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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	2301	Press
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Dated	17.9.1873	105

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
17th September 1873.*

Read the following letters:—

No. 264. From the District Engineer, Vizagapatam, dated 8th June 1873, No. 414. Puffer
Ct 21/2

No. 265. From the same Officer, dated 6th August 1873, No. 865. 22/4/71

No. 266. ORDER THEREON, 17th September 1873, No. 2,301.

ESTABLISHMENT, No. 27.

THE papers recorded above refer to transactions with Carpenter Musalaya who supplied certain articles for the Vizianagram and Parvatipore Cutcheries in the Vizagapatam District while Mr. Supervisor Hamnett was in charge of the works.

2. From statement I. accompanying the District Engineer's first letter, it appears that articles valued at Rupees 1,783-4-1 were ordered from the Carpenter by Overseer Spencer without any written authority from his immediate superiors, Rupees 915 was paid by the Overseer before his dismissal from the department, and Rupees 255 was subsequently paid by Mr. Supervisor Baker who had taken over charge from Mr. Hamnett, and the Carpenter claims the balance, viz., Rupees 613-4-1.

3. From statement IV. which has been received with the District Engineer's second letter, it now appears that all the articles ordered have been paid for with the following exceptions, viz. :—

Materials in hand.

				RS. A. P.
One venetian door, valued at Rs. 30	...	...	...	30 0 0
Four iron-barred do. do. at „ 35 each	...	...	...	140 0 0
Five windows, at „ 10-8-0 „	...	...	...	52 8 0
Two semicircular, do. at „ 20 „	...	...	...	40 0 0
				262 8 0

Materials Missing.

Six door-frames, at Rs. 10 each	...	...	...	60 0 0
One iron-barred door, at „ 35	...	...	...	35 0 0
				95 0 0

Total amount due to Carpenter... 357 8 0

4. The District Engineer states that the doors and windows are of very inferior timber and workmanship, and that the rates given above are those that Supervisor Baker allowed in the payment made by him, and consequently such as the Carpenter must have considered fair.

5. His Excellency in Council observes with extreme displeasure the highly irregular and reprehensible conduct of Mr. Supervisor Hamnett in having permitted the order and purchase of articles for important public works under his charge by a mere subordinate. Such conduct being altogether contrary to the rules and regulations of the department, His Excellency will hold Mr. Hamnett personally responsible for all claims which Carpenter Musalaya may make for the articles supplied by him above the rate which the District Engineer considers fair

*Proceedings of the Madras Government, Public Works Department,
17th September 1873.*

and equitable in settling his claims; and the District Engineer under whom Mr. Hamnett is at present serving will duly warn him that the most serious notice will be taken of any such irregularities in the future.

6. The District Engineer of Vizagapatam will now settle with Carpenter Musalaya for the articles which are still unpaid for at the rates mentioned above, and which appear to be fair and equitable. Any articles which the District Engineer considers unfit to be put into Government public work, should be sold by auction, and the difference, including the price of the missing articles, recovered from Mr. Supervisor Hamnett through the District Engineer, Godavery.

(True Extract.)

Colonel, R.E.,

Secretary to Government.

To the District Engineer, Vizagapatam.
Godavery.

Materials supplied by Carpenter P. Musalaya

<i>Number</i>	<i>Particulars</i>	<i>Amount</i>
6	Frames @ 10 ————— each —————	60 ..
10	Doors @ 40 ————— do —————	400 ..
9	" @ 35 ————— " —————	315 ..
2	" @ 38 ————— " —————	76 ..
10	" @ 18 ————— " —————	180 ..
12	Windows @ 20 ————— " —————	240 ..
4	Semi Circular @ 30 ————— " —————	120 ..
36 ⁶⁵ / ₇₂	Cft. Teak wood @ 2.8 ————— per cft. —————	92 4 1

1783 4 1

to be taken the article Deducted by payment 915 ..

Rupces — 868 4 1

Pd by Mr. Baker 30th March 1872

*Virianagram
25th October 1871*

*Balance 613 4 1
(Signed) W. Spencer
Salug Overseer*

to be taken the article Deducted by payment 915 ..

*L. Beatty Major R.E.
District Engineer Vizagapatam*

List of articles now found in the Range supposed to have been supplied by Carpenter Musalaya and not yet paid for.

Number	Particulars	Amount
1	Venetian door @ 30 Rs each	30 . .
4	Iron barred " @ 35 " "	140 . .
5	" Ventilators @ 10 1/2 " "	52 8 . .
2	Semi Circular windows @ 20 " "	40 . .
		<hr/>
		Ruppes 262 8 . .

6 - Frames 60
272 8 - 322 8 0

H. Meatty Major R.E.
District Engineer Viragpet

Materials supplied
by Carpenter P. Musalaya

Rs 3445/75

The above is a list of the
 articles found in the
 chest of drawers.

The following is a list of the
 articles found in the chest of drawers.
 The first is a small box
 containing a few articles.
 The second is a small box
 containing a few articles.
 The third is a small box
 containing a few articles.

The following is a list of the
 articles found in the chest of drawers.

The following is a list of the
 articles found in the chest of drawers.

10

10

11

10

11

List of articles now found
 in the Range supplied
 to have been supplied by
 Carpenter Mucalaya
 and not yet found for

Q. D. no. 2301-178-23
 Q. D. 3445/73

The following is a list of the
 articles found in the chest of drawers.

Statement showing the number of doors and Windows used on the Sub Jail at Virianagram and those in store.

Names of Works.	$\frac{1}{2}$ panelled and $\frac{1}{2}$ Venetian doors with Sal. frames	Iron bar red doors with Sal. frames.	Iron barred windows Ventilators without weather boards.	Semi-Circular windows	Remarks.
In Store Godown	10	10	5	2	<p>* 9 belong to materials at site of Parvati-pore Sub Jail.</p> <p>* There ought to be Civil store, belonging to the Stock account; Mr. Baker bought 6 doors for the Virianagram Sub Jail @ 30 Rs. therefore that must have been accepted as a fair price by Musalaya.</p> <p>* Mr. Baker also charged 35 Rs. for iron barred doors in his stock accounts.</p>
Virianagram Jail.	5 ¹ / ₂ front 11	7	7 ¹ / ₂ front 10 ¹ / ₂	2	<p>* There can hardly be seen if the doors are made like this.</p>
	21	10	12	4	<p>9 doors given to Aswell City - 6 for front of the district is the correct.</p>

L. Beatty - Major M.C.
District Engineer Viranagram

[Faint handwritten notes at the bottom of the page, possibly bleed-through from the reverse side.]

Stationers having the
number of letters addressed
used on the first page
at Birmingham and
those in store.

92-2301-17-2-25

Qu 345273

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51

Major J. Beatty R.E.
District Engineer
Waltair

Sir,

In reply to your Memo N^o 379 dated 4th Instant, I beg respectfully to state that the articles purchased from Carpenter Musalaya by Mr Baker were as follows:

* This is incorrect, but it is a copy of the cash book. It should be 73.8.0 :-

30 th March 1872.	6 Doors @ 30-0-0	180-0-0
	7 Iron grated ventilators	* 75-0-0
	@ 10-8-0	
		<u>Total Rs. 255-0-0</u>

There is no evidence whatever to prove that Musalaya agreed to wait for payment until funds were allotted for the Parvatipore Sub Magistrate's Cutcherry and Subsidiary Jail. Mr. Spencer merely mentioned the matter to me when speaking on the subject.

subject, and considering the length of time which
Musalaya had already waited, I believe he did
agree to this arrangement but there is nothing to
prove it.

I beg to remain Sir...
Your most obedient servant
(Signed) I. Formae
Supervisor

(True copy)

L. Beatty Major R.E.
District Engineer
Vizagapatam

Q. 1344 5/73
100-10001-17-9-25

N^o 414 District Engineers Office
Waltair 8th June 1873

From
The District Engineer
Vizagapatam

To
The Secretary to Government D.P.W.
Madras

3. Statements Nos
I. II. & III.

1 Copy of letter N^o 56
of 6th June 1873.

Sir

I have the honor to solicit the instructions of Government under the following circumstances :-

2. In the year 1868-69, Sub Magistrates
Catcheries and Sub Jails were ordered to be
commenced at Virianagram, Bobbili, and
Parvatipore, in N^o III Range of this District
of which Mr. Hammett was then Range Officer.

3. Overseer Spencer, who has since been
removed from the Department probably
owing to his intemperate habits, was at that
time employed on the Parvatipore and Virian-
gram Catcheries, to which alone this case is
supposed to have reference; the other Catcheries
at

at Bobbili having been superintended by
Overseer Cudmanabhāsawamy.

4. An order was given, about March
1869, by Overseer Spencer, to a carpenter named
Musalaya, for certain doors and windows
for these Cutcherry works. The order was oral
only; there was no written agreement of any
kind.

5. Materials were accordingly delivered
on this account between March 1869, and
March 1871, but no payments appear to have
been made after July 1869 (i.e., after the re-
ceipt of the G.O. No 2481 of 28th July 1869 stopping
the Sub Jails) until the Vizianagram Cutcherry
was under completion in 1871-72, when Mr.
Baker paid Musalaya a sum of Rs. 255.

The Carpenter was, however, permitted to lodge
the articles in the store at Vizianagram, on
the understanding, it is said, that he would
be paid for them when the Cutcherry works
were recommenced.

6. The doors and windows are of very
inferior timber and workmanship, and in-
dependently of any claim Musalaya may
be

* Vide Supervisor
Cormac's letter A
56 of 6th June 187.

be supposed to have acquired by the fact of
the delivery of the articles, I object to purchase
them, and do not consider him entitled to
payment. As soon as I discovered they
were in store and unpaid for, I requested
him to remove them.

7. The accounts relating to the transac-
tions with Musalaya are in a very con-
fused state; some of the records having
doubtless been stolen or destroyed. For
instance, the original Cash books which
contained all the earlier payments to him
has been destroyed, probably purposely; the
cover of it is all that remains.

8. He, apparently, never urged his
claim for final payment until he was
requested to remove the doors and windows
from the store. This he refuses to do, makes
a claim of Rs. 613-4-1, and threatens legal
proceedings.

9. He bases his claim on a written
statement Overseer Spencer left behind
him when he was removed from the District,
and a copy of which I herewith submit.

* No I

10. From a careful examination of the records that exist, and of the materials in store and used up on the works, I have arrived at the conclusion that the materials shown in List N^o II, herewith sent, are now all we have belonging to him. The rates shown opposite each of the articles are those that Supervisor Baker appears to have paid the man for some of the same lot of articles; and consequently such as he must have considered fair. The 6 frames shown in Mr. Spencer's List cannot be traced; they are neither on the works nor in store; and it is very improbable that frames were furnished separately. In fact, I much doubt the truthfulness and honesty of Overseer Spencer's Statement. Possibly however in a Court of law Mr. Spencer's Statement would be considered proof that the frames had been delivered and I might be called on to prove the contrary.

11. Statement N^o III shows where the articles supplied by Musalaya are now supposed to be, whether in store, or on the works.

12. By Statement N^o II, the value of the articles belonging to him in our hands appears to be Rs. 262. 8. - excluding the missing frames and not Rs. 613. 4. 1; according to his demand.

13. As Musalaya is not, in my opinion, entitled to payment, because the materials are of such an inferior description, while his demands is exorbitant; I have the honor to request instructions whether, after due warning to Musalaya, I should sell the articles by auction, and offer him the proceeds of the sale; or institute a suit for the purpose of compelling him to remove them from the Government store. In the legal proceedings I would chiefly rely on the fact that Mr. Spencer had no authority to accept bad work or materials and that those delivered are unfit for use on public works.

14. Possibly however Government may think it best to offer the man Rs. 262. 8. - or including the frames Rs. 322. 8. 0, which Mr. Baker would probably have paid him for them. In that case I request permission

mission to sell the articles by auction, and
write off any difference to Profit and Loss.

15. I need only further add that all
the parties who took any part in these
transactions, Supervisors. Hammett and
Baker, and Overseer Spencer, have left
the District. Supervisor Baker succeed-
ed Mr. Hammett in charge of that Range
and was removed from it to the Godavery
District on the occasion of the late re-
organization.

I have the honor to be

Sir

Your most obdt. Servt:

B. Seatter, Major R.E.

District Engineer of

Viragapatam

Copy to H.K. 1873
From Govt. of Madras

The District Engineer
of Viragapatam
To
The Secretary to Govt. of Madras

Dated 8th June 1873
Despatch 8th June 1873
Received 13th June 1873
No. 414

Reporting Carpenter
Musalaya's case and
requesting permission
to institute a suit against
him. H.S.
No. 2304-17 Sept 73

22-12-73
O.K. 26/4
Sent to Comr. 14 June 73

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(H) (H)

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Statement showing the materials purchased from the Carpenter Musalaya and those still to be paid for

[illegible]

District Engineers Office
N^o 865 Waltair 6th August 1873

From
Major J. Beatty R.E.
District Engineer of Vizagapatam
To
Captain P. Montgomerie R.E.
Acting Under Secretary to Government
Sir,

I have the honor to acknowledge your letter N^o 91 of 14th ultimo, and to furnish herewith an additional list, which I trust will make the transactions with Carpenter Musalaya more clearly intelligible.

2. You will observe that all the articles have been accounted for; except 1 door and 6 door-frames, which cannot be traced.

3. As some of the accounts have been stolen or destroyed, and those we have do not show clearly the size &c, of the articles paid for, the statements I have prepared are necessarily not so complete as could be wished.

4. The only difference, however, between the additional list now sent, N^o IV, and the three lists previously sent is in regard to a door now shown

Statement showing the
materials purchased from
the Carpenter Musalaya
and those still to be paid for

P.O. 1301-17-9-73
M. 4945/73

shown in the column headed materials missing:

It was previously assumed that as this door could not be traced, it had never been supplied; but further examination of the accounts shows that it is possible the door may have been supplied and used up on some work, but no payment made or record of the transaction kept.

List No IV

5. When Mr Baker left the District he handed over charge to Supervisor Cormac, to whom he gave all the information he possessed on the subject.

6. The necessity for this reference to Government has arisen out of the inefficiency and mismanagement of Mr Hamnett, which led to his removal from the Division in 1871. When Mr Baker was in charge, the accounts were only emerging from the confusion into which his predecessor had thrown them, and from which they have hardly yet recovered as this reference shows. Consequently I do not consider Mr Baker responsible for the deficiency of information in this case.

I have the honor to be

Sir,
Your most obdt. servant

L. Beatty. Major R.E.

District Engineer of Vengaloor

1873
From Mr. J. Peabody
No. 4945 A.
Major J. Peabody R.E.
District Engineer Viragapatam

To

Captain C. Montgomerie R.E.
Adj. under Secretary to Govt. D.P.N.
Govt. of Madras

Dated 6th } August 1873
Depts 8 Sep } Encl.

No. 865

No. 2301-17 Sept 1/73

In reply to his letter No. 91 of
14th ultimo giving additional
information in regard to the
transactions with the Carpenter
Musalaya.

No 265

No. 2301 P. N. at
Prov. of the Madras Govt.
Read the following
From the Wt. Engr. Vijayapattam (N.E. No. 44 of 8 June/73)
No. - (- 865 of 8 Aug/73)

The papers recorded
above refer to transac-
tions with Carpenter
Musalaya who sup-
plied certain articles
for the Vizianagram
and Parvatipore Cul-
verts in the Vizaga-
patam District
while Mr. Supervisor
Hamnett was in charge
of the works.

From

From Statement I

accompanying the District Engineer's first letter it appears that articles valued at Rs 1783-4-1 were ordered from the Carpenter by Overseer Spencer without any written authority from his immediate superiors, Rs 915 were paid by the Overseer before his dismissal from the Department and Rs 255 was subsequently paid by Mr. Supervisor Baker who had taken over charge from

from Mr. Hamnett and the Carpenter claims the balance viz: Rs 613-4-1/16

From Statement II which has been received with the District Engineer's second letter it now appears that all the articles ordered have been paid for with the following exceptions viz:-

Materials in hand.

1. Venetian Door valued at 30/-	Rs 30
4. Iron Barred do. " 35/-	140
5. Windows " 10/8	53 1/2
2. Semicircular do. " 20/-	40
	263 1/2

Materials missing

6. Door Frames " 10/-	60
1. Iron Barred door " 35/-	35
Total amount due to Carpenter	357 1/2

fair and equitable in settling his claims. And the District Engineer under whom Mr. Hamnett is at present serving will duly warn him that the most serious notice will be taken of any such irregularities in the future.

The District Engineer of Vizagapatam will now settle with Carpenter Musalaya for the articles which are still unpaid for at the rates mentioned above and which appear to be fair and

¹⁸
equitable. Any articles which the District Engineer considers unfit to be put into Government Public Works, should be sold by auction; and the difference including the price of the missing articles, recovered from Mr. Supervisor Hamnett through the District Engineer Godavery.

T.M. G.M.

30
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To, The D. Engr. Vizagapatam
do " Godavery.

S. C. subd 1/11/73

344544945A
Govt. of [1873] Madras.

PUBLIC WORKS.

19
To The District Engineer
Vizagapatam

Dated

Recd.

Encl.

G. O. 17th Sept 1873. No. 2301.

Nos. 264 @ 266

Carpenter Musalaya

Copying orders on letters
from the D. Eng., Vizaga-
patam, referring to
transactions with ^{Carpenter Musalaya} ~~the~~
who supplied certain arti-
cles for the Vizianagaram
& Ponnabipore Cutcherry
while Mr. Engr. Sammett
was in charge of the
works.