M.R.O. 1—77,006—3-6-37.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

F. W — DEPARTMENT.

G.O. No. 3561 Press Mis.

Dated 28-12- 1876.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department,
28th December 1876. *No.* 3,561.

Read the following letters :—

No. 618. From the District Engineer, South Canara, dated 12th Oct. 1876, No. 53.
No. 619. From " " " " 11th Dec. " " 59.

No. 620. ORDER THEREON, 28th December 1876, No. 3,561.

ESTABLISHMENT, No. 39-B.

THESE papers relate to a case of criminal breach of trust by Mr. M. C. Fernandez, Head Accountant of the Mangalore Range, in respect of three sums of money with which he had been entrusted. He was also charged with falsification of his accounts. At the Sessions Court of the district, to which he had appealed from the decision of the Acting Head Assistant Magistrate, Mr. Fernandez was adjudged guilty of misappropriation of one sum of Rupees 500, and of falsification of his accounts, and was punished by fine and imprisonment.

2. Mr. Fernandez is now declared disqualified for further employment in the public service, and will receive no more than the usual subsistence allowance from date of his suspension to that of his first conviction, viz., from 3rd October to 11th December 1876.

3. Mr. Montserratt was the Range Officer under whom these irregularities occurred, and his action in the matter is severely censured. His disregard of rules afforded the temptation to which Mr. Fernandez yielded, and his own transactions with his subordinate has subjected him to most painful, though unfounded, suspicion. He has already been removed from one district for incompetence; and His Grace the Governor in Council resolves, as a mark of his displeasure, to order the reduction of Mr. Montserratt, from the rank of Assistant Engineer, 1st Grade, to that of Assistant Engineer, 2nd Grade; with effect from the 1st January 1877. Mr. Montserratt will be removed from his range charge and transferred to the Dindigul Sub-division of the Madura District, where his conduct and qualifications will be reported on half-yearly. He will not be again entrusted with independent charge till he shows signs of amendment, and he will be warned that any future misconduct will lead to his immediate removal from the department.

4. Mr. Davidson will replace Mr. Montserratt in the South Canara District.

5. The dismissal of the two lascars, whose evidence in the trial was considered unsatisfactory, is not approved of.

(True Extract.)

Major-General, R.E.,
Secretary to Government.

To the District Engineer, South Canara.
" Madura.
To all other District Engineers,
To the Examiner of Public Works Accounts,
" Revenue Department,
" Public, &c.. Departments,
" Military Department,
} with extract paragraphs 1 and 2.

Exd. E. C. Shunker.
Spare Copies

tried as Calendar No 58 of 1876 - and

Exd. 8-12-76

Calendar Case No. 56/1876

On the file of the Head Assistant Magistrate of South Canara

Regina — Versus — Deft Michael Cleto Fernandez

Offences — punishable under Sections 409 and 167 of the Indian Penal Code —

Judgment

In this case one M. C. Fernandez Head Accountant Mangalore Range Office stands charged with criminal breach of trust under Section 409 Indian Penal Code in regard to three sums of money. One 500 Rs. in Range Cash Book entered as cash from Treasury on 22nd August 1876 the second a sum of 995-3-6 entered as a payment on Imprest Account to Pereira the Uddipi Overseer at the end of August 1876, and a sum of 723-5-3 entered similarly as paid at the end of September and is further charged with framing an incorrect record in regard to the latter two sums under Section 167 of the Indian Penal Code — These have been charged separately but tried together under Section 453 of the Criminal Procedure Code — Two other charges founded on other entries have been charged and tried as Calendar No. 58 of 1876 and

sure

apparently to at once inform the Head
Accountant – the object of this divis-
-ion of duty being obviously that
they should check each other.

It appears however that for some
time past at any rate since Mr.
Montserrat's incumbency in the Range
Office the accused the Head accountant
was entrusted also with the cash and
he it was who used to make the
actual disbursements of the Range –
when cheques were required merely stating
to Mr. Montserrat that such and
such a sum was needed when a
cheque was drawn by Mr. Montserrat
and thus he was afforded an opportu-
-nity of manipulating the accounts
and Cash Balance which it otherwise
would have required a conspiracy
between himself and the Range Officer
to effect. That such was the practice
is undisputed on the part of the
accused; though the responsibility
for the cash is fastened on the Range
Officer – The practice is proved by Mr.
Montserrat's statement corroborated
by Castelino, Noronha, and another.
Such a result was even still more

in notes - He then returned home - He
gave no document or written acknowl^g^
-ment of the sum - Shortly after his
return to the Bungalow he received the
whole sum in notes which he counted
and reenclosed them to Dr. Dempster
Dr. Dempster has been examined and
proves that the numbers of these notes
were from J/5 68,916 to J/5 68,937, and one note
J/6 89,226 - He is unable to give the values
It appears from E & F that on the 18th
August Overseer Pereira sent in a letter
requesting that an outstanding Imprest
which was due might be paid - On this
is a pencil note by the accused in
which occurs "I think it will be better
for us to take about Rs. 500 with us -
Please draw a cheque for the amount"
and in the margin is written "This
is the same cheque I asked to draw
this morning" This pencil writing the
accused admits his - It appears from
Ex: C that Mr. Monterrat did
draw a cheque for 500 Rupees on the
22nd August in favour of the accused
He swears that he drew that cheque
as an advance to meet Imprested
from the Jailor The above writing has
not been shewn to Mr. Monterrat as
it was not filed until after he was
examined - The cheque was Cashed

[illegible] Mr. Monterrat made
[illegible] by the Accused
[illegible] Mr. Monterrat
[illegible] Mr. Monterrat
[illegible] Mr. Monterrat

Montserrat was paid with that pub-
-lic money on the 22nd August-

3rd That in its course the money
passed through the hands of 1st the
accused, then Mr Montserrat-

There is here then a trust of
public cash and a mis-application of
the trust property which is on the face
of it dishonest, and must at any rate
be held to prove the subsequent mode
of treating the accounts and one which
brings either the accused or Mr Mont-
-serrat or both within section 409 of the
Indian Penal Code-

As to the drawing of the 500 Rs
the account of the transaction is Mr
Montserrat's against the accused-

Mr Montserrat's connection with
the accused and his apparent desire
to screen him when ordered to take over
charge of the Cash and Cash Book in
October when the irregularities were on
the eve of discovery deprives his state-
-ment of much of the weight which
would otherwise attach to it, but I
think that other evidence establishes
the truth of his statement - The pencil
writing on Ex: F, the entries in the Cash
Book, the drawing of the cheque in

Pereira and the Peons Pedro Souza and
that at the end of August and of
September there was a deficiency of
Cash— That there was as at the latter
date is proved by the evidence of Pereira
and Pedro Souza— He offers no explana-
tion of this but merely asserts
that he made them under the Range
Officer's orders— It is obvious that such
a defence is bad in law, as the com-
pulsions which could be exercised on
him is obviously not nor is it intended
to have been such as is contemplated
in Section 94 of the Indian Penal Code.

With reference generally to the
law of this case I am of opinion
that as under the old law as under
the Penal Code proof of gross deficiency
in the accounts of any public servant
must be held to be evidence of the
offence charged until explained— Here
a gross deficiency is admitted to exist
at the time of the entries the subject
of the last two charges. I am of opinion
that on the analogy of cases at page
305 Wayne Pitt Edition) the fact that
it was no part of the accused's duty
to hold the money is immaterial, as it
is unquestioned as a fact that he
undertook

he is innocent of the 1st charge, it
seems to me he must be held guilty
on his own statement under the 2d and
3d heads, of the 2d and 3d charges, for he
admits a deficiency according to the
accounts at the end of August and
September - and a false entry to cover
it - in other words he admits he framed
the Cash Book which it was his duty
to frame correctly - and that is
clearly apparent from the District Engi-
neer's evidence that the effect of that
entry might be to cause the loss of the
money if not, to the individual to whom
it was charged - at any rate to Govern-
ment - and as the deceased must be
presumed to know the rules of the
Department in which he serves in the
contract binding him on the one hand
to Government and on the other to the
subordinate members of the Depart-
ment, it seems to me that it must
be held he knew that he was likely
thereby to cause injury to either of those
parties.

I am therefore of opinion that
there can be no reasonable doubt that
the deceased is guilty of the offences
with which he is charged in all three
cases - and as a severe example & repre-
sent I shall sentence him to [illegible]

P.W.D.
1876
No. 2142

In the Session Court of South Canara
Wednesday the 29th day of November 1876.
Present: J. W. Best Esquire
Criminal Regular Appeal No. 17 of 1876.
Michael Cleto Fernandes — Appellant (Prisoner)

Appeal against the sentence of the Acting Head Assistant Magistrate of South Canara in Case No. 56 of 1876.

This appeal coming on for hearing this day the Court delivered the following Judgment — The appellant was till lately Head Accountant of the Mangalore Range Office (D. P. W.) — He has been convicted by the Acting Head Assistant Magistrate (Mr. Stokes) of having committed criminal breach of trust under Section 409 Indian Penal Code in regard to three sums of money with which he was entrusted as such Head Account-ant — namely:

(1st) Rupees 500 entered in the Rang

dishonestly misappropriated - It appears that Mr. Monserrat the Range Officer being in want of Rupees 450 to pay for a phaeton and pony purchased by him asked his Head Accountant, the appellant, to get him a loan of the amount - Appellant said he would try and the same day sent the amount in notes which Mr. Monserrat at once sent off to Dr. Dempster in payment for the pony and carriage - Those notes were the identical notes paid by the Bank in cashing the cheque Exhibit A. This cheque was drawn on the same day on which Mr. Monserrat had asked appellant to get him the loan of Rupees 450 and on which the money was actually sent to Mr. Monserrat and I think the very fact of the Rs 450 being taken in notes supports Mr. Monserrat's declaration that he was not aware of the object of that cheque being to provide him with the money of which he was then in want - Mr. Monserrat declares that the cheque

G.

think it as well here to record my opinion that Mr. Monterrat was not aware of the fact of the money lent to him by appellant being part of the cash balance of his office.

Appellant's conviction under Section 167 for falsely entering in the accounts as paid at the ends of August and September respectively the sums of Rs. 995-3-6 and Rs. 725-5-3 which were in reality not paid till 2nd September and 4th October is, I think also good. Appellant has admitted that these are incorrect entries and that at the time of making them he knew them to be incorrect. His explanation is that he made the entries under Mr. Monterrat's orders - even supposing this to be true (which there is every reason to doubt) it is clearly not a good defence.

The Magistrate is, however, wrong I find, in convicting the appellant of Criminal breach of trust in regard to these two sums of Rs. 995-3-6 and

for the appellants own statement that he sent the whole of the sum of Rs.500 to Mr. Monterrat even this sum would have to be reduced by Rs.50 as already stated I feel no doubt that Mr. Monterrat has spoken the truth when he says that he did not receive more than Rs.450 from the appellant. Then did appellant criminally misappropriate to his own use the remaining Rs.50? There is no proof of this - There is no evidence that the Rs.50 were not put into the box in which the cash balance was kept by appellant. It is true that this supposition that the Rupees 50 may have been thus deposited with the cash balance is not consistent with the appellants own statement that he sent the whole of the Rs.500 to Mr. Monterrat — but as argued by appellants counsel the nature of appellants defence required that he should say that the whole amount of the cheque C was sent to Mr. Monterrat and under the

G

Assistant Magistrate of all the other
charges of misappropriation which appear
from the Magistrate's proceedings in
this case to have been preferred against
appellant - Appellant's guilt is thus
reduced to three acts done not for his
own benefit but in order to accommodate
his superior officer - This fact will not
of course justify the appellant's acts -
but as it appears from the evidence of
the District Engineer and also from
that of Mr. Monteiro that it was
no part of appellant's legitimate duty
to keep the cash balance of the Range
and that the irregularities of the ap-
pellant have in fact caused no loss
either to the public or to any person -
I am of opinion that the sentence of
12 months' rigorous imprisonment and a
fine of Rupees 75 (or in default rigorous
imprisonment for a further period of 9
months) passed on the appellant by
the Acting Head Assistant Magistrate
is unnecessarily severe -

and fifty (150) or in default he simply
imprisoned for six (6) months-

Signed/ J. W. Best
Sg: Session Judge.

Compd
BN.

(True Copy)
(Two Errors.)
(Six Rolls)

Copy ready for
delivery to Dr.
Babu Rao as
per his Note
No 1036, on the
7th December 76.

G. Rama

Sheristedar - Head Writer
of the Session Court
of South Canara

Examination of W. M. Monterrat Esquire, Assistant Engineer, Mangalore Division, made at his residence at Jeppu on Evening of 5th October 1876.

Quest^n. Did you borrow money from M. C. Fernandez?

Ans. yes - a sum of Rs 450 - This is the only sum I borrowed from him or any body else. On the 23d August I think I got the money. On the 22d I drew a cheque for Rs 500 in favor of M. C. Fernandez - did not think that the money I borrowed was taken from this cheque - I imagined that the money was only drawn as I was proceeding to the District - I asked M. C. Fernandez to lend me money on the 19th or 20th. He said he would get it for me. He said there would be trouble in getting it - I did not know how he could get the money - I did not think it strange his being able to advance me the money as he had repeatedly told me that he had landed property. I have never borrowed from any one before. I wanted to pay the amount Rs 450 to Dr. Dempster the price of a pony Pheeton - In drawing the cheque on the 22d, I did not give a chit to the Head Accountant stating how it was to be drawn

Reason given also by Mr Fernandez when interrogated on 4th Oct: who he wanted Rs 500 for cheque; when the balance was already known at the time Sale

drawn- I left it to him to draw in what coin he liked. He paid me in currency notes.

I did not count my cash balance at the end of August. I do not think Fernandez was with me on the 31st August. Fernandez did not bring to my notice that there was a large cash balance at the end of the month. I did not at any time count the cash balance during the months of August and September. I was under the impression it was a small balance. Fernandez always told me that directly a cheque was cashed the money was paid away, and that his balance was always small. I knew that the amount of the cheque drawn on the 22? was in the hands of the Head Accountant, and that it would go with me to the district, but I thought it would be cleared off soon. Overseer Pereira did not to my knowledge speak at any time about being short of money. I left Fernandez at Udipy on the 29th September, I think, he said he was sick with fever. I know nothing whatever of the transactions of the 30th when over Rs 723 are said to have been handed

handed by Fernandez to Mr Pereira, overseer at Udipy. Fernandez said not a word about having a large balance in September. I paid the notes given me by Fernandez to Dr Dempster on the 23? or 24th August. The Cash book has never been brought to me & I have never thought of asking for it. I signed the Cash book on the 2? of October. I called for it. The Head Accountant was there but I did not ask him about it. He gave me the balance all correct.

Sd/ W. M. Montserrat.

Jeppu 5th Octr 1876 } Sd/ E. H. Pringle District Engineer

Statement made by Mr M. C. Fernandez, Head Accountant of Mangalore Division, at District Engineer's Bungalow on 6th Octr

Cheque for Rs 500 was drawn by Mr Montserrat for the purpose of paying one of his debts to a Gentleman in the Cantonment, and was sent down to me for being cashed with a note to have the money in Currency notes, which I have this day made over to the District Engr.

Currency Notes were obtained on the same day, and sent over to that Gentleman, who said to me in person that he sent them to Dr. Dempster, being the price of a carriage and horse purchased from him. if numbers are obtained from Dr. Dempster and Compared to the number issued from the Bank, it will prove this. This Cheque he said is to be entered in his Cash Book, and taken as balance and that he would repay it in four days. This sum was not repaid during August. and while at Somethmer Mr. Montserrat asked me how this Can be shown in the Cash accounts to be submitted to the Controller, as it would swell the balance, I said that the balance in the hands is too large, if money is ready it Can be transferred to Mr. Pereira, instead of his imprist Cash Account, but Cash was not available and therefore transfer (nominal) was treated, with the Knowledge of Mr. Montserrat. These are the true facts of the Case.

Sgd/ M. C. Fernandez
Sgd/ E. H. Pringle 6th Octo/76.
Dt. Engr.

At this time there were Rs 795-10-1 due to the Treasury - Engr?

Cross examination of Mr. M. C. Fernandez by Mr. Montserrat & examination by District Engineer, at District Engineer's Bungalow, 6th October 1876.

Fernandez states that Mr. Montserrat asked him for Rs 500. that he gave him Rs 500. The Chit A was sent with the cheque; the cheque was sent from Jeppu and was not given at the office.

Question. Did you not ask me why I could not draw my pay as it was only a few days before the end of the month?

Answer. There was no question of pay. you told me that the money was for Dr. Dempster

Question - Did I order you to enter the cheque in your accounts? — yes.

Question - That it was to be taken as a balance? — yes.

Could you not have given me the money I wanted out of the Cash balance?

There was not enough money.

you asked me about what was to be done with the large Cash balance and I replied that it should be given to Mr. Pereira.

* Balance that day was Rs 581-15-10 Engr?

The

The transfer at the end of August was made with your knowledge.

Question. Are the figures of the date on the Chit A mine. They are.

Examined by District Engineer.

The Chit A was sent with the Cheque for Rs 500, enclosed in a Cover. It is my custom to keep all chits. I have all the Chits Mr Montserrat has ever given me. It is my custom to keep letters and every thing I receive in a box and occasionally I read them over again and if not important, destroy them. This Chit A is the only one I have ever received regarding cashing cheques from Mr Montserrat. Mr Montserrat just before he drew the cheque for Rs 500 on the 22d August, told me he had been to Mr May and others to try and borrow money.

Question by Mr Montserrat. Did not I tell you that Mr May had told me to go to Mr Fernandez? Yes.

By Dist. Engineer. I did not explain to Mr Montserrat that I was not the "Mr Fernandez" I did not think that Mr Montserrat intended applying to me for money, as he knew I was

4

Question by Mr Montserrat. When I asked you, did I not say "if you are not able to give the money yourself, can you not get it for me." and I will repay you in two instalments"? This was said to me on a former occasion, when Mr Montserrat wanted a loan of Rs 1000. This amount I told him I could not procure unless I could find a Merchant willing to advance the money. At the end of August I was anxious to get rid of the large Cash balance. I was aware that a large sum of money should have been paid into the Treasury. I did not suggest to Mr Montserrat when he asked me how the large balance was to be adjusted that money could be paid into the Treasury. I was fully aware of the exact amount that was due to the Treasury. I am fully aware of the orders that cash directly it is recovered has to be paid into the Treasury. I did not obey these orders because it was usual plan to wait until a clearance was received from the Examiner and pay a lump sum into the Treasury.

I cannot tell why I only paid Rs 103--

Rs 103, odd into the Treasury in July. whilst there was a much larger sum due to it until I see the books.

On the 30th Sept. I paid the sum of Rs 723, odd to Mr Pereira, overseer, The divisional officer was not with me. In this and in another case I received direct instructions from the divisional officer to pay the money to the overseer. The sum was not stated but I was ordered to pay away money. It is usual for me to give sums of money of this amount & without receiving any voucher for them. I was at Hejamadi, between Mulki and Mangalore on the 30th Sept. I sent the money from there by Lascar Pedro, and informed Mr Montserrat on the 2d that I had given the money. I arrived in Mangalore on Sunday night at 1 or 2 o'clock. I arrived at Udipy on the afternoon of the 28th. I remained there until next morning. Mr Montserrat left within one or two hours after I arrived. He sent for me. My reply was that I had just come

Come and had severe head-ache & fever. on 29th I went to Kaup, on the 29th afternoon to Hejamadi - I last saw Mr Pereira at Pudbidri - I was with Mr Pereira at Udipy & at Kaup, but did not give him the money - I heard at Tundapur, that there was trouble about accounts. My informant was M. Rasario. I am not quite certain about the dates, but am positive that I arrived at Mangalore on Sunday night, and made 3 stages from Udipy. I came on alone to Mangalore on the Sunday, leaving the office things and the other clerks at Suratkal. I reported myself to Mr Montserrat on Monday evening. He sent for me by a message, I did not report myself until Mr Montserrat sent for me. The office came in on Monday morning about 7 A.M. I then wrote up my Cash Account - I took the Cash book to no body, I wrote my Cash book up in my own house. It is not uncommon for me to take my Cash book home with me. I was only helped by Noronha, in writing up my Cash

the latter sum I asked him to acknow-
-ledge it.

Mangalore } Sgd/ M. C. Fernandez.
6th Octr 1876. }

In presence of
Sgd/ E. H. Briggs
Dt Engineer
Sgd/ D. C. Castelino.

Statement made by W. M. Monserrat Esqr.
assistant Engineer, at District Engr's
Bungalow on 6th October.

On or about the 20th of August,
I asked Mr Fernandez to lend me the
loan of Rs Four Hundred and fifty-
(only) this money he gave me on the
23d I think but certainly not Rs 500.
I promised to repay him by two instal-
-ments 200 in September & 250 in Octr
Two Hundred was paid to Mr Fernandez
in September and my pay cheque drawn
on the 2d Octr was given to him to
repay himself the 250 and find the
Balance to me which he has not done.
Mr Fernandez states that I have
been quite Cognisant of the Cash

account. I am quite positive noone
else was showing me any thing about
my Cash book. My father sent me out
Rs 200 to Cundapur and this money with
some of my own, and the Government
Cash I had in the chest made up the
money. I left from Kejamadi. I received
a letter from my brother at Kejamadi
and this was the reason of my sending
the money because I knew my balance
was short. At Cundapur I had
Rs 299 & Rs 200 the latter was sent by
my father. At Kejamadi my brother
sent me Rs 300 out of which I had a
small balance when I arrived here.
To make up the balance of the chest
I had to apply to Mr Monserrat
who gave me a cheque for his whole
pay on the night of the 2d. — I did
not cash this cheque until the 3d
my father giving me the money
to make up the balance meanwhile
Mr Pereira knows nothing about
their transactions of the end of July
and end of September except in
Lending

Balances in the Cash Chest, this I distinctly deny and I have never given him any order whatever about paying money to any overseer, the Chit he has given to the District Engineer was sent to Mr Fernandez I think some months ago when drawing my pay as I required to send some notes to Madras, the date on the Chit is certainly I think not in my hand-writing.

Sgd/ W. M. Montserrat

Sgd/ E. H. Pringle
Dy Engr
6-10-76

Examination of P. M. Rosario, Cundapur Sub-Divisional Clerk, Mangalore Division, at District Engineers office on the 7th October.

I remember getting a draft for Rs 200 on the Bank of Madras for Mr Montserrat, a Chit was sent by Mr Montserrat to Mr Fernandez and I went myself to the Bank and

and showed a chit to Mr Boyd. The wording of the chit was "Please get a draft for Rs 200 payable to Myself" These words were Mr Fernandez's. I did not see Mr Montserrats chit. On one other occasion I have got a draft I do not know for whom. but I do not remember who it was to or for what amount, on this occasion Mr Fernandez sent me for the draft. I dont know if a chit was sent by Mr Montserrat. I cashed two cheques on the Cundapur Treasury, for one I received 1 note for Rs 100— 2 of Rs 50 and some other smaller notes and some rupees, altogether amounting to Rs 450 being Mr Montserrats pay for August. The second cheque was for Rs 30-8— being Mr Montserrats travelling allowance. On this occasion Mr Montserrat asked me to cash the cheque.

During my journeys with Mr Montserrat and the office I did not once see a cash Chest.

Sgd/ P. M. Rosario

Sgd/ E. H. Pringle
Dy Engineer
7-10-76.

Examination of M. Castelino, Maistry at District Engineer's office on 7th Oct.

I have been sent to cash cheques by Mr C. Fernandez. I have been sent for Currency notes. This was before I was sent to cash a cheque, some months ago. I must have given money. I got the notes. I was told what they were for, I gave a chit for details of coin and got notes & money. I donot remember how many notes were got but the money was the least sum, the notes the greater.

Sd/ M. Castelino

Sd/ E. H. Pringle
District Engineer
7. 10. 76.

Re-examination of M. C. Fernandez, Asst Accountant Mangalore Division, at District Engineer's office on the 7th Oct.

I have not always cashed the cheques for Mr Monserrat's pay. I think I cashed the cheque for his pay for June/76. that is to say, he sent a Lascar to me with the cheque & I sent on the Lascar to the Bank. After

After the Lascar cashed the cheque the money used to be brought to me. & I sent it on by the same Lascar to be made over to Mr Monserrat. I did this in order to make the Lascar responsible for the money throughout. Whenever I cashed a cheque for Mr Monserrat I sent the same Lascar who cashed it with the money to him. On one or two occasions Mr Monserrat sent me down money to procure Currency notes for him, but I advised him to procure orders & these are the drafts procured by Rosario, I once sent Maistry Castelino in the absence of a Lascar to cash cheques - I donot remember whether it was a cheque or what but I sent him to the Treasury for money. I donot know if I have the chits Mr Monserrat sent when he asked me to procure Currency notes. He sometimes sent a mere Memo. I was not in the habit of keeping all Memos. By Memo, I mean, merely a list of such notes &c as he might require, with his signature. On the occasion when I sent the Rs 500 to Mr Monserrat, I sent it by Lascar Laloffa (Salvador Roche) who had brought the chit and

the cheque from Mr Montserrat, I Cannot say who took the notes back to Mr Montserrat. I am prepared to swear before Mr Webster that the figures forming the date on the chit are Mr Montserrats' that they were on the chit at the time I received it. When cheques are cashed at the Bank a Chit stating what Coin it is required in is sent. These chits are kept in the Bank. I have never asked for my Chits back again. There is no record of the Coin drawn kept in the office. When I sent the cheque to the Bank it was all drawn in Currency notes. I sent only currency notes. I Cannot be quite certain that there was not a small amount of coin with the currency notes but the entire amount was sent to Mr Montserrat. The notes were brought to me open & Explained them in a Cover. I did not put any rupees in the Cover, simply notes. What notes were, I think, sent to Mr Montserrat. by store watcher Josie. I do not remember whether I cashed pay for Mr Montserrat, in June.

Sgd E. H. Pringle
Dist Engr 7. 10. 76

Sgd H. C. Fernandez.

Examination of Store-keeper Josie at District Engineer's office on the 7th October.

I remember taking a cover with notes to Mr Montserrat. I did not see the notes. There were other letters given for signature. but I donot remember any money. On another occasion I took Rs 450 to Mr Montserrat telling him that it was his salary, this was in August. This was in rupees.

Sgd Mark of Josie storekeeper

witnessed Sgd E. H. Pringle

Sgd D. C. Castelino.

M 7. 10. 76

Letter from E. B. Palmer Esquire.

My dear Pringle

Herewith what you require, paid to a man by name Salvador Rock.

1/10 note. C. C. No 89306 ——— Rs 10. 0. 0.
22/20 " C. C. from 68966 to 68937 ——— 480. 0. 0.
490. 0. 0.
I suppose Cash ——— 10. 0. 0.
Rs 500. 0. 0.

Octr 6th/76.

Yours Sincerely
Sgd E. B. Palmer.

Letter from Doctor R. Dempster.

N

Octr 7th 76.

My dear Pringle

I can give you the numbers of the notes, but not the value of each, the Total is 450.

J/5 68917 ✓	J/6 89326	J/5 68916 ✓
J/5 68922 ✓	J/5 68921 ✱	J/5 68920 ✓
J/5 68919 ✓	J/5 68918 ✓	J/5 68937
J/5 68926 ✓	J/5 68725 ✓	J/5 68924 ✓
J/5 68923 ✓	J/5 68927 ✓	J/5 68928
J/5 68929	J/5 68930	J/5 68931 ✱
J/5 68932	J/5 68933	J/5 68934
J/5 68935	J/5 68936.	

I have got 2 notes marked with ✱ same number it must be a mistake of course, but I cannot refer to the notes.

Yours sincerely
Sgd/ R. Dempster

I received them 22d August, I think nearly all 20 Rupee. one Ten I believe.

(True copies of letters)

Ent. mgh
District Engineer
S. Canara.

Examination of Boorcer S. Devaru at District Engineers' Bungalow on morning of 9th October.

I remember making payment at the end of August. Mr. H. C. Fernandez was not with me at the time. He was in the Bungalow Taluq Cutchery with Mr. C. Fernandez on the 1st or 2d September. I did not receive any money from him in August or September. I received money in the month (October) Rs 700 odd. There was nothing dealt with the money order issued by Mr. Montserrat and no chit from the Head Accountant. I never received before money without a chit and without any verbal instructions. Pedro was the Lascar who brought me the money. I asked the Lascar who gave you this money? and he said it was sent by Mr. Fernandez. I did not ask any more questions. I referred to my vouchers and found that the amount tallied with my impressions. So I had no reason to ask questions. I was on leave with Mr. Fernandez. I received three days leave and overstayed

stayed at Subsequently writing for two days additional leave. Because of my overstaying my leave was the fact that the place I went to was over 50 miles instead of 30 as I thought. We also could not get a cart as proposed and there was pain. The place was Shimoga. Fernandez had been there some years back but did not Re. member the distance. I was only a little over a day at Shimoga. I first knew Mr C. Fernandez in 1874. I received an order to meet the Divisional officer at Ediffy on the 27 or 28. I forget which date and I met him between Bramawar and Ediffy. From Ediffy I came on to Dadhidri. I travelled in company with Fernandez and other clerks. Fernandez did not on this occasion talk to me about money transactions. I heard no conversation about there being trouble in the office I think I sent in my imprest account for the last payments in Sept taken before I met the Range officer I thought it was Government money

But to me about the 2nd or 3rd of October. I did not think it strange that money should be sent without a chit from the Head Accountant without a intimation from the Divisional officer from Shejmadi which is not many miles distant from Ediffy and that none had been given me when I last travelling with the Range officer and the Head Accountant although my imprest account was at that time in their hands. I knew from agency & from the Cascan that Kenny was sent from Shejmadi. I am positive that no chit came with the money. I inquired of the Cascan whether there was a chit. I don't think Mr Divisional asked me in any occasion whether I was in want of money. I told the Head Accountant I was in want of money on several occasions he never voluntarily asked me if I was. On no occasion did Fernandez speak to me about having large cash balance. I saw Mr Kenny at Ediffy. He and all the clerks stopped in a private house that I have engaged. Mr Fernandez arrived before 12 o'clock when I was at the Dispensary. I went from the Dispensary to some work in the Bazaar & then home. Mr Fernandez

ver there. He came into the Verandah and looked very well. I don't think he was sick. He was for a long time seated in an easy chair. His cot was not put up when I first saw him. He did not complain of fever and headache to me nor did I hear him complain at all to the best of my recollection. I do not recollect any message coming from the Range office to him. It is not likely that I should have seen every one who came in. Fernandez stopped there that day & Rupa stopped there that night. He went on next day not very early. I did not see any note or chit brought to Mr Fernandez. He owned the Police express ordering me to Bangalore the day before yesterday about 5 past 9 in the morning (6th inst) and reached Bangalore at about mid night last night.

The Sepoys who were with me at Odeipe were Pariah and Doraisha.

9th October 1876. Signed J Pereira

Re-examination of P. M. Rosario, Subordinate Clerk Mangalore Division at District Engineers office on 9th October.

When I was last at Udipy at the end of September I stopped with one over

12

seer Pereira Fernandez and Doraisha in one lodging. This was on the 28th September. We came to Udipy about noon & Mr Fernandez a little in advance. The overseer was at his house when I preached to him and Fernandez. The latter was sitting down. He told me that he felt feverish and had a headache and sent me to the Lieutenant to the Bungalow. He was not drinking. He stopped at Udipy that night and left Udipy next day about 8 or 9 o'clock in the morning as there was difficulty in getting coolies. We reached Kaup about 4 o'clock in the evening having stopped during the day at Pangal Kalyanpur. We stopped at Kaup that night. We started next morning about 7 or 8 o'clock in the morning of 30th. We stopped at Erma for meals and in the evening came to Hejmadi via Padubidri. Overseer Pereira came on with us to Hejmadi. I did not see any money given to Mr Pereira by Fernandez at Hejmadi nor anywhere else. We stopped at Hejmadi that night (30th) all in one lodging. Next morning we all came on together as far as the boat and we all came on in the boat; Pereira came a short distance in the boat and

then left and we came on to Bantwal and stopped there for meals. In the evening we reached Sirsakhal and then Fernandez went on in advance & Boronha and myself came in together reaching Mangalore about midnight. We went to the Fernandez's house and reported our arrival and then went to my house which was near. All the boxes were taken to Fernandez's house.

9th October 1876. Signed/ P.M. Pereira

R.

Examination of D. Boronha clerk in Mangalore Divisional Office at District Engineer's office on 9th October 1876.

I last saw Mr Pereira overseer at Kejuadi. He left Kejuadi on Sunday morning (8th) and reached Mangalore at night about 12 o'clock. Pereira came a little distance in the boat and then landed. I saw no money transactions at Kejuadi. When I reached Mangalore I went first to Mr Fernandez's & stopped at Udupy in the Dispensary. Fernandez, Pereira and I stopped there. Mr Pereira did not stop with us. On the last occasion Mr Pereira

stopped with us for one or two days. I met him at Kundapur. We stopped in the Dispensary and in the day we stopped one night in a hired shed with the overseer. He had Lascar Jose with us. Lascar Pedro was at Udupy. I did not see Lascar Pedro afterwards. He did not come with us to Mangalore. I do not know if Mr Pereira sent any message to Fernandez. Mr Fernandez said he was a little sick. The overseer said he was going to Padubidri after leaving us.

9th October 1876 Signed/ D. Boronha

S

Re-examination of Jose Storekeeper Lascar Mangalore Division at District Engineer's office on 9th October

I was at Kejuadi with the office. We came to Kejuadi on Saturday morning Pereira was there Antonio Pereira, M.C. Fernandez servant of Pereira Pereira, and Fernandez, Lascar of Pereira a Hindu whose name I do not know. Chimkara I think. There was no one else. I was the only Lascar in charge. The Lascars of the Range Office were with Mr Assistant Surgeon. I last saw Lascar Pedro, the Peruvian Lascar

Cascar at Edisp. He came with Mr Fernandez
line about half past one on Sunday night
Mr Fernandez went forward from Surat
Bal. Sirinha and Rosario left me at
Pendrolli and came forward. I followed
with the office. I carried the office box
to Mr Fernandez house according to
his orders. I was not in charge of the cash
chest. I do not know which box was
the cash chest. There were two boxes only.
They were both tin with wooden frames.
9th October 1876. + Mark of Jose Cascar.

Statement made by Cascar Jose Perira
at Station Engineers office on 9th October.

I came to Reynard with Mr Fernandez. I did not find that something was
wrong in the office about travelling
allowances. I did not know the particulars but I knew there was an inquiry
in the office. I was not aware of any
message coming to Mr Fernandez. The
cash book was given to the Head Accountant
on the morning of 1st October for inspection by the Range Officer. The cash book
was returned to me two days afterwards
with 700 odd rupees, by my Cascar Jose,
with instructions to take credit for

the amount and grant a receipt. The money
is credited in my cash book both in the Police
abstract of cash 3rd. It was on the morning
of the 5th that Cascar Pedro met me on the
way from Station Bal to Station Bal. He told
me that he brought money and had it
with him. I then went on to Station Bal opened
the seal and found a slip of paper on the
bag intimating me to credit this money
on the 2nd October. I not knowing the Rules of
the Department and knowing that nothing
wrong would happen by me I only acting
as Cash was right to have it as instructed
acknowledged receipt for the amount to the
Range Officer collected the Daily Police Cash
that every day and paid them in the amount
as shown in the voucher on that date. Next day
on way from Station Bal to Station Bal I met
the Police express brought in my accounts
for the payment made at Station Bal brought
in my cash deposited my cash in the Police
station and left for Edisp. Thence I came
to Margalue. After I made the statement
that Cascar Pedro reached me on the third of
October I did not remember the date.

9th October 1876. Signed J. Perira

* At this time Cascar Pedro was summoned in presence
of Accuser Perira, Asst Clerk of Range's office and

Examination of Evaristo Lascaz Sodero at Rabuel Engineers Office in G. Vellalen.

I received money from Mr. Fernandez on the festival day at Terrinyapatt (this festival was on the 4th October) at about 5 o'clock in the evening. The money was given here in Rangalore. No letter was given to me. I only received the money. My orders were to take it to Mr. Pereira. I went to Mulgapur. Reached Karkal. I went to Karkal next morning at 5 A.M. Mr. Fernandez took the money in a bag and sealed it and I gave it unto still sealed to Mr. Pereira. The messenger was not at Karkal & I went to the Sadulebetty road and found him at Maindoletty alias Pothal. This place is about 6 or 7 miles from Karkal. Mr. Pereira was just coming to Karkal.

+ Mark of Evaristo Sodero.

Examination of George May Clerk Rev. Depart by A. McC. Webster Esq.

Mr. Montserrat asked me to lend him Rs 450. He asked me for it some days before he left this. He told me he wanted it to pay to Dr Denistor for the carriage and pony he had bought. He came to my house and asked me. I said I had no money to give and told him he

could ask Albuquerque or Mr Fernandez. I said he might ask Mr Stille Fernandez or Albuquerque and he might get it from him. By Stille Fernandez I meant Mr Monserrats head Clerk. I think Mr Montserrat knew I was alluding to his Head Clerk. I told him that Mr Stille Fernandez might be able to get the money for him. Mr Montserrat told me he did not wish to ask Albuquerque. They did give recommend Mr Montserrat to ask his subordinate to get money for him?

A. On the Farmers time Mr Stille Fernandez asked me to lend Mr Farmer some money. Mr Farmer first asked me to lend him some money and I said I could not lend it. Then Stille Fernandez asked me to lend Mr Farmer money and I refused. As I thought Stille Fernandez had been trying to get money for Mr Farmer. I mentioned his name to Mr Montserrat.

6th Oct 1876 Geo: May

Further examination of Mr Montserrat. My wife was present when I received the money from Fernandez and I said to her I have got the money at last. The Account Rs 450 was all

11

"in notes in a single cover and Cashier closed down to Mr Bonsfeter

Fernandez has always cashed my cheques for pay as far as I remember.

I once sent down to Fernandez my pay cheque and wanted as much of it in notes as I could get to make remittances to Madras and Puddapah. I think this was done on two different occasions once in July. I think on one occasion I sent my ony down to Mr Fernandez to be changed in notes.

Fernandez sent me a cheque on the Madras Bank for Rs 100 saying he could not procure notes. I think this was on the occasion of my sending my pay down. I have sent to Beyfore a Rs 500 note this was shortly after my arrival here.

Signed W. R. Montserrat.
6th October 1876.

Notes of information procured by District Engineer.

Mr Montserrat cheque for pay drawn 6th June was cashed in notes, excepting Rs 50. Endorsed by Mr Castellino who also Endorsed and cashed cheque payable to M. C. Fernandez on same day.

Mr Montserrat cheque for pay drawn July 6th and endorsed "Contents received" was cashed by Salvador Rocke who on same date cashed cheque for Mr C. Fernandez Pay of Mr Montserrat drawn in August was included in cheque made payable to Fernandez.

Draft for Rs 200 in favor of Messrs Cadell and Co. Madras. applied for by Mr Montserrat. also draft for Rs 150 for same officer.

E. Bromley
District Engineer

(True Copies)

12th October 1876

E. Bromley
District Engineer

No. 53

District Engineers office
South Canara
Mangalore 12th October 1876

From,

E. A. Prinsep Esqr.
District Engineer
South Canara

To,

Major General G. W. Walker R.E.
Secretary to Govt P.W.D.
Madras

Sir,

I have now the honor to report fully on the matter of the relief of the Mangalore Divisional officer from the charge of the Division of which you were informed in my letter No 50 of 6th Instant.

2. On the 11th of August I left Mangalore for the District and did not return again until the 9th of September. On the 23rd of the same month Mr Chantarrat left for the Northern parts of the District taking with him his office. Some days after my return to Mangalore on the 13th of September I think, my Head Clerk intimated to me that there were complaints among some of the Overseers & Subovereers that they had not received their travelling allowances for some months. On enquiry I found that although Bills had been passed in the Examiners office and the Amounts were correctly shewn in the Progress Reports, in two cases travelling allowances for May had not been paid and in nearly every case the June allowances remained undischarged. Suspicion pointed to the Head

Head accountant of the Range, A. C. Fernandez, but before taking action, I wrote on the 16 Sept to the Examiner of accounts to obtain clearances and bills. This letter has not yet been replied to. I was aware of the unscrupulous character of Fernandez from former experience of him and though anxious to warn the Divisional officer of my suspicions, I feared that letters might be intercepted and my plans frustrated and therefore waited until I had something more definite to act on. Early in the 2nd of September suspicion had almost became certainty, for the Progress Report for ~~August~~ received on the 28th ~~Sept~~ showed that travelling allowances were charged up to date, while they had not been paid.

3 On the 29th September I therefore ordered Mr Montserrat to return to Mangalore and to take personal charge of the Cash book &c from the Head Accountant. This letter he did not receive until after his return to Mangalore, which was hastened by the illness of one of his children.

4 On the 2nd of October hearing of Mr Montserrat's arrival I further ordered him to suspend the Head accountant and to forward me his Cash book for examination. To this he replied that so soon as his office came in, the order should be obeyed & on the 3rd the book was sent and Mr Montserrat took over the Cash balances.

5 On the 4th I examined the books at office in presence of Mr Montserrat and his Asst. who had previously confessed to me that he had retained the money entrusted to him to pay the travelling allowances of such members of the department who came to Mangalore, intending to pay them subsequently.

6 A short examination of the Cash book revealed

2

revealed to me the fact that Mr Montserrat had been most remiss in his duty. The book had been signed up to date but the signatures were evidently recent and had Mr Montserrat given even the most cursory attention he would have found that sums that should have been paid into the Treasury had been retained month after month by the Head Accountant until their amount had swelled into something like Rupees 600-0-0. That the balance in the Cash chest had accumulated in August to more than Rupees 1,000, of which Rupees 995 appear to be paid away on the 28th of that month as payments for Cadjipy Taluq Overseer Pereira. A day 'appear' for the entry is fraud and that sum was actually paid by the overseer from his own Imprest, I never came out of the Divisional Chest. To prove the accounts the Examiners office the Divisional Cash book shows the Imprest in the Overseers hands on the 31st August to be Rupees 1000 & the Cash balance of the Divisional officer Rs 83-10-4, whereas the former was really Rupees 4-12-6. and the latter 1078-13-10.

7 To again consult matters in the beginning of September when the Divisional officer had issued a cheque to J. Pereira for the Rupees 995-3-6 required to complete the Overseers Imprest, that cheque was incorrectly entered as Cash from Treasury. A similar fraudulent entry appeared on the 2nd (30th) of September for Rupees 723-5-3, the Amount of Imprest account of the same Overseer. This sum the Head Accountant declared had been sent in Cash to Pereira and that the overseers accounts when received would show it, but he had prepared no receipt nor acknowledgment of any kind and the entry was in all respects so similar to that made in August, that I added the Amount to the Cash

Cash balance until Pereira's accounts came in

8. At this time (4th of October) M. C. Fernandez declared that he was telling the entire truth & the Cash balance with the exception of the Account Rupees 723 above referred to was correct. I was inclined to recommend the Head Accountt to the Mercy of Government & request that he might not be prosecuted

9. On the morning of the 5th Instant Mr. Montserrat came over to my Bungalow, and Confessed to me that he had borrowed money from Fernandez and that he thought it must have been part of the Cash balance. He stated that he had repaid the Account borrowed. I asked him what could have induced him to be so foolish as to borrow money from a Cash Head mate, And he replied that the money was to pay a Gratification from whom he had bought a pony Phaeton.

10. To further Conduct their matters M. C. Fernandez shortly after came up to my Bungalow, and assuring me that he now wished to tell the whole truth, informed me that Mr. Montserrat was privy to the entire matter, that on the 22nd of August that Gentleman had drawn a Cheque for Rupees 500, which had been drawn in his (Fernandez) favor, that in accordance with the written instructions of Mr. Montserrat, the money had been all drawn in notes & not given remitted to him & that the Chit Containing these instructions, Could be produced. This serious accusation from a man of Fernandez's bad Character, led me to at once proceed to the Chief Magistrates house and take his advice on the matter. He was inclined to believe that Mr. Montserrat had been exceedingly foolish but not Criminal & suggested my relieving him without suspending him. I followed this advice, at

3

at once rode over to Mr. Montserrat's house and examined him regarding Fernandez's statement. His examination is appended. Vide Appendix F in 6th October

11. Next morning Mr. Montserrat & Fernandez attended at my request at my Bungalow, & were severally examined and made statements, Vide appendix G H & I. I also received from Fernandez the Chit marked A.

12. In the afternoon of the same day I again saw Mr. Webster at his Kachri and with him examined the figures of the note on the Chit, comparing them with those of the Head Accountants in the Divisional Cash book. Mr. Webster also examined his Clerk Mr. Hay. Vide appendix V Thence I proceeded to the Bank, and examined such of the Bank records as I could obtain view of, through the courtesy of the agent Mr. Palmer. Further examined Mr. Montserrat at my office (appendix W) and subsequently took the peon Salvador Rocha, the Cashier who Cashed the Cheque for Rs 500 on the 22nd August, to be examined by Mr. Webster. This examination was not taken down and was unimportant, as the man's memory failed him and he could not recollect if any notes or notes and Cash were received by him.

13. On the 7th I collected further particulars of Bank transactions. Re-examined Fernandez at my office, examined clerk M. Rosario, Storekeeper or Cashier Joe Pereira and Cashier M. Castellino. Vide appendices J, X, K & L. I also wrote to Doctor Dempster to enquire concerning the monies paid him by Mr. Montserrat and received reply Vide appendix M. On Monday 9th Oct 6th

Addi Taluq Amildar J. Pereira reports his arrival to me at my Bungalow and I there examined him (Appendix P.) proceeded to office & re-examined Clerk M. Rosario and Cashier Joe Pereira. I also examined Clerk Fernandes Mangalore Dy. office and Addi Taluq Amildar Cashier Pedro. The Addi Taluq Amildar J. Pereira then came forward, admitted his statements at the Bungalow to be false and volunteered to give the whole truth of the matter, which however he did not do until Pedro's evidence taken before him, showed him that further lying would be useless. For above examinations see appendices, QRSTUV.

I suspended Amildar J. Pereira at once.

14. Finally on the date (11-Oct-97) Mr. C. Fernandez has handed over to me a bundle of chits received from Mrs. Monteserrat at different times. These number in all 28, of which only 7 bear date; 6 have the day of the week entered and 15 are without either date or day of the week. Only one chit has lines between the figures similar to those entered on the chit marked A & in this instance also the figures especially the 6 are not formed in Mr. Monteserrat's style. The Contents of these letters show that Mr. Monteserrat relied a good deal on the advice of his Dy. Accountt in private as well as Public matters and that Fernandez willingly carried out his requests. There is nothing whatever in them that hints at anything like collusion. In fact they fully bear out the idea that Mr. Monteserrat looked on his Dy. Accountant as a honest respectable man, and was thankful for his good offices.

15. I have now detailed the Chits I have taken in

in the enquiry, and I have only to remark in the conclusions that I have drawn from the evidences taken now and the characters of the principal witnesses &c in the affair.

16. The truth seems to me, to be as follows. C. Fernandez finding his Divisional Officer unacquainted with Canarese language, and had faith in him, leaving matters both executive & official entirely in his hands. And being moreover a man of extravagant habits and utterly without truth and honesty, commenced to gradually apply to his own use, the money entrusted to his care. As is usual in such cases he no doubt thought he could repay the sums borrowed at some future time. The evident ease with which he procured cheques for large sums of money from Mr. Monteserrat; the neglect of that officer in the matter of accounts; and the fact that Mr. Monteserrat had been so rash as to beg and borrow money either through or from him, coupled with the great trust reposed in him by that officer, led Fernandez about the 20th of August to contemplate getting his superior into his power, by advancing him money and thus enable to shield his own embezzlements.

17. Mr. Monteserrat's weakness of character unfortunately allowed him to fall into the trap. Fernandez tells him that there will be difficulty in getting the money. A day or two afterwards he asks his Divisional Officer for money to take out into the District and a cheque for Rs 500- is given, drawn in Fernandez's favor and is charged in the books as cash from Treasury. Had Mr. Monteserrat wanted to apply Government money to his own use he could have drawn the cheque in his

ue in new favour and Endorsed it to M. C Fernandez or to whom he liked. Had he known there was a Cash balance or been in any way aware of the state of affairs he would have asked Fernandez for the Amount Rs 450 be required from that Cash balance, that Fernandez (wrongly supposed Montserrat) was a Cheque to settled a few days subsequent to the 22d Pah the Divisional Officer was throughout entirely ignorant of the state of his accounts and fatuously reliant on the probity of his Head Accountant. Believing in the latters assertion that money was wanted for the Festival he drew the Cheque, and imagines that the money will be placed in the Cash Chest & be taken out with him. That day Fernandez sends Mr Montserrat Rs 450 in notes and the money is enclosed in a note to Dr Kempster & despatched at once. Mr Kandapoor on September Rupees 200 of the Loan is repaid to Fernandez and on the 20 of October Mr Montserrat hands the Cheque for back to the Head Accountant and tells him to take the Balance of the Loan and give him back the Chit.

18. The case for it against Mr Montserrat is the fact of the Cheque for Rupees 500 being drawn on the very day (vide Dr Kempsters letter of pendix V) on which the Rupees 450 is advanced to him. But careful Consideration of the pros and cons leads me to believe that he is entirely innocent of Criminal Knowledge of the misappropriation. His actions throughout have been, no doubt foolish in the extreme, but they have also been fair to open for any one

one to entertain the idea of guilty Concealment in his case.

19. In his favour are the facts, 1st that in every stage of the Enquiry Fernandez has most boldly and persistently lied, as is clearly shown in the Evidence. 2d that the man has forged a date in order to implicate his Officer. 3d that Fernandez assertion that Mr Montserrat received the entire Amount of the Cheque drawn on the 22d is virtually disproved by the Evidence that the Loan was not all given or noted by the Bank and the admission of Fernandez that he only put notes in the Cover he sent to the Divisional Officer. There remains the doubt however that the Chit A dd though not dated by Mr Montserrat was actually written on the day and was dated by Fernandez on receipt. The probability that the date was actually added on the 22d by Fernandez is borne out by the great similarity of the figures on the Chit & the Cheque. I believe myself that they were added on that day and that advantage was taken of an undated Chit which Could be applied to the purpose (for as above shown the majority of Mr Montserrats Chits are undated) Fernandez did not probably imagine that matters would assume so serious a form and took no pains with the forgery. Was the Chit actually accompanied the Cheque? Can not imagine a man of Fernandez's acumen in this allowing it to lie about & be admitted by him one such a document would have been most certainly carefully treasured by him, if only as a safeguard to himself.

20 The General examinations show that of the large Sum in Cash nominally in the Divisional Chest during

during August and September major portion was misappropriated by the Head Accountant, and it was only by strenuous effort on his return to Mangalore and by inducing an Overseer to pander to his crime that he was able to hide this fact and make good the balance.

21. Admitting that Rupees 250 of the balance at End of September was in Mr. Monteserrats hands, Rs 902-2-4 should have been in Mr. A Fernandez's, but nothing like that sum could have been in his possession or he would have, with the aid of the Rupees 450 received from Mr. Monteserrat on the 2d October, made up his Cash balance and handed over the money to the Divisional officer screening himself to a great extent from charges of Criminal Misappropriation.

22. I have only on the 4th October, however, that he knew that the fraud in the Cash book would not succeed and hit on the plan of forwarding the money which was probably collected among his relatives to the Overseer, and asking him to antedate its receipt.

23. A. C. Fernandez's character is notoriously bad and in general previous occasions in the Department he has had to be reported Sir No 105 of 29th May 1869 he was suspended by Captain Reed-Thompson for supposed theft of a parcel of Photographs and misappropriation of money entrusted to his care. In 1871. he was handed up to the Sub Engineer 4 Division by myself and removed from the Executive branch of the Service to the Account branch.

24. I regret I am obliged to report Mr. Monteserrat as

6

as thoroughly unequal to the charge of a Range. I have been far from satisfied with his executive work, and his folly in connection with this matter is palpable that Labourers aware of it and not have the respect for him they should have for their Superior officer.

25. With regard to Overseer J Pereira, I have to request Government to forbear prosecuting him for the falsification of his accounts, as I told him that if he confessed fully I would take it into Consideration in reporting on him. I am bound to say that his confession was only made when he found that there was danger of his getting into trouble & that even then he prevaricated and only told the whole truth when his peon had confessed. I do not know of any thing bad in his previous Conduct, but it is evident that he requires close looking after.

26. I am pleased by the ready, truthful manner in which Clerk Mr Rosario gave his evidence, and my Head Clerk Mr Carthins has aided me considerably in this investigation.

27. I have further to report that your telegram was received yesterday evening and acting on it, after having taken the advice of a Magistrate I have laid charges of Criminal Misappropriation &c against A. C Fernandez and he is probably at this time under arrest. I have not for this reason forwarded with these papers the Chit A and the cheque, which will be required in the trial. I have to ask permission to secure the services of the Government Pleader in this case and that sanction may be granted by telegram.

28. In conclusion I have the honor to state that

that I grant that I have not made this report
clear or concise as I should like for with
the entire executive work of the Division add
to my own, I am very much pressed for time

I have the honor to be
Sir
Your most obed Servant
[illegible]
District Engineer
South Carolina

Nº 618

Rec'd 12th Dec 1876
Ans

Col Robert Clayton
Chief Engineer
&c &c &c

Subject
Requests an order in
relation to the Engineer
District of the South

Nº 618

Rec'd 19-12-76 Ans 22-12-76

Nº 39

Charleston 11th December 1876

From
Capt C. W. Howell Engineer
District Engineer
South Carolina

To
Major General G. P. Cullum U.S.A.
Chief Engineer U.S.A.
Washington D.C.

Sir

I have now the honor to submit copies of the Judgment of the Supreme Court of this State and the Supreme Judge in the original and appeal cases Regina versus Fernandez from which it will be seen that a conviction has been secured but that a writ has been issued from the latter finally quashed.

From the papers already before the State Government they will recognize the fact that the defence before the Magistrate was a different one from that originally set up by Fernandez in the Departmental inquiry for that defence untenable and would have made the case unfounded charge of perjury against the defendant

The evidence taken by me in the Departmental inquiry could not be made use of under the Evidence Act for it was barred

of a promise made by me to the defendant that if a full confession was made I would request Government to treat the matter as departmentally. This promise was given before I was aware of the very serious nature of the case necessitating a Criminal prosecution.

4. Although ample evidence was produced before the Court to show that the travelling allowances of subordinates entered in the Cash book as paid against receipts of audited bills were not paid on those dates but were retained in the hands of Commissariat for months after the entries were made in the cash book so that such allowances for diary and mileage as finally paid in full after the lapse of months and thereby evaded the means of enquiries under District Officers had passed the eyes of the Bungalow Divisional Head Assistant, Collector &c. the charges of misappropriation on those heads could be obtained, and it seems to me that the Indictment of the defendant alone saved the case from collapse.

5. I cannot but express my opinion that for a man who has pursued the systematic course of fraud that the defendant has, and who has deliberately attempted to conceal his guilt by forging official and other receipts for a long series of years that he should be allowed to escape with a nominal imprisonment and a fine which will not fall on his own shoulders is a failure of justice. It will not comfort him afterwards the effect may be in the Department at South Canara cautioning as it does relatives and friends of the defendant.

6. In many cases of this description the prosecution in the case have given the benefit that the Public Works Department is legally bound by the Criminal Law and therefore no member of the Department is legally bound by the Criminal Law I suggest that in framing the revised Code for Madras the law be taken into consideration. In the Magistrate Department a similar case could have been dealt with summarily as Revenue servants are legally bound to afford correct information to their superior officers but under the present system in the Public Works Department falsification of accounts is not a Criminal offence unless misappropriation of Government money can be proved and of the difficulty of

of

of the charge made against him as he should
see occasion both with reference to his
unfitness for employment in Public Service both
before & during the time of his service under
the order of the Government.

I have the honorable
Sir
Your most obedient Servt
Ed. Crumpe
District Engineer
South Canara

of the Sessions Judge of the Court
to examine all Criminal Particulars
in the matter. Copies of orders regarding
the officer whom I relieved as above re-
ported of charge of the Mangalore Division
and whom I have since employed in Sur-
veying portions of the Mangalore Taluk.
I have the honor to state that I am
from satisfied with the manner in which
Lieut Sabine Cooke and Sub Conductor
Green have carried on the Survey
Lieut Sabine has completed the
Cadastral Survey of all the Villages
belonging to the Coolies, Kha-
and a large part of Carnaic village
have to complete, together with the remain-
der of the latter which I have examined by me
Copies of my letter No 93 dated
12th October 1819 forwarded herewith
Lieut Cooke before the Magistrate to
answer a charge preferred by
against him. Both Lieut
and I have reason to believe were in com-
munication with

P.W.D.
18DEC76
N.A. C.I.S.

No 619

In submitting
for Orders the ac-
companying papers
pers relating
conviction of Mun-
galore Range Ac-
countant, formerly
Fernandez, of hav-
ing committed
criminal breach
of trust to the
tune of £500,
attention is drawn
to the fact that
the District Engi-
neer has felt
constrained by
the circumstances
of the case to place
the said Officer
under Suspension,
(with approval
of the Chief Engineer
as being doubtless the
suspicion; though
not suspected of
of bearing having to

Not formally suspended
but relieved of charge
and employed
only in Sweeping
the Harbour.

27-12-76.

the Accountants' notice; a suspicion of which the Judge has acquitted him -

Wm M.c Donnelly will therefore be declared disqualified for employment in the Public Service and not entitled to more than six months allowance from date of this first conviction -

Under ordinary circumstances it might suffice that Wm Montserrat be ordered to resign his Range, with full pay, during the time that McBride held charge of it for him in addition to his District - but he is reported as thoroughly unequal to a Range charge; and his conduct has evidently been foolish & weak in the extreme - and it was in consequence of letter in compliance that he was removed from the Madampitty Range; (vide dispatch Dated 11th April last -

It is suggested therefore by the Chief Engineer that he be deprived from the rank of Asst Surv.r 1.st to Asst Surv.r 2.d grade with effect from 1st January 1877. And sent to the Dindigul Sub Div.n vice McDonnelan whose health will probably benefit by a change to the Sea Coast, & who will do well as the Mangalore Range

inde Mr Dingle.

It is feared that Mr Montserrat will never be a useful officer; and it may be well to warn him that continued inefficiency will result in his dismissal being dispensed with.

He should be specially reported on half yearly.

It is suggested that Mr Dingle be allowed to dispense with the services of the 2 Linesmen at the Chimney Hill; & dispatch ... the remarks as to the defects of the Pub. Wks Circle do not appear to afford sufficient ground for any such action.

18.12

Cwm 19-12-96.

inde Mr Dingle.
It is feared that
Mr Montserrat
will never be a
useful Officer;
and it may be
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tected. His
remarks on the
defects of the Pub.
Wks Code do not
appear to afford
if notice to any
good effect.

18.12

19-12-96.

D 4

Day of Month	Item No.	Particulars of Receipts.	Voucher No.	Amount of each Receipt. Cash	Bankers or Treasury	Head of Account to be credited
1876. August		Balance brought forward from last month.		360. 8. 1	4249. 2 4	
		Imprest with Overseers				
		Mr. J. & C. Lobo. Overseer		1000 . .		
		" P. Fery Overseer		1000 . .		
		" J. Pereira Overseer		1000 . .		
		Mahomed Azamudeen Overseer.		550 . .	3550. . .	
					10000 . .	
		Credit Order for the month				
		By Sale of Half Barrel of Portland Cement Case for Stock Register		10. . .		Stock.
		Rent of Buildings				Imperial Revenue
		from Police Inspector Morgan for the Sergeants Quarters for July 1876		38. .		
		Recovery by Sale of old Materials of Servants		16. 15 6		Local Do
		Do Do Do Do		3. 8. 9		Do
		Recovery Credits to the Abstract Bridge		5. 11 6		Do
		Sale of Cocoanuts Trees		21. 5 6		
		Do to Cashew Do Do		163. 7 2		
		Expenditure at Coimbatore				
		Credit from Treasury				
				560. . 6	11247 2 4	

Day of Month	Item No.	Particulars of Payments.	Voucher No.	Amount of each Payment. Cash	Bankers or Treasury No. of Cheque	Amount	Head of Account to be debited
		Advance to the Resident Local Fund Board			23 H.	1000 . .	
		Paid on account of the Position Range to Mr. V. M. Fernandez being moiety of his Salary from 15th April to 30th June 1876.			B 83.	526 10 8.	
		Range Salary Bill for the Month of July 1876.					
		Construction					
		Engineering Establishment					
		W. M. Monserrat Esq re		450 . .			
		Upper Subordinate.					
		Mahomed Azamudeen		60 . .			
		Range Office Establishment.					
		Mr. M. C. Fernandez		60 . .			
		Office Establishment		70. 8. .			
		Sub Divisional Office Establishment		39. . .			
		Mr. Albuquerque Sub Overseer.		60 . .			
		Tasker 1		6 . .			
		Office Establishment of Town Overseer.		27 . .			
				772 8. .	28	84 B.	842 8. .
		Mr. J. & C. Lobo Overseer.		100 . .			
		Office Establishment		27. . .	27	85 B	157. . .
		Mundapur Taluq Establishment.					
		Mr. P. Fery		60 . .			
		" Aranha Sub Overseer		45. . .			
		Establishment		27. . .			
		Taskar to Sub Overseer		6. . .		K 18.	138. . .
		Udipi Taluq Establishment.					
		Mr. J. Pereira Overseer		60 . .			
		J. Lobo Sub Overseer		25 . . .			
		A. Fernandez		25 . . .			
		Establishment		27. . .		U. 25	137. . .
		Advance to Mr. Lobo as increase of Imprest				B 86.	500 . .
		Ditto to Mr. Fery				K 19.	500 . .
		Ditto to Mr. Pereira				U 26.	500 . .
		Carried over				899 8. .	4301 2 8.

Day of Item Month No	Particulars of Receipts	Amount of each Receipt: Voucher No	Cash	Bank or Treasury	Head of account to be Credited.

Day of Item Month No	Particulars of Payments	Voucher No	Amount of each Payment: Cash	Bank or Treasury Note or Cheque	Amount	Head of account to be debited.
			899. 8.		33 1 2 8	
August 1876.	District Engineers Salary Bill for the month of July. Direction.					
	Salary C. H. Ringle Esqr.				B 87. 550. .	
	Office Establishment				B 88 " 27. 8. .	
	Advance to Mahomed Azeemudin increase of Imprest				B 89 " 25. . .	
7						
8.	Advance to the President of the Local Fund Board				B 90 " 1400. . .	
	Payment per Overseer Soles.					
	Sumpajeh Ghaut Road Repairs		118. 11. 9.			
	Serringapett Bridge		162. 6. 8.			
	Ditto do.		37. 10. 3.			
	Mudbidry & Beltangady Road		10. . .			
	Sumpajeh Ghaut Road		14. 8. 6.			
	Codekul Ghaut Road		2. 1. 7.			
	Ditto do.		1. . .			
	Beltangady & Mudbidry Road		9. . .			
			355. 6. 9.		B 91 355. 6. 9.	
8.	Payment per Overseer Roy.					
	Road No 18.		10. . .			
	Road No 21.		2. 9. 6.			
	Tracing Bennatty Road.		2. 8. .			
	Road No 17.		73. 6. .			
	Contingencies Postage		. 9. 6.			
	Road No 21.		27. 9. .			
	Road No 17		118. 2. 2.			
	Tracing Bennatty Road		26. 5. 4.			
	Minor Bridges on the Collon Ghaut No 8.		2. . .			
8.	Contingencies Postage		. 8. 6.			
			263 10. .		K 20. 263 10. .	
	Surveying Establishment for the month of July 1876.				B 93. 50. . .	
	Tools & Plant.					
	13 Doms Pickaxes Europe		238. . .			
	13 Doms Mamoties do.		195. . .			
			403. . .		9 B 403. . .	
	Carried over				899. 8. .	7792 11 5

41

Day of Month	Item No	Particulars of Receipts.	Voucher No	Amount of each Receipt. Cash	Bank or Treasury	Head of account to be credited.

Day of Month	Item No	Particulars of Payments.	Voucher No	Amount of each Payment. Cash	Bank or Treasury	Total amount of Payment	Head of account to be debited
August 5/76		Brought over.		899. 8. -		1779 11 5.	
11.		Repairs of Tools.					
		Cart Hire for conveying the tools purchased and charged above		8. -			
		Range Travelling Allowance for June 1876					
		W. Dr. Monserrat Regr.	16. - .				
		J. A.C. Lobo Overseer	30. - .				
		Azeemudeen Overseer.	15. - .				
		M. C. Fernandez Accountt	7. - .				
		Monteiro Writer	3. 7. 2				
		A. Rodrigues Sub overseer.	15. - .				
		J. L. Albuquerque do.	15. - .				
			101. 7. 2	101. 7. 2	GB.	138. 15 2	
		Transfer Payment on account of Bottom Range					
		Paid to Mr. Pereira Sub Overseer being the Moiety of his pay		22. 8. -			
		Payment per Overseer Azeemudeen					
		Repairs to District Jail	5. - .				
		Repairs of Tools	5. 7. 6.				
		Quay at Jeppoo	21. 2. 10				
		Putting up a new Sky light in the printing Office	6. 8. 10.				
		Flooring Verandah of the Museum					
		Cutchery	1. 7. 4.				
		Harbour work	7. - .				
		Putting up Bamboo Mats to the eaves of the roof of Coir godown	6. - .				
		Repairs of District Jail	7. 11. 11				
		Repairs of Mangalore and Karekal Road	159. 15. -				
		Ditto do	127. - 1				
		Ditto do	134. - 4				
			491. 7. 9		GB.	491 7 9	
		Payment per Overseer Lobo					
		Repairs of Tools.	- 13.				
		Kumpajeh Road	- 151.				
		Shimpetta Bridge	89. 3. 3.				

1874

Day of Item in Month	No.	Particulars of Receipts	Amount of each Receipt: Voucher No.	Cash	Bank or Treasury	Heads of account to be credited.

Day of Item in Month	No.	Particulars of Payments	Voucher No.	Amount of each Payment: Cash	Bank or Treasury	Heads of account to be debited.
August/76		Brought forward.		1023 15 2.	£455 2 4	
		Payment per Overs Cobo Continued				
		Simpajeh Ghat Road		a 10 .		
		Codekal Ghat Road		1. 14 .		
		Buntwal & Mudbidry Road		a 10 .		
		Beltangady & Mudbidry		a 10 .		
		Contingencies Postage		a 1 .		
		Herringapet Bridge		101. 15 4		
17				196. 11 8.		196. 11 8.
		Travelling Allowance for June Cont.			97	
		Mr. J. Pereira Overseer		30 . .		
		J. Cobo Sub Overseer		15 . .		
		J. Fernandez do.		15 . .		
		C. Fernandez writer		a 14 5		
				60. 14 5		60 14 5.
		Mr. R. Sery Overseer.		30 . .	27	
		" L. L. Franka Sub Overseer		15 . .		
		" B. M. Rothy writer		4. 9 7.		
				49. 9 7		49. 9 7.
		Advance to the President of the Local Fund Board			£ 21	
					22	16. 8. -
		Payment per Overseer Pereira				
		Road No 14.		187. 10. 4.		
		Repairs to Bilbyle Bridge		1. 2.		
		Road No 13.		112. 2.		
		Road No 15.		23 7.		
		Repairs to Buchappa timber Bridge		2 5 9 4.		
		Road No 5		32 . .		
		Road No 22.		7. 2.		
		Repairs to Road No 12.		1. 4.		
		Kundrady & Suriabettia makuttara		1. 9.		
		Contingencies Postage		a 9 4.		
		Road No 13		55 2.		
		Road No 22.		3. 4. 2		
		Road No 14		15 . .		
				461 4 2		
		Salary of Mr Rodrigues paying Clerk			8	

Day of the Month.	Particulars of Receipts.	Voucher No.	Cash.	Bank or Treasury.	Head of account to be credited.

Amount of each Receipt.

Day of the Month.	Particulars of Payments.	Voucher No.	Cash.	Bank or Treasury.	Head of account to be debited.	Amount brought forward.
August 7th	Brought forward		1053 14 :			900 2 11
21.	Range Salary Bill for the month of July 1876.					
	Salary of Zaid Khan Draftsman					21 2 1
	Payment per Overseer Ezamudin Mangalore Harbour work		1 11 .			
	Ceiling the two male wards of the Sub jail at Mangalore		2 11 .			
	Rebuilding the Compound wall of the Sergeants Quarters		9 3 5			
	Putting 4 Cadjans over heaps & ridge of the Huzoor Cutcherry		1 2 10			
	Lightning the rafters of the Flagstaff & Mangalore		1 6 8			
	Pating Cadjans over the ridge of the Taluq Cutcherry		2 5 1			
	Renewing the roof of the Sub Court		52 8 .			
	Ceiling the two male wards of the Sub jail at Mangalore		5 6 5			
	Raising & propping the thatched Verandah of the Store room					
	Quay at Mangalore		114 5			
	Rifle Range at Mangalore		17 2 6			
	Packing the basement of the Salt Watchers		250 11 11			
	Repairs to the District Jail		13 7 11			
			15 . .			
22nd	Cheque (1581 Cash drawn from Treasury		1077 15 1			3 11 . 1077 15 1
	Repairs of Cooly Conveyances of tools from Mangalore to Cannanore.					8 11 . 39 . .
	Payment for Convicts Diets					
	Road Cess 17					
	Repairs of tools		17 . 4 7			
	Canal Cess		1 5 .			
	Civil Dispensary at Tellicherry		2 . .			

Day of Item Month.	No.	Particulars of Payments.	Vouchers No.	Cash	Amount of each Payment. Sent to Treasury	Amount of each Payment. Sign.	Head of account to be debited.
		Brought forward		1025. 1. 6.		1027 6. 3. 6.	
		Payment for Cresser Pereira Continued					
		Road No 5A		103. 11. 9.			
		Repairs to Bokappa Bridge		27. 3.			
		Repairs of Tks.		5. 8. 6.			
		Repairs to Canal Road		2 8. 5.			
		Road No 1.		6. . .			
		Road No 3.		15. . .			
		Road No 5.		290 2. 6.			
				995. 3. 6.		995. 3. 6	
		Paid to C. H. Pringle Esqr the difference of Allowance for the Month of June 1876		2. . .			
		Range Contingencies.					
		Postage on 36 Covers.					
					1. 1. 6.	1027 6. 3. 6.	
		Balance.			2026 6. 1		
					3583. 10. 4	3972 14 10.	
		In present 3500 . . .					
		In Cash 83-10-4					
		3583-10-4					

Signed / W. H. Monkseraat
Assist Engineer D.P.W.

Dr. Cr.

Particulars of Receipts

Amount of each Receipt

Date of Payment to be credited

September 1876 1st

Balances from last Month

Imprest Rolls Advances

Mr. J. C. B. Cox 100 . .

" C. Roy 100 . . .

" J. Pereira 100 . .

Messrs. Gomados 300 . . 600 . .

Fines & Deposits

Amount of Receipts during Month as per Contra Abstract for July 1876 14 . .

Fines & Deposits

Deposits & Sold. Chest

Receipts & Disbursements for the Month of 12000 . . Credit Orders

Credit in the Month of

Provincial Civil Fund & Territorial Chgs. 105 . .

3139 . 10. 15076 11 10.

Cash from Treasury 1054 11 6.

4717 12 4. 15076 11 10.

Day of Month &c.

Particulars of Payments.

Vouchers No.

Cash Rs. As. of Rupees

Amount of each Payment Debtor Treasury Rs. As. Ps.

Head of account to be debited

Dr. 7 5 4 Cash Prov.

Sept 15 2nd

District Travelling allowances for July 1876

Engineering Establishment.

C. H. Pringle Esq. Dist. Engr.

Office Establishment.

Salary of Pillay for 3 months 90 . .

Mr. S. Siqueira T. allowance 17. 4. 6

" Pascoal Fernandez 3. 15 6.

District Contingent Bill for July 76 10. 12 .

2nd 122 . . 104 B 122 . . . Dr. Dr.

Construction of the Quay at Joppa

Monsoon repairs to Engineers Office

Renewing the roof of the Cutcherry Court

Harbour work

Monsoon Repairs to Military Buildings

Repairs to the floor of the Huzoor Cutcherry

Local Fund

Provincial Repairs

Provincial Fund

Local Fund

Repairs Military

Prov. Repairs.

3467. 13. 9.

Amount of Cash Receipt

Head of Account to be credited.

Particulars of Receipts

Treasurer's Book

Bombay Treasury

Balance from last Month

Rs. 12. 4. 3772 14 10.

Imprest with Overseers

Mr. J. A. C. Lobo 100 - -

" C. Roy 100 - - -

" J. Pereira 100 - -

" Pascoal Fernandez 50 - -

350 - -

Prices & Refunds

" receipts of Engraving Fringe Estimates from the Estimate Bill for July 1876.

1 14 -

Prices & Refunds

Refunds to Gobd & Stores

Credit Orders

2 8 6

12000 - -

Receipt about Summary Book Page

Credit to be made of

Pensions fines & Personal Charges

145 - -

3633 - 10. 15972 14 10.

1034. 12 6.

Cash from Treasury

4717. 12 4. 15972 14 10.

Day of Month

Particulars of Payments

Voucher No.

Cash Book

Cash from Treasury

Sept 15 28

District Travelling allowances for July 1876.

Engineering Establishment.

C. H. Pringle Esq Dist. Engr

Office Establishment.

Salary of Tillay for 3 months 90 - -

Mr. S. Siqueira T. allowance 17 14 6

" Pascoal Fernandez 3. 15 6.

District Contingent Bill for July 76 10. 12 -

122 - -

Cash from Treasury

Range Salary Bill for August 1876.

Mangalore Salary Establ.

Mr. J. A. C. Lobo Overseer 100 - -

" A. Fernandez 25 - -

6 Office Establishment 27 - -

152 - -

Town Overseer Establ.

Mahomed Azeemudeen 60 - -

Mr. J. L. Albuquerque 60 - -

Office Establishment 27 - -

6 Lascars & Sick Overseer 6 - -

152 - -

Mangalore Range Establ.

Mr. M. C. Fernandez Headclerk 60 - -

P. Coronha Assist. do. 15 - -

C. L. Fernandez do do. 30 - -

Coondapoor Subd. Office

Mr. P. D. Rosario Writer part pay 15 - -

120 - -

District Salary Bill for August 1876.

Engineering Establishment

E. H. Pringle Esqre D. Engineer

District Office Establishment.

Payment for Overseer Establ.

Deputed Boat from Mangalore Belimpajah 15 1/2 D.

Coir Rope for Sounding Purposes 5. 8. 7

Repairs & Contingencies while in Camp 1 3 6

Cash Book

Treasury Note Issued

Cash from Treasury

Cash Book

Cash from Treasury

Cash Book

Cash from Treasury

Cash Book

Day of Item Month	Particulars of Payments	Voucher No	Each Pay of cheque Amount	Amount of each Payment Book on Treasury	Head of account to be debited
				2468. 15. 6.	
Sept 1867	Brought forward.				Local Repairs.
	Repairs to Road from Bentwal to Channady		31. - -		Dr. do.
	Ditto to Ditto		139. 8		
	Ditto to ditto		262. 4.		
	Repairs to road from Belthangady to Mudbidry		82. 1. 2.		Dr. do.
	Ditto to do.		65. 7. 6.		Dr. do.
	Ditto to do.		29. - -		Dr. do.
	Ditto to do		- 2. 2		Dr. do
	Repairs to Road from Mangalore to Nempajek		1. 6. -		Dr. do
	Contingencies Postage		- - 6		Establishment Prov.
	Bentwal and Mudbidry Road		183. 12. 2		
6			998. 14. 3.	112 B. 998 14 3.	
	Payment per Overseer Azeemudin Flooring outside verandah of the Military Hospital at Mangalore		12. 7. 3		Repairs Military
	Putting up Cadjans and grass over the ridge and heaps of the Taluq Cutcherry at do.		3. 10. -		Repairs Road
	Putting up Cadjans over the heaps and ridges of the Collectors Cutcherry		2. 2. 2.		Dr. do.
	Rebuilding the fallen wall near Sergeants Quarters at Mangalore		- 5. -		Repairs Military
	Construction of the Quay at Jeppoo		- 4. -		Local Fund
	Monsoon repairs to Engineers Office		5. - -		Provincial repairs
	Renewing the roof of the Cutcherry Court		2. 4. -		Provincial Fund
	Harbour work		9. 12. -		Local Fund
	Monsoon Repairs to Military Buildings		- 10. 6.		Repairs Military
	Repairs to the floor of the Huzoor Cutcherry		9. 3. -		Provl Repairs.
				3467. 13. 9.	

Date of Voucher Month & No.	Particulars of each Payment.	Voucher No.	Amount of each Payment. Bank or Treasury Cash. No. of Cheque. Amount.	Head of account to be debited.
Sept 1876.	Brought forward			
	Repairs to the windows of Municipal Office		7. 7. 2.	Repairs Prov.l
	Repairs to Engineers Office		2. - -	Do do.
	Contingent charges Postage		- 1. -	Extt Prov.l
	Repairs of Tools.		11. 9. 6.	Repairs of Tools
	Repairs to Quay at Mangalore		142 7. 4	Local Repairs.
	Repairs to Mangalore and Karekal Road		3. 6. -	Local Repairs
	Renewing the roof of the District Jail		196 3. 7.	Prov.l New
	Backing the basement of the Salt Pataars at Mangalore		20. 13. 6.	Repairs Prov.l Local work.
	Harbour work		- 3. -	
	Shifting tiles of the Dhooly shed at Mangalore		- 4. -	Repairs Military
	Repairs to Mangalore and Karekal Road		186 8. 11.	Local repairs
	Backing the Basement of the Salt Pataars at Mangalore		16. 15. 10.	
			457 5. 9.	Repairs Prov.l
	Range Salary Bill for the month of August 1876			113 Nos. 457. 5. 9.
	Engineering Establishment Construction.			
	W. Dn. Montserrat Esq.re Office Establishment			122 - 450. - - Extt Prov.l
	Part Salary of F. Noronha assist.t accountant		4. 8. -	
	3. Caskars at Rs.7 each		21 - -	
	Coondapoor Sub. Dv.n office			
	Mr.s P. Dn. Rosario writer			
	part Salary		10. - -	
	2 Caskars each at Rs. 7.		14 - -	
			49. 8. -	49. 8. - 123 89. 8. - Extt Prov.l
	Carried forward		49 8. -	1164. 11. 6.

Amount of each Receipt.

Voucher No.	Cash	Bank or Treasury	Head of account to be Credited.

Date of Abstract No.

Explanations of Receipts.

Amount of each Payment.

Day of Month	No.	Particulars of Payment.		Voucher No.	Cash.	Bank or Treasury Ref. Cheque	Amount	Head of account to be debited.
6th Sept. 1876.		Brought forward					49. 8.	4464 11 6.
		Coondapoor Estt.						
		Mr. R. Merry Overseer	60 ..					
		" V. A. Araujo Sub Overseer	46 ..					
		Office Establishment	27. ..					
6		Taskers to the Sub Overseer	6. ..					
			138. ..				24 X. 138. ..	Estt Provl
		Udipi Taluq Estt.						
		Mr. J. Pereira Overseer	60 ..					
		" B. Pinto Sub Overseer	30 ..					
		Establishment	27. ..					
6.			117. ..				31 II. 117. 8.	Do. do.
		Travelling allowance Bill for the month of July 1876 Engineering Establishment Construction						
18.		W. Dr. Montserrat Esqre. Payment pr. Overseer Merry. Repairs to Road No. 17	5. ..				X 25. 31. 8.	Do. do.
		Construction of Dinner Bridges on the Collor Shaut No. 3.	9. 6. 2.					Local New
		Repairs to Road No. 17	62 8 7.					Do. Repairs
		Contingent Charges Postage	" 5. 6.					Estabishmt. Provl.
		Repairs to Road No. 19.	69. 5. 1.					Local repairs.
		Repairs to Road No. 18.	1. 13. "					Local repairs.
		Do. to do.	" 12. "					Local repairs.
		Repairs to Road No. 19.	" 6. "					Local do
		Retracing Vera Bennatty Road	8. ..					Local New
		Do. to do	75. ..					Do.
		Repairs to Road No. 17	5. ..					Do. Repairs.
		Do. to do.	158. 11. 1.					Do. do
		Repairs of tools	6. 15. "					Repairs Tools & Plant
		Repairs to Road No. 21.	117. 15. 10					Local repairs.
		Repairs of Tools	" 4. 4					Repairs Tools & Plant
		Repairs to Road No. 17	93. 5. 10.					Local repairs.
		Retracing Bennally Road	90. 3. 10.					Local New
		Contingencies Postage	" 3. "					Estt. Provl.
		Repairs to Road No. 17.	" 6. "					Local repairs
		Repairs to Road No. 21.	" 3. "					Do. do.

Carried forward

6th Sept.

Amount of each Receipt

Item No.	Particulars of Receipts	Vouchers No.	Cash	Bankers Treasury	Head of account to be Credited.

Amount of each Payment.

Day of Item Month No.	Particulars of Payments	Vouchers No.	Cash	Bankers Treasury No. of Cheque	Amount	Head of account to be debited.
September 1876	Brought forward			498.	4751. 11. 6.	
	Repairs to Road No. 17	1. 11. -				
	Repairs at Locks.	1. 10. -				
	Mr. Repairs to Overseers Shed at Himdapoor	1. 7. -				
	Retracing Bensraltij Road	1. 14. 7.				
	Contingencies Postage	- 14. 6.				
	Repairs to Road No. 17	32 13 7.				
	Contingencies Postage	- 1. -				
	Repairs to Road No. 19. from Hallady to Kotes hwar	14. 11. 8.				
	Repairs to Road No. 18.	76 11. 10.				
	Repairs to Road No. 21 from Haldoul to Byndoor	86. 5. 4.				
	Contingencies Postage	- 2. 6.				
		916. 3. 6.		26K.	916. 3. 6.	
	Repayment per Overseer Lobo					
	Repairs to road from Mangalore to Sumpajeh	802. 10. 10.				
	Repairs to Road from Bantwale to Mudkidrup	9. 15 11.				
	Constructing Ferringapett Bridge	62 - -				
	Do. do.	14. 2. 4.				
	Repairs to road from Mudbidry to Belthangady	1. 5. -				
	Repairs of Locks.	1. 3. -				
	Repairs to Road from Mangalore to Sumpajeh.	109. 9. 9.				
	Contingent Charges Postage	- 1. -				
		100. 5. 10.		2. 8. 6. 114 B.	998. 7. 4.	
	Advance to the Supt. of Police South Canara			115 B.	200. - -	
	Travelling Allowance Bill for the Month of July 1876.					
	Udipi Taluq Establishment					
	Mr. J. Pereira. Overseer	30 - -				
	" J. Lobo Sub Overseer	15 - -				
	" B. Pinto in lieu of A. Rodrigues at his request.	15. - -				
	L. Fernandez writer	1. 14. 2				
		61. 14. 2		122	61. 14. 2.	
				52 - -	623. 2. 4.	

Day of Month	Particulars of Payments	Amount of each Payment: Voucher No.	Cash	Bank or Treasury: No. of Cheque.	Amount	Head of account to be debited.
Sept. 1	Brought forward.		52 . 6.		6928 . 4 . 6.	
	Kundapur Taluq Cutcherry					
	Mr. D. Perry	30 . . .				
	" T. S. Crawley	15 . . .				
	B. Dr. Mothy	2 5 2 .				
		47 . 5 2		K 27.	47 . 5 . 2	Dist. Provincial.
	Mangalore Taluq Cutcherry					
	Mr. J. A. C. Lobo	30 . . .				
	" A. Fernandez	15 . . .				
	" A. J. Monteiro	3 . 12 4.				
		48 . 12 4.		B 116.	48 . 12 4.	Dr. do.
	Town Establishment					
	Mahomed Azeemudeen	27 . 3 1.				
	Mr. J. S. Albuquerque	15 . . .				
		42 . 3 1.		B. 117	42 . 3 . 1.	Dr. do.
	Batta to M. C. Fernandez Divisl. Accomtant					
25.	Payment per Overseer Mahomed Azeemudeen as per his Imprest Cash Accomt returned to him for Correction		12 . .			
30.	Payment per Overseer Pereira			B. 118.	497 . 3 . 8.	
	Repairs to Mangalore and Karekal Road	418 . 8 . 1.				
	Repairs to Road No. 10 from Udipi to Hospett	278 . 2 . 2				
	Renewing the Timber platform of Baddappa Bridge	9 . 10 .				
	Repairs of Tools & Plant	1 . 15 4.				
	Contingencies Postage	" 8 6.				
	Repairs to Road No. 17 from Someshwar to Walladi	1 . 11 .				
	Repairs to Road No. 5 from Karekal to Agoomby Ghaut	12 . 11 . "				
	Repairs to Road No. 5 from Karekal to Agoomby Ghaut					
		723 . 5 . 3	723 . 5 . 3			
	Carried over		787 . 5 . 7		7563 . 12 . 9	

Particulars of Receipts	Amount of each Receipt — Voucher No.	Cash	Bank or Treasury	Head of account to be credited

Day of Month	Item No.	Particulars of Payments	Voucher No.	Cash	Bank or Treasury — No. of cheque.	Amount	Head of account to be debited
Sept 5th/96		Brought forward		787.5.9.		7563.12.9.	
		Range Contingencies.					
		Postage on Bearing Covers 17.		1.9.6.			
				788.15.3.		7563.12.9.	
		Balance		3928.13.1.		8409.2.1.	
				4717.12.4.		15972.14.10.	

Imprest No 3500—
In Cash " 428-13-1
3928-13-1

Signed / H. B. Montserrat
Assist. Engineer & P.B.

(True Copy)

District Engineer
South Canara

No. 3561 Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 28th Dec. 76.

Read the following :—

From,

The District Engineer, South Canara } (No. Dis. 53 of 12th Oct. 76.

" do do (" " 59 of 11th Dec. 76.)

These papers relate to a case of criminal breach of trust by Mr. M. C. Fernandez, Head Accountant of the Mangalore Range in respect to three sums of money with which he had been entrusted. He was also charged with falsification of his accounts. At the Sessions Court of the District

District, to which he had
appealed from the
decision of the Acting
Head Assistant Magistrate,
Mr. Fernandez was adjudged
guilty of misappropri-
-ation of one sum of
Rs 500, and of falsifi
-cation of his accounts;
and was punished
by fine and imprisonment.

2. Mr. Fernandez is
now declared disqua
-lified for further em-
-ployment in the
Public Service, and
will receive no more
than the usual subs-
-istence allowance
from date of his
suspension

suspension to that
of his first conviction
viz. from 3d October
to 11th December 1876.

3. Mr. Montserratt was
the Range Officer under
whom these irregula
-rities occurred, and
his action in the
matter is severely censured.

His disregard of rules
afforded the temptation
to which Mr. Fernandez
yielded, and his own hasty action
with his subordinate has
subjected him to most principl
though unfounded suspicion.

He has already been
removed from one District for incom:
-petence; and His Grace the
Governor in Council
resolves as a mark
of his displeasure
to order the reduction
of Mr. Montserratt
from the rank of
Assistant Engineer

1a

1st grade to that of Assistant Engineer 2d grade; with effect from the 1st January 1877- Mr. Montserratt will be removed from his Range charge and transferred to the Bundegund Sub division of the Madura District, where his conduct and qualifications will be reported on half yearly- He will not be again entrusted with independent charge till he shows signs of amendment; and he will be warned that any future misconduct will lead to his immediate removal from the Department.

4- Mr. Davidson will replace Mr. Montserratt in the South Canara District.

5- The dismissal of the two Lascars whose evidence in the trial was considered unsatisfactory is not approved of.

Gen.

To
D.C. South Canara ✓
" Madura ~~with extract para 3 & 4~~
All other D.C.s ✓
Exec. P.W. Auth.s ✓
Rev. Departt. ✓
Public Works Departt. ✓
Mily: Departt. ✓
} with extract paras 1 and 2.

Dispd 22-1-77

Govt of 1876 Madras.

PRINTING WORKS.

To Taken up P.W. Coimbatore Canal

Dated

Issued

Recd. 5-1-77

Encl.

G. O. 28 [illegible] 1876, No. 3567

Nos. 618-620

Copy Revenue Board

Fort Manuscript Range

Coimbatore Dist.

Forwarding Order or Correspondence relating to Petitions or Miscellaneous