompanying copies of correspondence between the Barrack Master and Executive Engineer, relative to certain repairs required in this office.

2. It will be observed that, under the provisions of a War Office Circular No. 981, dated 19th November 1866, which does not appear to have been made applicable to India, Captain Goddard declines to re-place certain panes of glass which have been broken, paragraph 5 of the Circular in question requiring the occupant of the quarter to make good the loss.

3. With reference to this objection, I would submit that the Circular, even if applied to India, can only refer to private quarters and not to Government offices. In a large office, such as that occupied by the Controller of Military Accounts and Pay Examiner, breakages must at times

*Proceedings of the Madras Government, Public Works Department,
27th January 1868.*

accidentally occur, and in the event of any negligence on the part of the office servants, the head of the Department has the power of punishing the delinquents by ordering stoppages from their pay; but it does not appear to me to have ever been intended that the Officers, whose duties require their attendance for a certain portion of every day should be considered as occupants of the building, with the responsibility of permanent residents.

From the Barrack Master, Fort St. George, 27th November 1867, No. 1,836, to the Executive Engineer.

1. With reference to your letter of the 25th November 1867, No. 1,461, I have the honor to state that as the windows do not button close, there may be a sufficient jarring during high winds to cause breakage of the panes.
2. The glass panes for the record-room, I consider, should be charged to the Record-keeper.
3. Some of the panes are merely cracked and need not be re-placed.
4. The windows of the Officer's room should be made to shut closely and the panes supplied as soon as possible.

From the Executive Engineer, Northern Range, 28th November 1867, No. 1,477, to the Barrack Master, Presidency.

In reference to your letter No. 1,836, dated yesterday, I much regret that I am not at liberty to modify the Government Orders relative to broken glass which are unmistakably plain.

From the Barrack Master, Presidency, 30th November 1867, No. 1,863, to the Pay Examiner, Fort St. George.

Enclosure 1
G O. No. 306, dated 30th January 1867.
(To be returned.)

True copies forwarded for the information
of the Pay Examiner, with reference to indent,
dated 22nd November 1867.

The Government observe that it has been repeatedly ruled by the Secretary of State and the Government of India that no War Office or Horse Guards' Circular is to be held applicable to India unless specially declared to be so by the Supreme Government, or under the orders of the Secretary of State for India.

2. War Office Circular No. 931 of 19th November 1866, was merely "distributed" to Departments in Military Proceedings No. 235, dated 21st January 1867, and by the Public Works Department, communicated to the Superintending Engineers "for information" only.

3. The misconception as to its applicability appears to have been occasioned by the Superintending Engineer of the 4th Division, who furnished the Circular to his subordinate officers "for information and guidance."

4. The Circular not having been declared applicable to India, has no force in authority whatever in this country: and this being the case, the broken glass in the office of the Pay Examiner should be re-placed under local departmental rules as heretofore.

5. Under the above aspect of the case, it does not appear necessary to discuss the several questions incidentally raised in the foregoing correspondence.

(True Extract.)
(Signed) H. MARSHALL, Major-General,
Secretary to Government.

*Proceedings of the Madras Government, Public Works Department,
27th January 1868.*

No. 540.

ORDER THEREON, 27th January 1868, No. 278.

MILITARY WORKS, No. 24.

Communicated to the Superintending Engineer of the 4th Division and to all other Superintending Engineers.

(True Extract.)

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

To the Superintending Engineer, 4th Division.
.. all other Superintending Engineers.

-Capt- Henry-

Exd. F. R. Bantleman.

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MILITARY DEPARTMENT.
PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—

From the Controller of Military Accounts, Fort Saint George, 6th December 1867, F; to the Secretary to Government, Military Department.

I have the honor to forward, for submission to Government, a letter from the Examiner Pay Department, dated 3rd December 1867, No. 2717, raising the question whether he is, under War Office Circular, No. 981, dated 19th November 1866, responsible for the breakage of certain panes of glass in his office.

2. It appears to me that the occupant of a public office, although the personal occupation extends to only a portion of the twenty-four hours, must be held responsible for any damage arising from neglect even on the part of his subordinates or office servants. He has the power of determining the party responsible to himself, and recovering the cost of repair.

3. In respect to the breakage of glass, however, it is within my own observation that the fitting of the windows is imperfect, and in sudden gusts of wind the windows in my own room have been blown open although fastened as securely as they could be in their present state.

4. The breakage does not appear to have arisen from neglect, and such being the case, I do not think that Major Rideout should be held responsible for the damage.

5. The Executive Engineer however considers that he has no option under the terms of the Circular, and requires that the glass should be re-placed.

6. It seems to me that even in the item of glass the rule must admit of exceptions, and that until the fittings of the windows in this office are such as effectually secure the windows, the Officers of the Department cannot fairly be held responsible for such damage as that referred to.

7. The demand has now for the first time been made, and I have the honor to request the views of Government in respect to the responsibility of occupants of public offices, and in the particular case submitted.

8. The return of the enclosures is requested.

From the Examiner Pay Department, Fort Saint George, 3rd December 1867, No. 2717; to the Controller of Military Accounts.

I have the honor to submit, for your consideration, the accompanying copies of correspondence between the Barrack Master and Executive Engineer, relative to certain repairs required in this office.

2. It will be observed that, under the provisions of a War Office Circular, No. 981, dated 19th November 1866, which does not appear to have been made applicable to India, Captain Goddard declines to re-place certain panes of glass which have been broken, paragraph 5 of the circular in question requiring the occupant of the quarter to make good the loss.

3. With reference to this objection, I would submit that the circular, even if applied to India, can only refer to private quarters and not to Government offices. In a large office, such as that occupied by the Controller of Military Accounts and Pay Examiner, breakages must at times accidentally occur, and in the event of any negligence on the part of the office servants, the head of the Department has the power of punishing the delinquents by ordering stoppages from their pay; but it does not appear to me to have ever been intended that the Officers, whose duties require their attendance for a certain portion of every day should be considered as occupants of the building, with the responsibility of permanent residents.

From the Barrack Master, Fort Saint George, 27th November 1867, No. 1836; to the Executive Engineer.

With reference to your letter of the 25th November 1867, No. 1461, I have the honor to state that as the windows do not button close, there may be a sufficient jarring during high winds to cause breakage of the panes.

2. The glass panes for the record-room, I consider, should be charged to the Record-keeper.

3. Some of the panes are merely cracked and need not be re-placed.
4. The windows of the Officer's room should be made to shut closely and the panes supplied as soon as possible.

From the Executive Engineer, Northern Range, 28th November 1867, No. 1477; to the Barrack Master, Presidency.

In reference to your letter No. 1836, dated yesterday, I much regret that I am not at liberty to modify the Government Orders relative to broken glass which are unmistakably plain.

From the Barrack Master, Presidency, 30th November 1867, No. 1863; to the Pay Examiner, Fort Saint George.

Enclosure 1.
G. O., No. 306, dated 30th January 1867.
(To be returned.)

True copies forwarded for the information of the Pay Examiner, with reference to indent, dated 22nd November 1867.

ORDER, No. 204, 16th January 1868.

The Government observe that it has been repeatedly ruled by the Secretary of State and the Government of India, that no War Office or Horse Guards' Circular is to be held applicable to India unless specially declared to be so by the Supreme Government, or under the orders of the Secretary of State for India.

2. War Office Circular, No. 981 of 19th November 1866, was merely "distributed" to Departments in Military Proceedings, No. 235, dated 21st January 1867, and by the Public Works Department, communicated to the Superintending Engineer "for information" only.

3. The misconception as to its applicability appears to have been occasioned by the Superintending Engineer of the 4th Division, who furnished the Circular to his subordinate officers "for information and guidance."

4. The Circular not having been declared applicable to India, has no force in authority whatever in this country: and this being the case, the broken glass in the office of the Pay Examiner should be re-placed under local departmental rules as heretofore.

5. Under the above aspect of the case, it does not appear necessary to discuss the several questions incidentally raised in the foregoing correspondence.

(True Extract.)

Marshall Major General.

Secretary to Government.

To the Controller of Military Accounts, with three enclosures.
Public Works Department.
Barrack Master, Fort Saint George, for information.

Exd. J. E. Cashart.

11/18/68
Recd. Secy. to Govt. 2/5/68

To the Madras Govt
Military Secy.

27/18. January/68
To W. J. 204

Estimating that
War Office Circular
No. 981 of 19th Nov 1866,
has not been made
applicable to this
Country.

No. 278. 27. January 1868
W. J. 204

No. 539 v 540