(1) பக்கங்களின் எண்ணிக்கை 56

(2) புதுக்கித் திருப்பிய நாள் 6/89

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

(56)

தமிழ்நாடு அரசு

P. W. D துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	1690	அச்சகம் பலவகை

நாள் : 27-6-1889 19 .

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

28. Sheets

அவண. கா-1—18,006—15-6-87.

1690

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Account.

READ—the following papers :—

Letter from the Executive Engineer, Nilgiris, dated 24th January 1889, No. 3853.
Endorsement by the Supg. Engr., IV Circle, „ 26th „ „ „ 42 E.W.

Read again—

G.O., dated 31st January 1889, No. 263 W., Public Works.

Read also—

Letter from the Superintending Engineer, IV Circle, dated 5th Feb. 1889, No. 63 E.W.
Memo. to the „ „ IV „ „ 12th „ „ „ 690 C.
Letter from the Executive „ Nilgiris, „ 28th „ „ „ 4218.
„ „ Superintending „ IV Circle, „ 2nd Mar. „ „ 107 E.W.
Endorsement to the „ „ IV „ „ 2nd „ „ „ 107 E.W.
Memo. to the Examiner, Public Works Accounts, „ 14th „ „ „ 1315 C.
Office note from the „ „ „ 3rd April „ „ 431.

Read again—

G.O., dated 12th April 1889, No. 1021 W., Public Works.

Read also—

Letter from the Superintending Engineer, IV Circle, dated 10th May 1889, No. 202 E.W.
Memo. to the Executive „ Nilgiris, „ 16th „ „ „ 185 D.
Letter from the „ „ „ „ 20th „ „ „ 603.
Office note to the Examiner, Public Works Accounts, „ 27th „ „ „ 227 D.
„ from the „ „ „ 5th June „ „ 781.

ORDER—dated 27th June 1889, No. 1690 W., Public Works.

The above correspondence relates to the loss of a Government promissory note for Rs. 1,000 which was deposited in July 1885 with the Executive Engineer, Nilgiris, Lieutenant-Colonel A. C. Smith, R.E., by Ebrahim Sait and Co. as security for the performance of a contract.

2. It would appear that, on the termination of the contract, the note which had been placed in the office cash-chest was sent by the head clerk on the evening of the 13th September 1888 in a blank cover, gummed, but not sealed, to the house of the Executive Engineer. On opening the cover the next morning the Executive Engineer, Mr. deWinton, found that it contained two blank sheets of paper but no promissory note.

3. The case was reported to the police on the 20th September, and payment of the note and interest thereon were stopped by notifications in the *Gazette of India* and *Fort St. George Gazette* in January following. Nothing has since been heard of the note, and the perpetrator of the theft has remained undiscovered. The lascar who was entrusted with delivery of the cover containing the note has been dismissed and the head clerk reprimanded. It now remains to fix responsibility for neglect of the rules laid down for safe custody of Government securities, and to decide as to what is to be done to prevent loss to the Government.

4. Para. 1891 of the Public Works Code provides that all Government securities deposited with Public Works officers should be forwarded, through the Examiner, to the Bank of Madras for safe custody, or to the Accountant-General, if they are to lie in deposit for more than one year. Had this precaution been taken by Lieutenant-Colonel Smith on receipt of the note in question, his further liability in the matter would have ceased. He, however, failed to carry out the provisions of the rules. He must accordingly be held jointly responsible with Mr. deWinton for the subsequent loss. In determining Lieutenant-Colonel Smith's share of responsibility, the fact that the note was actually in the Divisional office on the 13th September 1888, long after Lieutenant-Colonel Smith had left the division, has not been overlooked. But it is remarked that the note, though coming into Mr. deWinton's hands in regular official course twelve days after taking charge of the division, had never been formally handed over to him by Lieutenant-Colonel Smith, and there is every reason to suppose that had the regular procedure been adopted by Lieutenant-Colonel Smith and the note forwarded to the Examiner for safe custody with the Accountant-General, the loss would not have occurred, for Mr. deWinton's attention would have been drawn to the matter by his having to take steps to withdraw the note from safe custody.

5. Lieutenant-Colonel Smith having failed to carry out the provisions of the rules, it subsequently became Mr. deWinton's duty to rectify the neglect. The correspondence shows that the note came into his hands with endorsement from the Superintending Engineer, IV Circle, No. 545-N.I., dated 20th August 1886. Instead, however, of sending it to the Examiner to be placed in safe custody, he allowed it to lie in his cash-chest, where it remained unnoticed for two years. No interest on the lost note has been drawn since it was deposited; and the papers do not show the amount due upon it since interest was last drawn. This amount should be ascertained.

6. Under the circumstances set forth above, His Excellency the Governor in Council directs that the two officers in question, Lieutenant-Colonel A. C. Smith, R.E., and Mr. deWinton, replace the note by the purchase of a new one of the same value at their joint expense, the new note being dealt with as required by code rules. The former will deposit the interest undrawn upon the lost note up to the date of Mr. deWinton's taking charge of the Nílgiri division, and the latter from that date till the deposit of the new note, which should be endorsed over to the Executive Engineer, Nílgiris. The interest deposited and that accruing on the new note will then be available for payment to the contractor. The Executive Engineer, Nílgiris, will give to the two officers, on receiving the new note, an undertaking that he will hold at their disposal any interest or other refund which may be obtained from the Public Debt office in respect of the lost note.

(True Extract.)

Captain, R.E.,
Under-Secy. to Govt., P.W.D.

To the Superintending Engineer, IV Circle,
for communication to Mr. deWinton.
" Examiner, Public Works Accounts.
To Lieutenant-Colonel A. C. Smith, R.E.,
Superintending Engineer, VI Circle.

Exd. J. Henricus.
Spare Copies

1690

GENERAL.
ACCOUNT.

Govt. of {1889} Madras.

PUBLIC WORKS.

Dated June, 27th.

Recd. *Encl.*

G.O., 27th June 1889, No. 1690 W.

JUNE.

Loss of a Government Promissory Note

Orders relating to the — deposited in July 1885 with the Executive Engineer, Nilgiris, Lieut.-Colonel A. C. Smith, R.E., by Ebrahim Sait and Co. as security for the performance of a contract.

EXAMINER
No. 6487
15 MAR 1889
ENCLOSURES
W. ACCOUNTS.

1690 P.W.D.

Lost

The Government Promissory Note No. (Madras) 83/378, Bengal 131,670 of the 4% loan of 1879-80 for Rs 1000, and lodged en-dorsed to the Executive Engineer Nilgiri Division, the propriet-or by whom it was never endorsed to any other person. Notice is hereby given that payment of the above note, and the interest thereupon, have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application is about to be made for the issue of a duplicate in favor of the proprietor. The public are cautioned against purchasing

3

purchasing or otherwise dealing
with the above-mentioned security

(Signed) W. B. de winton

Executive Engineer, Nilgiri
Division

Ootacamund
24th January 1889

SUPG. ENGINEER'S OFFICE
NO. 1356
15 APR. 89
P. W. D.
FOURTH CIRCLE

EXAMINER
No.
29 MAY 1889
ENCLOSURES
P. W. ACCOUNTS.

1690

No. 3853.

N.B.—*Please quote the number and date of this letter in future communication on this subject.*

P. W. D.

NILGIRI DIVISION OFFICE,

STATION. Ootacamund, 24th January 1889.

Enclosures./
1 Notification

From W. B. de Winton Esquire

EXECUTIVE ENGINEER, NILGIRI DIVISION,

OOTACAMUND,

To

THE SUPERINTENDING ENGINEER,

FOURTH CIRCLE,

COIMBATORE.

SIR,

In continuation of my letter No. 3389 of the 7th December 1888, concerning the loss of a Promissary Note for Rs 1000, I have the honor to request you will be good enough to cause to be inserted in three successive issues of the Gazette of India the notification attached.

2. I have this day forwarded a similar advertisement to the Supdt. of Fort St. George Gazette Press for insertion thrice in that Gazette, as per para 18 of the resolution of the Government of India published in page 65 of the Gazette

dated

dated 24th January 1888.

3. In compliance with para. 17 of the authority quoted, I have also notified the loss to the Bank of Bengal, Public Debt Office, Calcutta.

I have the hono to be
Sir,
Your most obedt Servt

J B Smith
Executive Engineer
Nilgiri Division.

1690

Encr No: 42/2nd

Submitted to the Chief Engineer P.W.D. with a request that he will be good enough to cause the accompanying notification to be published in three successive issues of the Gazette of India

Camp Ootacamund
26 January 1889.

A Smith Lt-Col R.E.
Supg Engr 4th Circle

EXAMINER
No. 6608
15 MAR 1889
ENCLOSURES
P. W. ACCOUNTS

EXAMINER
No.
29 MAY 1889
ENCLOSURES
P. W. ACCOUNTS

SUPDT. ENGINEER
25 JAN 89
P. W. D.
FOURTH CIRCLE

From

THE EXECUTIVE ENGINEER,

NILGIRI DIVISION,

To

THE SUPERINTENDING ENGINEER,

4TH CIRCLE.

Dated
Despatched } 24th January 1889.
Received

No. 3853

Enclosures. 1

Subject.

Promissory note for Rs 1000/- lost - ~~Forwards~~ a Notification and requests to cause the same to be inserted in 3 issues of Gazette of India.

1690

b

EXAMINER
15 MAR 1889
ENCLOSURES
P. W. ACCOUNTS

EXAMINER
20 MAY 1889
ENCLOSURES
P. W. ACCOUNTS

SUPG. ENGINEER'S OFFICE
15 APR. 89
P. W. D.
FOURTH CIRCLE

SECRETARY TO GOVERNMENT
30 JAN 89
P. W. DEPARTMENT

Madras 898

From

The Supg. Engineer,
Fourth Circle.

No. 263-4 Wa, 31/1/89

Dated 26th Jany 1889.

No. 42
Gen

Encls. 1
Promissory Note
for Rs. 1000, lost:—

Submitting a
Notification re-
-garding a —— with
a request to cause
the same to be pub-
-lished in three suc-
-cessive Issues of
the Fort St. George
Gazette.

PUBLIC WORKS DEPARTMENT.

No. 263 W

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 31 January 1890

READ the following

From the S. E. IV Circle No. 42 Gen. 26. 1. 89.

The notification will be forwarded for publication in the Gazette of Madras.

2. The Supdg. Engr. is at once to submit a report as to the circumstances attending the loss of the promissory note. It is considered that this should have been done before

H.S. No. 264 W dy 31/1/90

to the Secy to the Govt. P.W.D.

Sir,

I am directed to request

S. E. IV Circle

request that, under the orders of the Govt of India, the enclosed notification regarding the loss of a Govt promissory note may be published in three successive issues of the Gazette of India.

30/1/89

21/1/89

EXAMINER No. 1603 15 MAR 1889 ENCLOSURES P. W. ACCOUNTS

SUPT. ENGINEER'S OFFICE No. 356-4 15 APR. 89 P. W. D. FOURTH CIRCLE

W 320/89

Ap 263-4 May 3rd 1889

EXAMINER No. 29 MAY 1889 ENCLOSURES P. W. ACCOUNTS

Supg. Engineer's Office 4th Circle,
Coimbatore 5th February 1889.

No. 63
Gen

690

From, Lt Colonel A. C. Smith R.E.,
The Superintending Engineer,
Fourth Circle.

To,
The Chief Engineer,
P. W. Department.

Sir,

Adverting to para 2 of G.O. No. 263 W. of 31st Ultimo calling for a report as to the circumstances attending the loss of the Government Promissory Note for Rs 1000 I have the honor to report as follows:-

2. The Note in question belonging to Ebrahim Sait & Co., Contractors for Quall stores in the Nilgiri Division, was offered duly endorsed in favor of the Executive Engineer, as security for the due performance of the terms of their Contract.

3. On the termination of the Contract the Note was sent at 6 P.M. on the 13th September last in a blank Cover which was gummed but

but not addressed and the Messenger was particularly ordered by the Head Clerk to deliver the Cover into the hands of the Executive Engineer. This the Messenger failed to do.

4. The Executive Engineer on opening the Cover on the following Morning at ½ 10 found two Sheets of blank foolscap paper instead of the Note.

5. The Case was on the 20th September reported to the Police and the Assistant Superintendent of Police wrote to Say on the 27th November that no clue could be obtained of the Missing Note.

6. The motive of the theft, if theft it is, is unintelligible, because the note is not Negotiable except by the Executive Engineer, Chigiris to whom it was endorsed.

7 I am inclined to believe that the note was maliciously abstracted and destroyed inorder to get the Head Clerk into trouble.

8. The Lascar who was entrusted with the Note was dismissed the Service and the Head Clerk warned.

9.

1690

9. The Executive Engineer has Since introduced a System to prevent the Recurrence of like Mistakes. No paper of any Kind to be Sent to his house except in a padlocked box or a Sealed Cover.

I have the honor to be,

Sir,

Your Most obedt Servt,

A Deacon
Lt Colonel R.E.,
Superintending Engineer, II Circle

P.S.

9

EXAMINER
No.
15 MAR 1889
ENCLOSURES
P. W. ACCOUNTS

G.O. 263.4 W. 31.1.89

EXAMINER
No.
20 MAY 1889
ENCLOSURES
P. W. ACCOUNTS.

From

The Supg. Engineer,

Fourth circle.

SUPG. ENGINEER'S OFFICE
NO. 4/330
16 APR. 89
P. W. D.
FOURTH CIRCLE

SECRETARY TO GOVERNMENT
-5 FEB. 89
P. W. DEPARTMENT, MADRAS.

Dated 5th } February
Recd } 1889

No. 63

Government Promissory Note:-

Reporting the circumstances attending the loss of the — for Rs. 1000.

P. W. Department

Memo

With reference to letter No. 638 W. dated 5th Feby. 1889 from the Superintending Engineer IV circle the Secretary to Government P. W. D. is directed to request that further details in regard to the loss of the Promissory note of Rs 1000 may be afforded. It is not considered that sufficient notice has been taken of the loss and the grounds on which the Head Clerk was merely warned and the messenger dismissed have not been reported.

2. The Supty. Engineer

is requested to submit a brief history of the note from the date on which it was handed over to the P. W. D. as security, and he will report whether the orders in para 1891 of the Code regarding the disposal of deposits of Govern= =ment securities were carried out.

3. It seems clear in any case that great care= =lessness has been shown in the matter and the Executive Engineer will probably be held responsible for any amount which the Govern= =ment will have to pay to the Contractor.

4. It should be stated how the note was en= =dorsed when accepted as security and also when lost.

1690

Recd
9.2.09

9/2/09

J.B.
9.2.09.

To The Supdtg Engineer IV Circle

D 17/2

No. 263-GW dy 31-1-89

EXAMINER
No. 1102
15 MAR 1889
ENCLOSURES
P. W. ACCOUNTS.

EXAMINER
No.
29 MAY 1889
ENCLOSURES
P. W. ACCOUNTS.

SUPG: ENGINEER'S OFFICE
NO. 3350
15 APR. 89
P. W. D.
FOURTH CIRCLE

PW 301/89

No. 690 dy 12th Feby 1889

DW
W

26/4/2

1690

No. 4218

Nilgiri Div. Office
Vayitri 28th February 1889.

From,

W. B. de Winton Esq.,
Executive Engineer,
Nilgiri Division.

To,

The Supg. Engineer,
4th Circle.

Sir,

In reply to your No. 76/105 of 16th February 1889, I have the honor to state that my letter No. 3389 of 4th December 88 gave a full account of the loss of the Pro-nobe.

2 Its history before its loss is briefly as follows:—

3. It was received in July 1885 as security for a contract entered into on the 1st of that month with Messrs Ibram Sait & Co. for the supply of Stores.

4. This contract was to last for 3

12 years

(quoted)

years (i.e) to July 1st 1888 and was ap-
-proved by the Chief Engineer in Memo
No. 2833 C dated 18th August 1886.

5. The Pro-note with the contract
bond, schedule of rates and specifi-
-fication were placed in the Div.
office Cash Chest and remained
there until the expiry of the Con-
-tract.

6. Para 1891 of the Code was not
adhered to at the time, and the
fact I regret to say escaped my notice
when I took charge of the Division.

7. The Pro-note when received as
security was endorsed in favour of
the Executive Engineer Nilgiri Div.
and bore the same endorsement
when lost.

8. The contract having expired,
the Pro-note with all the contract
papers was taken out of the Cash
Chest on September 13th 1888 by the
Head Clerk, enclosed in a gummed
cover and sent to me for re-endorsement
to

to the owner. 1690

9. It is my custom to have
papers which are not ready for
disposal during office hours sent to
my house between 7 and 8 P.M. so that
I can dispose of them early next
morning.

10. To convey such papers from
the office to my house, there were at
that time several office trays, or
boxes without lids, and 3 boxes with
lids and padlocks. There was no
fixed rule at the time, such as I
have since made, that all papers
were to be sent up in the latter, or
in a sealed and addressed cover but
it was an understood thing that
all papers of importance should
come up under lock and key.

11. The Head Clerk not only omit-
-ted to do this in the present instance,
but enclosed the documents in a
cover without any address or manuscript
writing

writing in it at all, thereby making it possible to effect the substitution which actually took place. I never received such a cover before in the whole course of my service. The H.C. clerk who was responsible for it had lately been promoted from a Sub Dn. Office in the West Coast Division, was new to his work and new to the Division, and has since been transferred to Coimbatore Dn. Both his predecessor in my office and the present Head Clerk would have been quite incapable of such piece of carelessness.

12. He has been by your order severely reprimanded and the peon into whose charge he gave the note with order to deliver it into my hands has been dismissed.

13. The note has now been accepted as security for the due fulfilment of a fresh Contract lately concluded with

with Messrs Ibram Sait & Co.

1690

I have &c.

sd/ W.B. de Winton.
Executive Engineer.

No: 107
end

Copy- Submitted to the Chief Engineer, S.W.D. with reference to his Memorandum dated 12th Febry/89.
No: 690.C

Aldsmith Lt. Col. R.E.

Supdgngrs office
Fourth circle
Coimbatore 2d March/89

Supg. Engineer 4th Circle

14

requested)

EXAMINER
No. 29 MAY 1889
ENCLOSURES
P. W. ACCOUNTS.

EXAMINER
No. 1107
15 MAR 1889
ENCLOSURES
P. W. ACCOUNTS.

Ex
Mech 2061
2201/89

From

The Supg Engineer,
Fourth circle.

SUPG. ENGINEER'S OFFICE
NO. 356
13 APR. 89
P. W. D.
FOURTH CIRCLE

No 1852 W a/21.7.86.
- 2612 Ca/28.7.86.
- 2833 Ca/18.8.86.
- 3050 W a/17.11.86.
- 3334 W a/17.12.86.
- 3680 W a/21.11.88
- 5170 Ca/20.12.88
- 263.4 W a/31.1.89
- 690 Ca/12.2.89

Dated 2d March 1889.

SECRETARY TO GOVERNMENT
-4 MAR. 89
P. W. DEPARTMENT, MADRAS.

No. 107
Encl

Pro-Note:—

Submitting letter from the Executive Engineer, Nilgiri Division affording further particulars with reference to the — lately lost

*Return requested

1690 P. W. Dept

G.O. No. 263. W. dated 31st January 1889.
& No. 1160 with draft G.O.
& His remarks.
Memo. No. 690. C. & 12.2.89
& No. 2061 with Note for Orders and His remarks.

Forwarded in original for favor of an early expression of the opinion of the Esc: P. W. Accts.

The Rules regarding claims to lost Promissory Notes &c: will be found embodied in a Financial Resolution published at page 171 of the Gazette of India (Part I) dated 7th April 1883.

D 14/3.

13.3.89

To The Escr: P. W. Accts with the papers in original (Return requested)

13/3/89

No. 263-4W4/31-1-89
" 5170C " 29-12-88
" 4894C " 6-12-88
" 3680W " 21-11-88
" 3334W " 17-12-86
" 3050W " 17-11-86
" 2833C " 18-8-86
" 2612C " 28 7-86
" 1852W " 21-7-86
Act XIII of 1886
Gazette of India 3rd January
To Dec. 83.

SUPG: ENGINEER'S OFFICE
NO. 7350
15 APR. 89
P. W. D.
FOURTH CIRCLE

Soon

EXAMINER
No.
29 MAY 1889
ENCLOSURES
P. W. ACCOUNTS.

No. 1315C dt/14 March 18

DW/W.

1813

1690

[C. No. 8.]

EXAMINER
No.
29 MAY 1889
ENCLOSURES
P. W. ACCOUNTS.

GOVT. OF MADRAS. } 1889. { P. W. DEPT.

EXAMINER, P. W. ACCOUNTS.

Madras, 3rd April. 1889.

OFFICE NOTE No. 431

Enc. 10

To W.

Your memo No.1315 C. dated 14th. March 1889.

I would suggest further inquiry before passing final orders as the responsibility of the present Executive Engineer does not seem to be clearly established.

2. The procedure which should have been observed when the note was received in 1885 is as follows:-

(a) the note should have been endorsed to the Executive Engineer (code para 1891);

(b) it should have been entered in the register to be kept in the divisional office in accordance with note 4 on form M.55;

(c) it should then have been forwarded to the Examiner for transmission to the Accountant General Madras, or to the Bank of Madras (code para 1891);

17

KEEP-WITH Genl. No.

dated 188 .

2,000-9-10-88.

(d) thereafter it should have been noted on the back of the schedules of deposits for the months of September and March in each year (code para 1896 and notes on form M 55).

3. If the present Executive Engineer was aware that the note was deposited in his cash chest, his responsibility would not be affected by any earlier breach or disregard of rules, but I can find nothing in the file to show that the Executive Engineer was aware of the fact in question.

4. It is impossible to tell from the Executive Engineer's account of the circumstances attending the loss, how far he is narrating facts within his own knowledge, and how far he is simply following statements made to him, or presumptions based on the supposition that the prescribed procedure must have been followed. Moreover he seems to have written without any notion that he had to clear himself of personal responsibility. In para 6 of his letter No.4218 he says that the omission to forward the note in the first instance to the Examiner(code para 1891) escaped his notice when he took charge of the division, but he does not say when, if ever, the omission did come to his knowledge; and the presumption seems to be that he only came to know of it when inquiries were made on completion of the contract, whilst it is quite possible that the search for the note was made by his subordinates and that he knew nothing about it until he asked for an explanation of the blank paper in the unaddressed cover. There is nothing to show what is the basis of the statement that the note was endorsed to the Executive Engineer. This may be mere presumption. Again, there is no evidence of the singular action attributed to the head clerk, and this part of the story seems to me most remarkable. What ground is there for believing that the note was ever placed in the unaddressed cover, or that the cover in which it was placed was the same that was given to the peon ?

1896

5. Supposing that the Executive Engineer was not aware, until too late, that the note was lying in his office, the question arises whether he ought to have known it: and this I think would to a great extent turn upon whether the note was duly registered (see para 2(a) above). It seems almost certain that it never was registered. The extracts required with the accounts for September and March (see para 2(d) above) were duly furnished to my office every six months, and they show government securities in each case as "nil"; and there is no mention in any inspection

report of the failure to keep up the prescribed register. It therefore seems pretty certain that a register was kept, but that this note was never entered in it.

Whence, then, was particulars of the number of the note obtained for the advertisement which has been issued?

H.C.

6. It may of course be argued that the Executive Engineer should have come to a knowledge of the facts quite independently of the register. For instance it may be said that he should have ascertained what security there was for the contract in question, and what had become of that security; or that he should have made himself completely acquainted with the contents of his cash chest, and should have seen, as regards all documents prescribed therein, that all formalities had been observed. In the absence however of any instructions on these points, this would perhaps be carrying the theory of responsibility rather far; and as regards the latter suggestion, I may point out that at present there is nothing to show that the note may not have been abstracted before Mr. deWinton took charge. Indeed for that matter there is no information as to the evidence for the fact that the note was ever received at all.

12

7. I would therefore suggest further inquiry on the following points :-

(a) what evidence is there of the receipt of the note in I885 ?

1680

(b) what is there to show that it was endorsed to the Executive Engineer ?

(c) was a register of securities kept, and was this note registered therein ?

(d) did the present Executive Engineer ever see the note, or know anything about it, until its disappearance came to notice; and if so, when ?

(e) when was the note last seen, before the occasion of its supposed removal from the cash chest for the purpose of sending it to the Executive Engineer; and by whom was it then seen ?

(f) who placed the note in the unaddressed cover; and who saw it so placed, and delivered to the peon?

8. As the loss has been duly notified to the public debt office (see para 3 of Executive Engineer's letter No. 3853) in the absence of any intimation to the contrary from that office it may perhaps be assumed (if the notice was in proper form) that no interest has been paid since the note was deposited in I885, otherwise it might be desirable to make inquiries on this point, as, pending information as to when and by whom the note was last seen before its alleged recent disappearance, it is quite possible

Inquiry not be assumed, but enquiry must be made from the Public Debt Office Treasury Office as to whether interest has been drawn or not. If not Mr. deWinton can sign endorsement for the drawing of interest, Knowledge of note will be brought home to him.

H.C.

17

that it may have been abstracted long ago and interest paid on a forged endorsement.

9. Statements by the individuals concerned confined to facts within their own knowledge would probably be more useful than any narration compiled either by the Executive Engineer or by the Supg.Engineer,and when possible it might be well to have such statements corroborated by independent witnesses.

10. Referring to the second paragraph of your memorandum,I may point out that the notification quoted by you has been superseded by that printed at page 65 et seq. of the Fort Saint George Gazette dated 24th. January I888,with reference to which the advertisement of the loss is slightly defective,see pencil remark in the margin of the copy in the file.

II. You will find,with reference to the Honorable Member's inquiry in his last note that under rules I9 and 20 (no portion of the government promissory note being forthcoming) no action can be taken by the Comptroller General for two years from date of the last advertisement;after that date interest may be paid (subject to execution of a bond of indemnity) but no duplicate note can be issued for another four years (or possibly ten years) i.e. for six years (or possibly twelve) from date of last advertisement.

I2. I do not understand the doubt expressed by the Honorable Member in his first note as to the regularity of the alleged endorsement. It seems clear from the Act quoted that in ~~similar~~ such cases the endorsement should be to the official concerned by the name of his office,and this is the practice not only of Executive Engineers but of the Accountant General Madras and myself. I presume that the office of an Executive Engineer has by notification of the Governor-General in Council been declared a public office within the meaning of the section.

I find that this has been done. Executive Engineers are included in the list of officers in Civil Aud. Code Vol-I. p-56.

I3. The view to be taken of Mr. deWinton's action in treating the lost note as security for a fresh contract should,I think,depend on the decision come to as to his responsibility for the loss. If he is not responsible then,as far as he is concerned,Government is responsible for the note,in which case it would seem to be quite proper to set the liability of Government for the note against the liability of the contractor for security; and even if the Executive Engineer had reasonable ground for thinking that he was not responsible for the loss,his action was perhaps only natural.

Mus: 3201

14. It seems probable that, in connection with certain points in this case, it may be desirable to add to or modify some of the code rules in point; but I shall await the final orders of Government on this case before taking any action in that matter.

ENGINEER'S OFFICE NO. 835 DM 15 APR. 89 P. W. D. FOURTH CIRCLE

Rec: 5.4.89

C.

Encl.

Memo No 1357 C dy 14.3.89
" " 690 C dy 12.2.89
Sr. Bns 263/264 W dy 31.1.89
Memo no 5770 C dy 20.12.88
" " 4894 C dy 6.12.88.
Sr. Bns 3680 W dy 21-11-88
" " 3334 W dy 17-12-86
" " 3050 W dy 17-11-86
Memo 2832 C dy 18.8.86.
" " 2612 C dy 28.7.86.
Sr. Bns 1852 W dy 21-7-86

Nr 1021 W dy 12.4.89

EXAMINED No. 14 29 MAY 1889 ENCLOSURES P. W. ACCOUNTS

168

Sr. Bns 1021 W dy 12.4.89
Memo No 1315 C dy 14.3.89
" " 690 C dy 12.2.89
Sr. Bns 263-4 W dy 31.1.89

No. 2278

Government of Madras.

PUBLIC WORKS DEPARTMENT,

Ootacamund, 27 May 1889.

OFFICE NOTE.

27.6.89

From W

To C

1- Adverting to the correspondence ending with your office note No. 431 dated 3d April 1889 on the subject of a Government Pro: Note for Rs 1000 lost in the Nilgiri Division, it has been ascertained that no interest has been drawn on the Note since it was deposited in the Sr. Engineer's office, and under the rules published at pp 63-66 of the Fort St. George Gazette of the 24th January 1888, it would appear that interest cannot be drawn for two years from date of publication of notice of loss. A duplicate Note cannot be got for 6 years and possibly for 12 years.

2- Meanwhile the contract

21

C. 7/6.

may at any time ask for his interest in arrears from date of last payment on the Note, and, when the contract expires in 1891, can demand the Note with interest.

3. To avoid loss to Government the Note should, it is thought, be replaced by the two officers concerned, Colnel A. C. Smith R.E. and Mr. de Winton; that the former should deposit the interest due up to the date of Mr. de Winton's taking charge, and the latter from that date till the new Note, which should be in the name of the Executive Engineer Nilgiris, is issued or purchased by them. From that date the interest on the new Note will be available for the contractor.

4. The Ex. Engineer Nilgiris should give to the two officers, on receiving the new Note, an undertaking that he will hold any interest paid by the Public Debt office, on new note issued by it, hereafter, at their disposal.

5. Please state whether there is, in your opinion, any other way of dealing with the matter so as to avoid loss to Govt.

6. The complete file is herewith forwarded for ready reference.

1680
Ques
27.5.89 W

R.S.

No 781 D 5th June 1889

Encl 1 file

To W.

If the intention is to make the officers mentioned responsible for satisfying all possible claims of the contractor, the proposed procedure seems incomplete, inasmuch as it does not provide for the contingency of the contractor demanding the return of the note, which he may do before a new note can be issued. In order to meet such a claim, it would be necessary that a sum should be deposited sufficient to meet the probable cost of purchasing a similar note of the same loan.

2. Your fourth para is not understood. If the Executive Engineer Nilgiri Division is to give any undertaking, he should apparently do so on receipt of the deposit. When he receives the new note, the responsibility of the officers in question will presumably be at an end.

22

The note to be purchased should be so drawn over to the Executive Engineer Nilgiris

The intention is that the two officers should purchase the note for Rs 1000, which should be treated as the contract security dealt with under the rules. The contingency of the contractor demanding the return of his security will then be provided for.

The officers concerned — Mr. de Winton & Col. Smith — will be relieved from responsibility when they purchase & deposit a fresh note & they interest due to the date of purchase. They will however remain liable to any claim to any note issued by the public debt office in lieu of that lost & to any interest which may hereafter be paid on the lost note and which they would otherwise be entitled to receive from the officers

— The Executive Engineer Nilgiris is the person who has to deal with the Public Debt Office in regard to the lost note. He undertakes to hand over to the officers concerned the interest which he will withdraw from the Public Debt Office in respect of it. The question is then settled as far as Govt. is concerned, and the arrangement

3. In determining the responsibility of those concerned, it would be right perhaps to remember that, if the note was actually in the divisional office on the 13th. September 1888, then any proceedings anterior to that date, however irregular, can hardly be held to have contributed to the loss, which might equally have occurred if the note, instead of being found by the — head clerk in the cash chest on the 18th., had been received on that day from me, after withdrawal from safe — custody.

4. It would also perhaps be well to remember that Government, as the issuer of the note, is not quite in the same position as a private holder and loser. Provided the further payment of interest is effectually stopped, Government can incur no actual loss.

C.

The Hon'ble H.E. Stokes C.S.I. S.D. 5/6

For Orders.

12.6.89

Sd. 5/6. Hon 12/6.

1690

The Govt might have accounted no doubt but is hardly likely to have occurred if the attention of the Executive Engineer had been drawn to the matter by his having had to take steps to get the note back from the Examiner. In this point of view the negligence distinctly contributes to the loss.

This has nothing to do with the matter.

They can, because they are liable to the contractor for the deposit, and have to account to Govt for the interest on it.

H.C.S.
13/June.

Name added in pencil
J. H. Stokes Esqr. I.C.S.

13.6.89

PUBLIC WORKS DEPARTMENT.

1690

PROCEEDINGS OF THE MADRAS GOVERNMENT

UNDER date the

Read the following

Letter from the Ex. Engr., Nilgiris (H.E. No. 3853 dy Jan: 24. 1889)
Endorsement by the S.E. IV Circle (" " 42 Ew. dy " 26, ")

Read again,

G.O. No. 263 W dated Jan: 31. 1889.

Read also,

Letter from the S.E. IV Circle (H.E. No. 63 Ew. dy Feb: 5. 1889)
Memo: to the —— do —— (" " 690 C dy " 12. ")
Letter from the E.E. Nilgiris " " 4218 dy " 28 "
Letter from the S.E. IV Circle (" " 107 Ew. dy March 2. ")
Endorsement to the S.E. IV Circle (" " 107 Ew. dy March 2. ")
Memo: to the Examiner P.W.A. (" " 1315 C dy " 14. ")
Office note from the —— do —— (" " 431 dy " April 3. ")

Read again,

G.O. No. 1021 W dated April 12, 1889

Read also:—

Letter from the S.E. IV Circle (H.E. No. 202 Ew. dy May 10, 1889)
Memo: to the Ex. Engr. Nilgiris (" " 185 T dy " 16. ")
Letter from the E.E. Nilgiris (" " 603 dy " 20. ")
Office note to the Ex. P.W.A. (" " 327 T dy " 27. ")
Office note from the —— do —— (" " 781 dy June 5. ")

Correspondence with United Nilgiris Estates

J.H.S. 19/6/89 H.C.S.
16 June

This to be circulated.

23

The above correspondence

relates to the loss of a Government Promissory Note for Rs 1000 which was deposited in July 1885 with the Ex: Engineer Nilgiris - Lieut: Colonel A. C. Smith R.E. - by Ebrahim Sait and Co., as security for the performance of a contract.

2. It would appear that on the termination of the contract the note which had been placed in the office cash chest was sent by the Head Clerk, on the evening of the 13th September 1888, in a blank cover, gummed, but not sealed, to the house of the Executive Engineer. On the next morning opening the cover, the Executive Engineer, Mr. De-Winton, found that it

contained two blank sheets of paper, but no Pro: Note. 1680

3. The case was reported to the Police on the 20th September, and payment of the Note and interest thereon were stopped by Notifications in the Gazette of India and Fort St. Geo: Gazette in January following. Nothing has since been heard of the Note, and the perpetrator of the theft has remained undiscovered. The lascar who was entrusted with delivery of the cover containing the Note has been dismissed, and the Head Clerk reprimanded.

24

It now remains to fix responsibility for neglect of the rules laid down for safe custody of Govt securities, and to decide as to what is to be done to prevent loss to the Government.

4. Paragraph 1891 of the P.W. Code provides that all Government securities deposited with P.W. officers should be forwarded, through the Examiner, to the Bank of Madras for safe custody, or to the Accountant General, if they are to lie in deposit for more than one year. Had this precaution been taken by Lieut: Colonel Smith on receipt

1890

of the Note in question, his further liability in the matter would have ceased. He, however, failed to carry out the provisions of the rules. He must accordingly be held jointly responsible with Mr. DeWinton for the subsequent loss. In determining Lieut: Col. Smith's share of responsibility, the fact that the Note was actually in the divisional office on the 13th. Septr. 1888, long after Lieut. Col: Smith had left the division, has not been overlooked. But it is remarked that the Note, though coming into Mr. DeWinton's hands in regular official course

twelve days after taking
charge of the division,
had never been formally
handed over to him by
Lieut. Col: Smith, & there is
every reason to suppose
that had the regular procedure
been adopted by Lieut.
Col. Smith, and the Note
forwarded to the Examiner
for safe custody with the
Accountant General, the
loss would not have occurred.
for Mr DeWinton's attention
would have been drawn
to the matter by his having
to take steps to withdraw
the Note from safe custody.

5. Lieut: Col. Smith
having failed to carry

1890

out the provisions of the
rules, it subsequently
became Mr DeWinton's
duty to rectify the neglect.
The correspondence shews
that the Note came into
his hands with endorsement
from the Supty Engineer
IV Circle No. 545 N.I. dated
20th August 1886. Instead,
however, of sending it to
the Examiner, to be placed in
the Examiner's safe
custody, he allowed it to
lie in his cash chest,
where it remained unnoticed for two years. No

interest on the lost note has been drawn since it was deposited; and the papers do not show the amount due upon it since interest was last drawn. This amount should be ascertained.

6. Under the circumstances
above
set forth, H.E. the Govr in
Council directs that the
two officers in question,

Lieut: Col: A.C. Smith R.E.,
and Mr. DeWinton replaced
by the purchase of a new one of the
the Note, at their joint
expense; the new Note being
dealt with as required
by Code rules. The former
withdrawn
will deposit the interest
upon the lost note
due upto the date of
Mr. DeWinton's taking charge
of the Nilgiri Division,
and the latter from that
deposit
date till the issue of the
new Note; which should
be ~~purchased by, and be~~
endorsed over to, the
Ex: Engineer Nilgiris - The
deposited and that accruing
interest, on the new Note
will then be available
payment to
for the contractor. The Ex:
Engineer Nilgiris will give

1820

5-P

to the two officers, on
receiving the ~~issue of a~~
new Note, an undertaking
that he will hold at
their disposal any interest
or other refund which
may be obtained from ~~made by~~ the
Public Debt Office in
respect of the lost Note.

Rueds
15.6.89

S. E. IV Circle for communication
to Mr. DeWinton -
Ex. Bill
Lieut Col: A.C. Smith R.E.
S.E. IV Circle.

The Hon^ble J. H. Gaunter
C.S.I.

The Rt Hon the Governor

Govt. of Madras.

PUBLIC WORKS.

Dated

Rcd. Encl.

G.O., 3 June 1889 No. 1690

Copy of a Letter
Pro: Note - 60

Orders relating to the
— deposited in
July 85 with the
Ex Engr. Nilgiris,
Lieut Col A.C. Smith
RE by Ebrahim
Sahib & Co: as security
for the performance
of a contract —

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D2/1-276