M.R.O. 1—77,006—8-6-37.

(1) Number of pages 34

(2) Date of repair 34.40

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 1130 Press Mis.

57-59

Dated 11-8- 1872.

57-59 18/19

Not to be folded or roughly handled

Read the following papers:—

No. 57. From E. H. PRINGLE, Esq., Assistant Engineer, Public Works Department, and Member of the Municipal Commission, Mangalore, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Mangalore, 8th July 1873, No. 242.

In forwarding the accompanying correspondence, I have the honour to solicit the orders of Government upon the point raised—the power of a President of a Municipal Commission to refuse to lay before the Commissioners matters brought to his notice with a request that they may be placed before the meeting.

Copy of Assistant Engineer's letter, No. 147, dated 29th May 1873.
Copy of President's letter, No. 44, dated 4th June 1873.
Copy of Assistant Engineer's letter, No. 175, dated 5th June 1873.
Copy of Assistant Engineer's letter, No. 227, of 1st July 1873.
Copy of Collector's letter, No. 1015, of 4th July 1873.

2. As all correspondence must necessarily be addressed to the President, the power to discard letters and petitions is one that may be used most arbitrarily, and prove utterly subversive to the evident intentions of the Act.

3. I beg to take exception to the tone of the last letter from the Collector. In itself, it is no reply to my letter, No. 227, addressed to the President, Mangalore Municipal Commission, and, moreover, there are no grounds whatever for the conception contained in the latter part of the letter.

From E. H. PRINGLE, Esq., Assistant Engineer, Public Works Department, to H. S. THOMAS, Esq., President of the Municipal Commission, Mangalore, dated Mangalore, 29th May 1873, No. 147.

I have the honour to point out to you that the pits sunk for planting the compound of the Provincial School have been placed too near the newly-built wall. The centre of the pits should in no case be nearer than fifteen feet from the outside of the foundation.

2. It is true that there are trees close to the front wall in existence, but I apprehend considerable trouble in preventing their lateral roots from damaging the masonry, and it is to prevent wider mischief in this way that I now call your attention to the new planting.

From H. S. THOMAS, Esq., President of the Municipal Commission, Mangalore, to E. H. PRINGLE, Esq., Assistant Engineer in charge of Mangalore Range, dated Mangalore, 4th June 1873, No. 44.

I have the honour to reply to your letter of the 29th ultimo, No. 147, and beg to state that I do not anticipate any injury from the lateral roots of the ornamental trees about to be planted.

From E. H. PRINGLE, Esq., Assistant Engineer, Public Works Department, to H. S. THOMAS, Esq., President of the Municipal Commission, Mangalore, dated Mangalore, 5th June 1873, No. 175.

Regarding your letter, No. 44, dated 4th instant, I have the honour to state that the wall in question is a public work, and as such the responsibility of preserving it from probable injury rests with me.

2. As I entirely disagree with your anticipation of no injury resulting from trees planted in such proximity to masonry, I wish to record my protest against the action you have taken, and have the honour to request that the letter may be placed before the Commissioners.

From E. H. PRINGLE, Esq., Member of the Municipal Commission, Mangalore, to H. S. THOMAS, Esq., President of the Municipal Commission, Mangalore, dated Mangalore, 1st July 1873, No. 227.

In my letter, No. 175, dated 5th June last, I requested you to place the protest contained therein before the Commissioners, but, although no less than two general meetings have taken place since that date, the list of business has contained no notice of the letter.

2. I have now the honour to ask whether it is your intention to comply with my application.

3. In the event of your refusal, I shall feel compelled to refer the matter to Government, and to obtain their opinion upon what I cannot but consider an excess of your power as President.

From H. S. THOMAS, Esq., Collector of South Canara, to E. H. PRINGLE, Esq., Assistant Engineer in charge of Mangalore Range, dated Mangalore, 4th July 1873, No. 1015.

In reply to your letter of the 1st instant, No. 227, I have the honour to state that I conceive you must be aware that I think any further correspondence between us on the subject undesirable.

No. 1830.

Referred to the Collector of South Canara for his remarks. The Government desire to know by whom and by what authority the pits in question were sunk in the compound of the Provincial School.

OOTACAMUND,
12*th July* 1873.

(Signed) W. HUDLESTON,
Chief Secretary.

No. 58. From H. S. THOMAS, Esq., Collector of South Canara, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Mangalore, 28th July 1873, No. 1210.

I have the honour to reply to your docket, No. 1830, dated 12th July 1873.

2. The Mangalore Provincial School is a conspicuous building standing in a perfectly bare plot of ground, and the privy attached to it is a trifle prominent for such an edifice. I, therefore, conceived the idea of screening the latter building by planting it out and improving the appearance of the former by putting in a few ornamental trees. I made the suggestion to the Head Master of the school. He entirely concurred, and we agreed together on the manner of the planting. He had, however, no funds, and I anticipated that a reference to the Head of the Educational Department and the Government would not procure them till the planting season had passed. I, therefore, sounded the Municipality as to whether they were disposed to find the funds wanted for this little ornamentation of a prominent site in their Municipality. It will be remembered that the people of the district subscribed some Rupees 60,000 for this school, and are, therefore, not uninterested. The Municipal Commissioners were more than pleased with the idea, and promptly voted the funds. I thereon asked the Forest Officer to execute the planting.

3. Mr. Pringle saw the pits being sunk, but made no remark keeping silent till some forty were dug to their full depth, and then and not till then he put in his objection.* Had he been actuated by nothing but a *bona fide* anxiety for the Government property represented in the compound wall, he would surely not have waited till I was fairly committed to what he conceived a false position, from which retreat on a formal remonstrance was calculated to be distasteful to me; he would surely have mentioned his anxieties at once, and the result would have been, as in a similar case with the District Engineer, that he would have been thanked for his advice, and the position of the pits would have been altered in deference to his views, even though the objection might not commend itself to my own judgment.

* Letter, dated 29th May 1872, No. 147.

4. Considering his objection to arise out of nothing but pure obstructiveness, and losing sight, in the pressure of work, of the fact that the surrounding wall was really in the keeping of the Head Master of the Provincial School, because the planting had been so fully left in my hands by him, for the reason that planting is not his strong point, and he saw I was anxious to see it nicely done, I fell into the mistake of treating the compound like one of the many actually in the charge of the Collector, and I told Mr. Pringle that I did not anticipate* any danger from the ornamental planting.

* My letter, dated 4th June 1873, No. 44.

5. Thereon Mr. Pringle addressed me his protest.† This protest drove me into the position of having to choose between polemics and a weak yielding to pure obstructiveness. Thinking I should not be justified in throwing away the money spent on sinking the pits, as well as the more valuable loss of a part of the rainy or planting season, and being desirous if possible to avoid polemic discussion, I referred the matter to the District Engineer in the letter,‡ of which copy is enclosed, and I heard no more of the matter for nearly a-month.

† 5th June 1873, No. 175.

‡ Dated 9th June 1873, No. 836.

6. Then Mr. Pringle returned to the attack,§ but in a new character and on a new subject. He was no longer an Assistant Engineer, but a Member of the Municipal Commission, and the point that exercised his mind was no longer the tree-threatened compound wall, but a technical point of procedure. Attack being the obvious object, and my time being too precious for fruitless wrangling, I simply reminded‖ him that I had already declined any further direct discussion with him on the subject.

§ His letter, dated 1st July 1873, No. 227.

‖ My letter, dated 4th July 1873, No. 1015.

7. I say I *reminded* him, for Mr. Pringle was living in the same house with the District Engineer to whom the matter had been referred, had thereon not written to me again on the tree subject, though his former letters came in quick succession, till nearly a-month after he addressed me as above shown in a new capacity and on a new subject; a delay and change of character and tactics from which I drew the conclusion that it was a knowledge of that reference that had led him to drop the character in which he was subordinate to the District Engineer,

and to take up one in which he was free to commence an attack *de novo*. Moreover, there was also living in the same house with Mr. Pringle the Forest Officer who was executing the planting, and the matter was freely discussed in connexion with a few ornamental trees being simultaneously planted by the Lay Trustees in the Church compound, so that I had every reason for thinking that Mr. Pringle could hardly be ignorant of the reference of which pretty nearly every one else was aware. Though Mr. Pringle intimates to Government that he was not aware* of that reference, there was enough in the circumstances to lead me to the conclusion that he was not unaware of it, and that conclusion will account for the brevity of my letter, which, under this explanation, will not, I think, be found open to the accusation made against its tone. I wanted to be allowed to go quietly on my way, and it was necessary to repeat the decided declension to be drawn into acrimonious correspondence.

* "There are no grounds whatever for the conception contained in the latter part of the letter."

8. With reference to the second† attack, I ask the Government to be good enough to notice that there is made therein no allusion whatever to the pits and the endangered wall, whereas if the Government property therein were Mr. Pringle's *bona fide* subject of anxiety, he should scarcely have dropped them out of the discussion; and if he was unaware of the reference to the District Engineer, his more natural course would have been to refer the matter to Government through his own superior, the District Engineer, making the main issue the safety of the Government wall, and making the municipal technicality of procedure a secondary and collateral point only, instead of the sole point.

† Mr. Pringle's letter, dated 1st July 1873, No. 227, addressed to President, Municipal Commission.

9. I have said above (paragraph 4) that I looked upon Mr. Pringle's objection as purely obstructive and nothing else, and I came to this conclusion from two considerations—one the matter itself at issue, the other past experience of that officer.

10. First I viewed the matter on its own merits—

I. I found the compound wall was generally about 1½ feet high, with an open trellice of about two feet above, so that there was no great superstructure in danger, even if the worst anticipations of Mr. Pringle were realized.

II. I thought that the evil need scarcely be anticipated, for if it showed any signs of eventuating, it would be a simple process to cut down the offending tree.

III. I thought that even if the worst did come to the worst, and some one chance tree out of the lot should years hence penetrate the stone and mortar wall, the ornamental tree would itself be worth more than the cost, Rupee 1 or Rupees 2 at most, of cutting a root or replacing a laterite stone.

IV. I found that this very same Engineer Officer had himself built that very wall very much nearer to very much more destructive trees than I proposed to plant. Of all low-country trees, the banyan, with its many lateral roots, is the most destructive to walls, and he had built this wall close to an avenue of old

Proceedings of the Madras Government, Financial Department,
11th August 1873.

	Distance from foot of tree to wall. Feet.	Inches.
*First banyan tree on the north-east of the compound	5	4
Second ,, ,, ,, ...	7	3
Third ,, ,, ,, ...	6	0
Fourth ,, ,, ,, ...	6	3
Fifth ,, ,, ,, ...	3	0
Sixth ,, ,, ,, ...	4	10
Seventh ,, ,, ,, ...	6	2
A mango tree in the same avenue	4	2
Another	10	7

banyan trees. To satisfy the Government of my accuracy, I give marginally the actual measured distances* of the trees near which Mr. Pringle has himself built this very wall, while he objects to my pits, which are at the uniform distance of 10 feet from the wall. He surely would not have built the wall so close to all those trees if he seriously thought it would be endangered by them; and if he did not seriously think so, why should he object to my more distant less destructive trees.

V. That Mr. Pringle had no objecting eyes for any trees but mine was further inferrible from a single ride in which I observed the marginally-noted trees,† all of which are closer to more important buildings, and all of which cannot have escaped coming under Mr. Pringle's eye. The Military Hospital wall is some seven or eight feet high (as against 1½ feet) at the point where the banyan‡ is so close to it, and the tree is noticeably on the roadside within twenty yards or thereabouts of the debated Provincial School site. Mr. Pringle's§ own office and workyard, which he visits from day to day, has many trees much nearer than my pits at ten feet distance and than his prescribed distance of fifteen feet.

	Distance from tree to wall of compound. Feet.	Inches.
†Two blackwood trees in the Church compound.		
One tree	9	10
Another	10	0
‡ A banyan tree near the Military Hospital compound wall ...	5	0
Nearest doop tree to the Post Office wall	12	10
‖ Trees near the Engineer's and Municipal Office.		
One blackwood tree (distance from tree to compound wall) ..	4	4
One laroje flamboyant tree (from tree to office)...	4	0
One laroje flamboyant tree (from tree to office)...	5	3
One large mango tree (from tree to office)...	10	11
One large mango tree (from tree to office)...	12	11

VI. In addition to my own views as to the necessity for moving these particular pits from this particular wall, I was fortified by the fact that the District Engineer, to whom the subject was referred, did not move in the matter, and inferribly did not see any necessity for writing to me or the Government—a view which Mr. Pringle also would seem to have latterly fallen in with, as his reference to Government has dropped this subject and taken a fresh one.

11. As regards my past experience of Mr. Pringle's obstructiveness, I may point to a case in which he made difficulties‖ in the Local Fund Board as he now does in the Municipal Commission, anticipating then as now an arbitrary use of power which required to be guarded against, as if a Collector's hands were not hampered quite enough with all the Boards and Committees he has to work with nowadays.

‖ G.O., 29th Jan. 1873, No. 139, Finl. Dept.

12. On the quay, again, he was only appeased because I magnified his dignity at the expense of my own, yielding an immaterial point for peace's sake. To save carriage some surplus sand from pits had been uniformly spread over a small

portion of the quay to the depth of about one-eighth of an inch. Lest it should check the surface water from running off and so injure the quay, it was at his desire all carefully swept up again, carried away, and cast into the estuary.

13. The line of trees on the quay were also objected to by him though highly approved by every one else, and the question was referred, I fancy, to his then superior, but I have heard no more of it.

14. In the matter of Church arrangements, Mr. Pringle is more than once to the front again as a dissatisfied combatant, and unconceding to the wishes of the majority.

15. I have now to answer the technical objection to my procedure as President of the Municipality. Mr. Pringle's (First Assistant Engineer) letter was addressed to me as President of the Municipality it is true, but the matter of it, the safety of the wall, was not one concerning the Municipality at all, but the Educational Department, or, as I at the time mistakenly thought, the Collector, and so I naturally transferred the letter to the Collector's file and answered it thence. The very transfer of the letter might have sufficed to show Mr. Pringle that I thought it not a municipal matter. Letters are frequently misaddressed to the Collector, the Magistrate, the President of the Local Fund Board, and the President of the Municipal Commission, and the daily practice is to transfer them at once to the right file for reply. In his second letter Mr. Pringle again addressed me as the Municipal President, but I did not think it my duty to put the matter into a wrong channel simply because he wished it. When Mr. Pringle's third letter came to the same address, the matter had gone so far and had already been practically decided that I thought the contention of two Government Officers an unseemly exhibition to lay before the Native Commissioners, although I was well assured in my own mind of a majority. I, therefore, reminded him that the matter had already been brought to a close between us.

16. I am afraid I have troubled the Government with a long letter. I can only plead that it has taken much longer to write than it will to read, and that the time I have spent on it has been spent in the hope of obtaining some protection from future factiousness, for I trust the Government will recognise that in all harmony with the Educational Head here and with the Municipal Commissioners I have been quietly trying to do a little simple bit of local improvement to which no reasonable objection need have been made.

17. If I have fallen into error in accepting municipal money, will the Government be pleased to allow me to transfer the planting and up-keep to Educational funds.

From H. S. THOMAS, Esq., Collector of South Canara, to A. C. LAWFORD, Esq., Officiating District Engineer, South Canara, dated Mangalore, 9th June 1873, No. 836.

From the Assistant Engineer, to the President, dated 29th May 1873, No. 147.
From the President, to the Assistant Engineer, dated 4th June 1873, No 44.
From the Assistant Engineer, dated 5th June 1873, No. 175.

In sending you the enclosed correspondence, I shall be obliged by your arranging that any future correspondence, if indeed any be necessary, comes to me from you and not from your subordinates direct.

No. 59. ORDER THEREON, 11th August 1873, No. 1130.

The Governor in Council considers that it was quite competent to the Municipality to grant funds for planting the compound of a public, though not a municipal, building as a public improvement, and that Mr. Pringle's interference, which the Government cannot approve, was officious and mistimed.

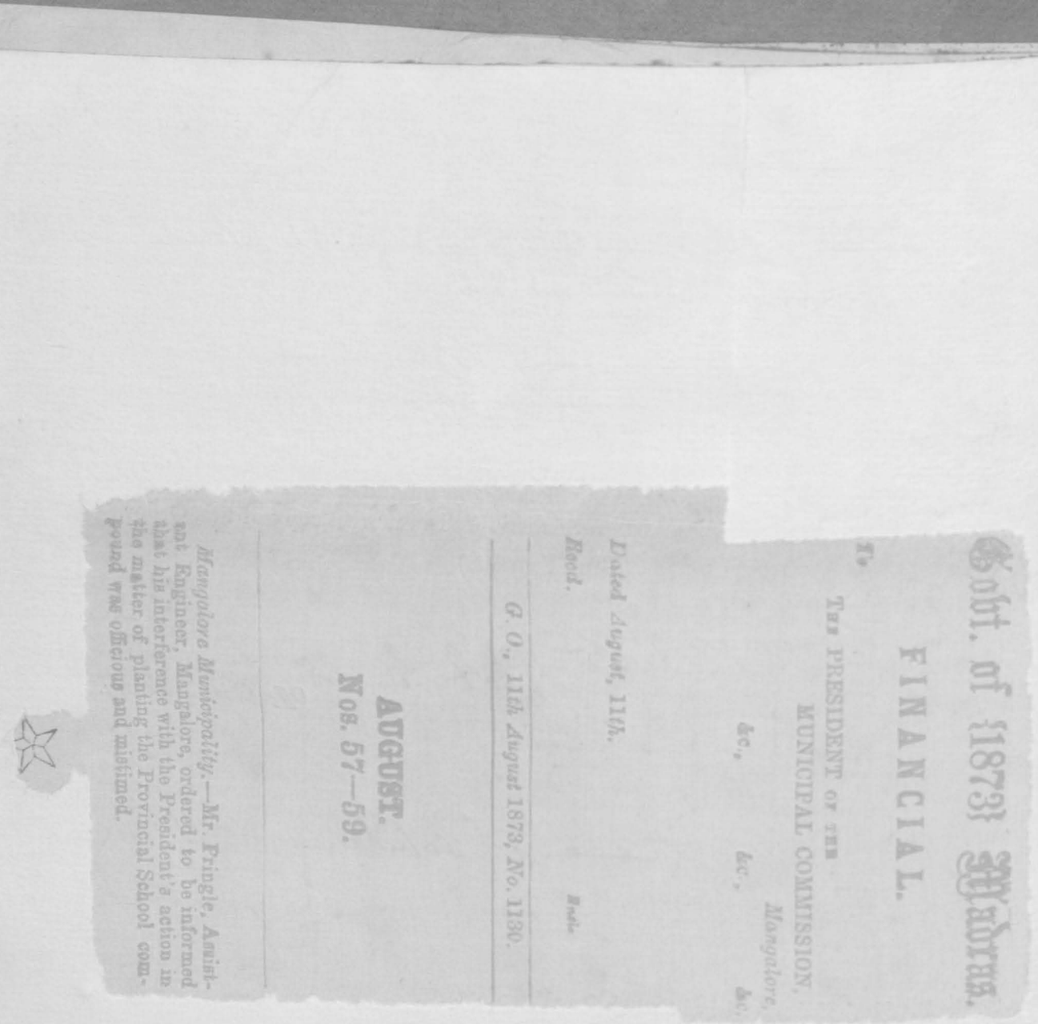
2. The District Engineer will furnish his Assistant with copy of this Order.

(True Extract.)

Offg. Chief Secretary.

To the President of the Municipal Commission, Mangalore.
" District Engineer, South Canara.
" Public Works Department.

Exd. J. Wright.



Govt. of {1873} Madras.

FINANCIAL.

To

THE PRESIDENT OF THE
MUNICIPAL COMMISSION,
Mangalore,
&c., &c., &c.

Dated August, 11th.

Read.

G. O., 11th August 1873, No. 1130.

AUGUST.
Nos. 57—59.

Mangalore Municipality.—Mr. Fringle, Assistant Engineer, Mangalore, ordered to be informed that his interference with the President's action in the matter of planting the Provincial School compound was officious and mistimed.

No. 836. South Canara, Collr's Office
Mangalore, 9th June 1873.

96

From

H. S. Thomas Esquire
Collector of South Canara.

To

H. C. Lawford Esquire
offg District Engineer of
South Canara.

Sir,

In sending you the enclosed correspondence I shall be obliged by your arranging that any future correspondence if indeed any be necessary, comes to me from you and not from your subordinates direct—

From the Ass't Engineer to the Pres't dated 29th May 1873 No. 147.
From the Pres't to the Ass't Eng'r of 4th June 1873. No. 44.
From the Ass't Eng'r of 5th June 1873. No. 175.

I have the honor to be
Sir,
Signed/ H. S. Thomas
Collector

/True Copy/
H. Thomas.
Collector

Comp'd [illegible]

1873. Aug.

Encl: II

Copy of a letter from the Collector of Canara to the Chief Secretary to Government dated 23rd July 1873.

Copy of a letter addressed to the Collector of Canara by the Officiating District Engineer dated 9th June 1873. No 836.

Mangalore 29th May 1873.

No 147.

To,

The President of the
Municipal Commission

Sir,

I have the honor to point out to you that the pits sunk for planting the compound of the Provincial School have been placed too near the newly built wall - The centre of the pits should in no case be nearer than 15 feet from the out side of the foundation

It is true that there are trees close to the front wall in existence but I apprehend considerable trouble in preventing their lateral roots from damaging the masonry and it is to prevent wider mischief in this way that I now call your attention to the new planting

I have &c
(sd) C H Pringle
Asst Engr in Chge

No 44.

Mangalore 4th June 1873

From A S Thomas Esquire
President
Municipal Commission

To C H Pringle Esquire
Assistant Engineer in charge of
Mangalore Pmy

Sir, I have the honor to reply to your letter of the 29th ultimo No 147 and beg to state that I do not anticipate any injury from the lateral

roots of the ornamental trees about to be planted.

I have &c
s/d K.S. Thomas
President

No. 175.

Mangalore 5th June 73

To The President
Municipal Commission
Mangalore.

Sir,

Regarding your letter No. 1[illegible] dated 4th Instant I have the honor to state that the wall in question is a Public work, and as such the responsibility of preserving it from probable injury rests with me.

As I entirely disagree with your anticipation of no injury resulting from trees planted in such proximity to masonry - I wish to record my protest against the action you have taken, and have the honor to request that the letter may be placed before the Commissioners.

I have &c
s/d E.H. Pringle
Asst Engr & M.M.

No 227. Mangalore 1st July 1873.

139

From E.H. Pringle Esquire
Member of the Municipal Commission
Mangalore

To K.S. Thomas Esquire
President Mangalore Municipal
Commission

Sir,

In my letter No 175 dated 5th June last I requested you to place the protest contained therein before the Commissioners but although no less than two general meetings have taken place since that date, the list of business has contained no notice of the letter.

I have now the honor to ask whether it is your intention to comply with my application.

In the event of your refusal I shall feel compelled to refer the matter to Government, and to obtain their opinion upon what I cannot but consider an excess of your power as President.

I have &c
s/d E.H. Pringle
Member of the Municipal
Commission
Mangalore.

No 1015.

South Canara Collector's Office
Mangalore 4th July 1873.

From H. S. Thomas Esquire
Collector of South Canara.

To C. H. Pringle Esquire
Assistant Engineer in charge of
Mangalore Harbour

Sir,

In reply to your letter of the 1st Instt
No 227, I have the honor to state, that I
conceive you must be aware, that
I think any further correspondence
between us on the subject undesirable

I have &c
(sd) H. S. Thomas
Collector.

True copy.

(sd) E. Symth
Assistant Engineer & Mem
Member of the Mangalore
Municipal Commission

No 1210.

South Canara, Collr's office
Mangalore 28th July 1873.

5

1569

From

H. S. Thomas Esquire
Collector of South Canara.

To

The Honorable W. Rudleston
Chief Secretary to Government
Financial Department.
Fort St. George.

Sir,

I have the honor to reply to your docket No 1830, dated 12th July 1873.

2. The Mangalore Provincial School is a conspicuous building standing in a perfectly bare plot of ground, and the privy attached to it is a little prominent for such an edifice. I therefore conceived the idea of screening the latter building by planting it out, and improving the appearance of the former by putting in a few ornamental trees. I made the suggestion to the Head Master of the school. He entirely concurred, and we agreed together on the manner of the planting. He had however no funds, and I anticipated that a reference to the head of the Educational Department & the Government would not procure them till the planting season had passed. I therefore sounded the Municipality as to whether they were disposed to find the funds wanted for this little ornamentation of a prominent site in their Municipality. It will be remembered that

the people of the District subscribed some
Rupees 60,000 for this School and are therefore
not uninterested. The Municipal Commissioners
were more than pleased with the ideas and
promptly voted the funds. I thereon asked
the Forest Officer to execute the planting.

3. Mr. Pringle saw the pits being sunk,
but made no remark keeping silent till some
forty were dug to their full depth ~~were dug~~, and threw
and not till then he put in his objection. Had he been
actuated by nothing but a bonâ fide con-
sciety for the Government properly represented
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have waited till I was fairly committed to
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stated to be distasteful to me; he would surely
have mentioned his anxieties at once, and the
result would have been, as in a similar case
with the District Engineer that he would have
been thanked for his advice, and the position
of the pits would have been altered in
deference to his views - even though the objection
might not commend itself to my own judge-
ment.

(1) letter dated 29th May 1873. No 147

4. Considering his objection to arise out
of nothing but pure obstructiveness, and being
right in the pressure of work of the fact that
the surrounding wall was really in the keeping
of the Head Master of the Provincial School
because the planting had been so fully
left in my hands by him, for the reason that
planting is not his strong point, and because
I was anxious to see it nicely done, I fell into
the mistake of treating the compound like

one of the many actually in the charge of the
Collector, and I told Mr. Pringle that I
did not anticipate any danger
from the ornamental planting.

(2) my letter dated 4th June 1873, No 44

5. Thereon Mr. Pringle addressed me
his protest. This protest drove
me into the position of having
to choose between polemics and a weak yield-
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the money spent on sinking the pits, as
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cussion, I referred the matter to the District
Engineer, in the letter of which copy it
enclosed, and I heard no
more of the matter for nearly a month.

(3) 5th June 1873. No 175

(4) dated 9th June 1873. P.C. 836.

6. Then Mr. Pringle returned to
the attack, but in a new
character, and on a new
subject. He was no longer an Assistant
Engineer, but a member of the Municipal
Commission, and the point that exercised
his mind was no longer the tree-threatened
compound wall, but a technical point
of procedure. Attack being the obvious
object, and my time being too precious
for fruitless wrangling, I simply reminded
him that I had already declined any
further direct discussion
with him on the subject.

(5) His letter dated 1st July 1873. No 279.

(6) my letter dated 4th July 1873. No 1015

7. I say I reminded him for Mr. Prin-
gle was living in the same house with the

District Engineer to whom the matter had been referred, had thereon not written to me again, on the true subject, though his former letters came in quick succession, till nearly a month after he addressed me as above shewn in a new capacity and on a new subject; a delay & change of character & tactics from which I drew the conclusion that it was a knowledge of that reference that had led him to drop the character in which he was subordinate to the District Engineer, and to take up one in which he was free to commence an attack de novo. Moreover there was also living in the same house with Mr. Pringle the Forest officer who was executing the planting, and the matter was freely discussed in connection with a few ornamental trees being simultaneously planted by the Lay Trustees in the Church compound, so that I had every reason for thinking that Mr. Pringle could hardly be ignorant of the reference of which pretty nearly everyone else was aware. Though Mr. Pringle intimates to Government that he was not (7) aware of that reference, there was enough in the circumstances to lead me to the conclusion that he was not unaware of it, and that conclusion will account for the brevity of my letter, which, under this explanation, will not I think be found open to the accusation made against its tone. I wanted to be allowed to go

(7) "there are no grounds "whatever for the conception contained in the "latter part of the "letter"

quietly on my way and it was necessary to repeat the decided declension to be drawn into acrimonious correspondence.

8. With reference to the second (8) attack I ask the Government to be good enough to notice that there is made therein no allusion whatever to the pits and the endangered wall, whereas if the Government property therein were Mr. Pringle's bonâ fide subject of anxiety he should scarcely have dropped them out of the discussion; and if he was unaware of the reference to the District Engineer his more natural course would have been to refer the matter to Government through his own superior the District Engineer, making the main issue the safety of the Government wall, and making the Municipal technicality of procedure, a secondary & collateral point only, instead of the sole point.

(8) Mr. Pringle's letter dated 1st July 1873. No 227. addressed to President Municipal Commission

9. I have said above (para 4) that I looked upon Mr. Pringle's objection as purely obstructive and nothing else, and I came to this conclusion from two considerations, one the matter itself at issue, the other past experience of that officer.

10. First I viewed the matter on its own merits.

I. I found the compound wall was generally about one and a half foot high

with an open trellice of about two feet above, so that there was no great imperetive time in danger, even if the worst anticipations of Mr. Pringle were realized.

II. I thought that the evil need scarcely be anticipated, for if it shewed any signs of eventuating it would be a simple process to cut down the offending tree.

III. I thought that even if the worst did come to the worst and some one chance tree out of the lot should years hence penetrate the stone and mortar wall, the ornamental tree would itself be worth more than the cost, Rs 1 or Rs 2 almost, of cutting a rivat, or replacing a laterite stone.

IV. I found that this very same Engineer officer had himself built that very wall very much nearer to very much more distinctive trees than I proposed to plant. Of all low country trees the banyan with its many lateral roots is the most distructive to walls, and he had built this wall close to an avenue of old banyan trees. To satisfy the Government of my accuracy I give marginally the actual measured distances of the trees near which Mr Pringle has himself built this very wall while he objects to my pits which are at the uniform distance of 10 feet from the wall. He surely would not have built the wall so close to all those trees if he seriously thought it would be endangered by them; and if he did not seriously think so, why should he object to my more distant less destructive trees.

(9)

	Distance from foot of tree to wall	
	Feet	Inches
1st Banyan tree on the North East of the compound	5	4
2d ditto do	7	3
3d ditto do	6	9
4th ditto do	6	9
5th ditto do	3	9
6th ditto do	4	10
7 ditto do	6	2
1 mango tree in the same avenue	4	2
Another	10	7

V. That Mr Pringle had no objecting eyes for any trees but mine was further inferrible from a single ride in which I observed the marginally noted (10) trees all of which are closer to more important buildings, and all of which cannot have escaped coming under Mr Pringle's eye. The Military Hospital wall is some 7 or 8 feet high (as against 1½ feet) at the point where the banyan is so close to it, and the tree is noticeably on the road side within 20 yards on thereabouts of the debated Provincial School site. The † Mr Pringle's own office and work yard which he visits from day to day has many trees much nearer than my

(10)

	Distance from tree to wall of compound	
	Feet	Inches
Two Blackwood trees in the Church compound.		
one tree	9	10
another	10	"
* A Banyan tree near the Military Hospital compound wall	5	"
Nearest drop tree to the Post office wall	12	10
† Trees near the Engineers Ultimi: epal office.		
1 Blackwood tree (distance from tree to compound wall	4	4
1 large flamboyant tree (from tree to office)	4	"
1 ditto do (do do)	5	3
1 large Mango tree (do do)	10	11
1 ditto do	12	11

pits at 10 feet distance & than his prescribed distance of 15 feet.

VI. In addition to my own views as to the necessity for moving these particular pits from this particular wall, I was fortified by the fact that the District Engineer to whom the subject was referred did not move in the matter and inferribly did not see any necessity for writing to me or the Government - a view which Mr. Pringle also would seem to have latterly fallen in with as his reference to Government has dropped this subject and taken a fresh one.

VII. As regards my past experience of Mr. Pringle's obstructiveness I may point to a case in which he G.O. 29th January, 1873. made difficulties in the No. 139. Financial Dep.t Local Fund Board as he now does in the Municipal Commission, anticipating then as now an arbitrary use of power which required to be guarded against, as if a Collector's hands were not hampered quite enough with all the Boards and Committees he has to work with now-a-days.

12. On the Quay again he was only appeased because I magnified his dignity at the expense of my own, yielding an immaterial point for peace's sake. To save carriage some surplus sand from pits had been uniformly spread over a small portion of the Quay to the depth of about one eighth of an inch. Lest it should check the surface water from running off, and so injure the Quay it was at his desire all carefully swept up again, carried away, and cast into the estuary.

13. The line of trees on the Quay were also objected to by him though highly approved by every one else, and the question was referred I fancy to his New superior, but I have heard no more of it.

14. In the matter of Church arrangements Mr. Pringle is more than once to the front again as a dissatisfied combatant, and unconceding to the wishes of the majority.

15. I have now to answer the technical objection to my procedure as President of the Municipality. Mr. Pringle's first Ass.t Engineer letter was addressed to me as President of the Municipality it is true, but the matter of it, the safety of the wall, was not one concerning the Municipality at all, but the Educational Department, or as I at the time mistakenly thought the Collector, and so I naturally transferred the letter to the Collector's file and answered it thence. The very transfer of the letter might have sufficed to show Mr. Pringle that I thought it not a Municipal matter. Letters are frequently misaddressed to the Collector, the Magistrate, the President of the

Local Fund Board, and the President of the Municipal Commission, and the daily practice is to transfer them at once to the right file for reply. In his second letter Mr. Pringle again addressed me as the Municipal President, but I did not think it my duty to put the matter into a wrong channel simply because he wished it. When Mr. Pringle's third letter came to the same address the matter had gone so far and had already been practically decided, that I thought the contention of two Government officers an unseemly exhibition to lay before the native Commissioners, although I was well assured in my own mind of a majority. I therefore reminded him that the matter had already been brought to a close

16. I am afraid I have troubled the Government with a long letter. I can only plead that it has taken much longer to write than it will to read, and that the time I have spent on it has been spent in the hope of obtaining some protection from future factiousness, for I trust the Government will recognize that in all harmony with the Educational head here & with the Municipal Commissioners I have been quietly trying to do a little simple bit of local improvement to which no reasonable objection need have been made.

17. If I have fallen into error in accepting Municipal money, will the

259 10

Government be pleased to allow me to transfer the planting and upkeep to Educational funds.

I have the honor to be,
Sir,
Your most obedient Servt.

H. Hamel
Collector.

2 Encl.

No 242

No 1 or Mangalore Range Office
South Canara
Mangalore 8th July 1873

From C. H. Ringle Esquire
Assistant Engineer & S.W.
Member of the Mangalore
Municipal Commission

To Hon. W. Huddleston
Chief Secretary to Government
Fort St George

Sir,

In forwarding the accompanying correspondence, I have the honor to solicit the orders of Government upon the point raised, the power of a President of a Municipal Commission to refuse to lay before the Commissioners matters brought to his notice with a request that they may be placed before the meeting.

As all correspondence must necessarily be addressed to the President, the power to discard letters and Petitions is one that may be used most arbitrarily, and prone utterly subversive to the evident intention of the act.

I beg to take exception to the tone of the last letter from the Collector-

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The Collector of South Canara
No 1373 Dated 13th Aug 1873

The Chief Secretary to Government Fort St George

Dated 25th July 1873
Rec'd 31st July 1873.

Proceedings

Enclosure (1) two.
From Assistant Engineer Mr. Ringle dated 8th July 1873

Submitting his explanation regarding a complaint made by Assistant Engineer Mr. Ringle in his having exceeded his powers as President of the Municipal Commission in Mangalore in connection with the planting of certain mangoe trees in the Municipal Compound at Mangalore.

In itself, it is no reply to my letter No 327 addressed to the President, Mangalore Municipal Commission and moreover there are no grounds whatever for the exception contained in the latter part of the letter—

I have the honor to be
sir,
your most obedt servt

E. V. Somuga

Assistant Engineer & Mr
Member of the Municipal
Commission Mangal

12

Financial Department.

319

Precedings in council as altered. [illegible] 8. Aug. 73.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters

From Mr. E. H. Pringle } Asst. Engineer P. W. Dept. } K. E. 8th July /73. No. 241

From the Collector of } South Canara .. } K. E. 28th July /73. No. 1210.

Order thereon. Ootacamund. 11 Augt. 1873. No. 1130.

The Governor in Council considers that it was quite competent to the Municipality to grant funds for planting the compound of a public - tho' not a Municipal - building as a public improvement and that Mr. Pringle's ~~interference was~~ which the Govt. cannot approve ~~interference was officious and mistimed~~ ~~called for as a [illegible] of the Municipal Board and unwarranted [illegible]~~

[illegible]

[illegible] not here [illegible] interference

Referred to the Coll. of Canara for his remarks. The Govt. desire to know by whom & by what authority the plants in question were cut in the compound of the Provincial School.

Ootacamund } 12 July 1873 }

[illegible] Chief Secretary

~~in any other capacity.~~

2. The District Engineer will furnish his assistant with a copy of this order.

for interference
to take obtain
to use public
any use
Dispose
dictate
not to obstruct

To
The President of the
Municipal Council
Shamshabad
" District Engineer
of South Canara
" Public Works Dept.
Assistant

35 & 60

Govt. of {1873} Madras.

Financial

To

The President of the
Munc. Comrs.
Mangalore
&c.

Dated 11 Augt. } 1873, No. 1131.
Recd. }

Nos. 57-59.

Mangalore Municipality

Mr Pringler
Assistant Engineer,
Mangalore, ordered to be
informed that his inter-
ference with the Resident's
action in the matter
of planting the Provincial
School compound was
officious & unsanctioned.