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MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 1748 Press Mis.

19-21

Dated 3-12- 1873.

39/31

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
3rd December 1873.

Read the following papers :—

No. 19. From A. C. LAWFORD, Esq., Officiating District Engineer, South Canara, to Colonel G. W. WALKER, R.E., Chief Engineer, Public Works Department, Fort Saint George, dated Mangalore, 9th September 1873, No. 56.

I have the honour to acknowledge receipt of your memorandum, No. 333, dated 3rd September 1873, censuring my action in the matter of a difference of opinion between the Assistant Engineer Mr. Pringle, and Mr. Thomas the Collector, with reference to the planting of certain trees, and trust you will not consider it unbecoming in me to place the matter before you from another point of view.

2. The facts of the case are these :—

Mr. Thomas, as President of the Municipal Commission, proposed to plant up the compound of the Provincial School. Within three or four days after the return of Mr. Pringle from Wynaad the pits were dug, but owing to his indisposition were not seen by that officer until nearly completed.

3. He then officially, as Range Officer in immediate responsible charge of Public Buildings, addressed Mr. Thomas as President of the Municipal Commission objecting to the proximity of certain pits to the compound wall.

4. Mr. Thomas, in reply, said that he did not concur in the opinion of the probability of danger to the wall.

5. Mr. Pringle then addressed a protest to Mr. Thomas as President, Municipal Commission, requesting that it might be laid before the Board simply to throw all responsibility on the Municipality.

6. So far the attitude of Mr. Pringle was that of the responsible Public Works Officer objecting to certain action on the part of the Municipality, and, in my belief, there was nothing objectionable in his proceedings, the assumption by Mr. Thomas of antagonism and obstruction being utterly groundless.

7. Had I been the officer concerned in the place of the President, regarding it purely as a matter of official business I should have recorded the protest without altering my views unless I saw reason to do so, but without a thought of accusing Mr. Pringle of obstruction.

8. On receiving the protest, Mr. Thomas, enclosing the correspondence that had already taken place, requested that all future communications might come through me, and, in accordance with his request, I at once issued a circular to the Range Officers to address the Collector through me.

Letter, No. 836, of 9th June 1873, embodied in correspondence printed with G.O., No. 1130, of 11th August 1873.

9. I would respectfully submit that it was impossible to do more than this, but, of course, my order could only refer to departmental, for in local and municipal matters I possess no power of control.

10. The question of the proper distance of the trees from the wall was in no way officially placed before me.

11. The letter of Mr. Thomas embodied in the correspondence printed with G.O., No. 1130, of 11th August 1873, Financial Department, certainly does not do so ; I interpreted it, and I thought fairly, as a request that all correspondence might come through me. No further action regarding the trees occurred after the issue of my circular.

12. During the occurrence of the correspondence, either before or after the protest, Mr. Thomas meeting me out riding asked my opinion on the matter, and, on my remarking that ten feet was very close, he assured me that he would plant only trees which could not strike lateral roots, when, of course, I said no more, knowing that he could be guided by the advice of a professional Forest Officer.

13. Mr. Pringle had, however, a right to record a protest to remove responsibility from himself.

14. At the request of Mr. Thomas in his letter, No. 1114, of 17th July 1873, I searched the district records for any Government Order on the subject, but failed to find one, the copy probably being in those of the Coimbatore District. Subsequently on the Range files G.O., No. 2325 of 11th August 1865, with certain correspondence, was found and forwarded for his information.

15. So far as the planting question was concerned the matter now dropped, and had Mr. Thomas complied with the request to place the protest before the Board nothing further would have occurred; the reference to Government was occasioned solely by his failure to do this.

16. I observe that Mr. Thomas advances as his reason his dislike to bring before Native Commissioners the contention of two Government Officers—a reason that has no weight for there was no contention, merely a difference of opinion on the proximity of trees to public buildings. If such differences of opinions are not to be laid before the Boards and fully discussed, it is obvious that questions cannot be seen in all their bearings, and therefore must be settled in a partial, one-sided way. The matter now became purely a municipal one.

17. Mr. Pringle, finding that his request was disregarded, appealed as Municipal Commissioner directly to Government in order to obtain a decision on the point whether the President has power to suppress letters intended to be laid before the Board.

18. This is a question of vital importance, for its concession would render the power of the President nearly despotic, and in fact nullify the object of Municipal and Local Boards. I would submit that I had no possible power of control over the proceedings of Mr. Pringle as Municipal Commissioner, and on this ground I declined to become the channel of communication with Government.

19. It is a matter of regret to me that the groundless charges of obstruction against Mr. Pringle should have brought censure on me, but I trust my explanation will show that I am not to blame.

No. 20. From A. C. LAWFORD, Esq., Officiating District Engineer, South Canara, to Colonel G. W. WALKER, R.E., Chief Engineer, Public Works Department, Fort St. George, dated Mangalore, 11th September 1873, No. 58.

At the request of Mr. Pringle, I take the responsibility of forwarding his reply to the letter of Mr. Thomas embodied in the correspondence printed with G.O., No. 1130, of 11th August 1873, Financial Department, for the accusations of obstructiveness contained therein are so baseless that it would be an act of injustice on my part to refuse to comply.

From E. H. PRINGLE, Esq., Assistant Engineer, Public Works Department, to Colonel G. W. WALKER, R.E., Secretary to Government, Public Works Department, Fort St. George, dated Mangalore, 11th September 1873, No. 405.

With G.O., No. 1130, dated 11th August 1873, I have the honour to observe there is printed a letter from Mr. Thomas, Collector of South Canara, containing, I regret to say, erroneous statements, from which inferences have been drawn very detrimental to my character as a Government servant.

2. As I feel that such statements and the conclusions based upon them, if uncontradicted, must create a wrong impression in the minds of those who have not heard both sides of the question, I have the honour to request you will be kind enough to lay my reply before the Governor in Council.

3. I would respectfully submit that the Orders of Government censuring my interference with the President's action in the matter of the planting have been passed upon the strength of Mr. Thomas' letter, and I hope to be able to show that no such interference was ever intended.

4. I regret that the question originally referred by me for orders of Government has been lost sight of. It is a question which, if left unsettled, places all members of Boards in an equivocal position, and must eventually cause further references to Government.

5. As Mr. Thomas' letter is a lengthy one, and requires to be answered in detail for the sake of clearness, I have placed its paragraphs half marginally opposite my own.

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 *bonâ 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

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

6. This paragraph requires little notice, except that I may remark no one was more anxious than myself to see the Provincial School made ornamental, and I should have cordially supported Mr. Thomas' proposal had I been present at the meeting when the point was mooted; for, until the perusal of Mr. Thomas' letter, I was unaware that it might be considered irregular to devote municipal funds to such purposes.

7. In reply to this, I beg to say that this statement is made in error. I was far from well after my return from Wynaad on the 21st May, and consequently did not make any town inspections. Hence the pits which were all dug in the short space of four days, and which I cannot remember to have seen in progress, did not attract my notice, until one day when riding home, on which occasion I inspected them, and it directly struck me that they were much too near the wall. I did not then know the exact distance from the wall at which they were supposed to be (10 feet), but at once informed the Deputy

altered in deference to his views, even though the objection might not commend itself to my own judgment.

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.

‡ 9th June 1873, No. 836.

Conservator of Forests that the plants ought to be placed very much further off the wall, pointing out to him next morning some holes which I believed to be much less than 10 feet distant. He referred me to Mr. Thomas, under whose orders the work was done, and I wrote at once my letter, No. 147, dated 29th May 1873.

I regret that Mr. Thomas, acting on a false assumption, should have inferred so much want of honesty and gentlemanly conduct on my part, for I do not think I have ever given to him reason to believe me capable of such.

8. The obstructiveness complained of in justice to myself I am bound to state was purely imaginary on Mr. Thomas' part. The objection was raised simply because I believed it to be dangerous to plant trees so close to masonry, especially such light and easily disturbed masonry as the wall in question. That this belief is shared by others is evident from the following extract from G.O., Public Works Department, No. 2325, dated 11th August 1865 :—

"The Governor-General in Council is of opinion that the planting of trees near public buildings should in no case be undertaken except in communication with the Officers of the Public Works Department of the District or Cantonment."

9. I believe I am correct in stating that withholding my protest against 'measures which, in my opinion, threatened danger to public works under my charge as Executive Officer would have been a direct dereliction of duty. If the Municipal Board chose to accept the responsibility there and then mine ceased, and my opposition also. The question would never have been referred to Government, as I did not consider it important enough, and only wished to place it on its proper footing in order that, did the anticipated damage eventuate, the Municipality might not be able to cast the blame upon their proper adviser in such cases.

With regard to the reference made by Mr. Thomas to the District Engineer, that officer neither mentioned it to me personally, nor noticed it officially, otherwise than by forwarding the Circular Memorandum which is quoted in the margin, and which I had not the least conception at that time was the result of my reference made by Mr. Thomas.

No. 17, *Circular Memorandum.*

Under the present arrangements each district having been provided with a District Engineer at the head of the Public Works Department, the Range Officers will be so good as to discontinue corresponding for the future directly with the heads of the other departments on public matters. If any reference be necessary, it should be made either to the District Engineer or forwarded through him.

Proceedings of the Madras Government, Financial Department,
3rd December 1873.

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, who 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.

10. Here again Mr. Thomas labours under a misconception. The attack, if it is to be so termed, is a new one arising from a circumstance totally unconnected with the tree planting, otherwise than that the instrument that raised it (the protest) relates to that matter. The question is that originally referred to Government, one upon which I still solicit their orders, and which is purely municipal in its aspects, and in no way connected with the Public Works Department. The delay complained of was the actual cause of this "attack" being made, the "change of character" a necessary consequence of the entirely new nature of the moot point.

I am sorry if I appear obtuse, but at the time being completely ignorant that the matter had been officially referred to the District Engineer, and thus taken out of my hands, I was at a loss to understand this reminder, which, from my own view of the cause, seemed somewhat curt and unintelligible, and induced me to add the third paragraph to my letter to Government, No. 242, dated 8th July 1873.

11. Here I can only reiterate my previous assertion that I was totally ignorant of this reference, notwithstanding the fact of the District Engineer living in the same house, and I can appeal to that officer in support of my statement. The "delay" and "change of character" I have already shown to arise from other causes than the motives imputed to me by Mr. Thomas.

A very serious charge is preferred in this paragraph (7), that of making a false statement to Government. I much regret that such a charge should be made on inferences alone. The District Engineer had never mentioned this reference that Mr. Thomas concludes I must be aware of ; the Forest* Officer if it was known to him kept silent, and I was not present at any discussion regarding the planting of the Church compound during which a syllable concerning the matter was uttered. With this latter planting I did not interfere further than by telling Mr. Leggatt, Lay Trustee, that the trees were too near the wall.

* The Forest Officer has since informed me that he was unaware of this reference.
E. H. P.

The Forest Officer had originally marked out the ground allowing fifteen feet interval between

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 *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 and collateral point only instead of the sole point.

* Mr. Pringle's letter, dated 1st July 1873, No. 227, addressed to the 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 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 of 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 an old banyan tree. To satisfy the Government of the trees and the wall, but this distance had been reduced to ten feet by Mr. Thomas, although my letter, No. 147, was then in his hands. It was only subsequently to the pits being dug that their length was increased to admit of planting the trees at fifteen feet distance.

The reason of the objection to the tone of Mr. Thomas' letter here referred to has already been explained.

12. This has already been answered by former paragraphs. The sole object of forwarding the whole correspondence to Government was to have orders passed upon a question that involves so much the power of a President of a Municipality to withhold from the Board documents which he has been requested by a member to lay before them.

13. The considerations will be answered in detail further on.

14. The lightness of the structure rendered it the more liable to be overthrown.

15. Mr. Thomas seems to have overlooked the fact that the lateral roots of most trees are underground, and that there are no external signs of damage until it is already partly accomplished.

16. I am sorry Mr. Thomas did not mention this in his letter, No. 44, instead of only stating that "he did not anticipate any injury from the ornamental trees," &c.

17. The boundary line of the Provincial School compound unfortunately ran parallel to a row of fine old avenue trees (banyans). To have cut down these was not to be thought of. To have taken the wall 15 feet to 20 feet from them would have robbed the compound of a considerable strip of land; and in the case of banyans which throw out long lateral roots of even section to almost fabulous distances would have been of little avail. For further answer I need not but quote paragraph 2 of my letter, No. 147, "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."

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

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 ten 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 and to more important buildings, and all of which cannot have escaped coming under Mr. Pringle's eyes. The Military Hospital wall is some 7 or 8 feet high (as against 1½ feet) at the point where the banyan is also 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 10 feet distance and than his prescribed distance of 15 feet.

	Distance from tree to well of compound. FT.	IN.
Two blackwood trees in the Church compound	9	10
Another	10	0
A banyan tree near the Military Hospital compound wall	5	0
Nearest dhoop tree to the Post-office wall	12	10
Trees near the Engineers and Municipal Offices		
One blackwood tree, distance from tree to compound wall	4	4
One large flamboyant tree (from tree to office) ...	4	0
One large 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

* G.O., 29th January 1873, No. 139, Finl. Dept.

18. The trees enumerated here are nearly all that I am aware of as being in dangerous proximity to public buildings. With one exception I have long remarked them, but as they are full-grown trees, and have not perceptibly injured the building near which they stand, I have not considered it necessary to advise their felling. Because I have not done this, seems to me no reason why I should not object to the extension of the dangerous practice of planting too near masonry. The trees near the Public Works Office have in my own time been mutilated in consequence of their boughs threatening the building, and in one instance a piepul tree, twenty feet from the building, had its branches lopped because it was damaging the roof.

19. This I must leave to the District Engineer for answer. The inferences in the latter part of the paragraph I have already shown to be erroneous.

20. This was simply a protest made for the purpose of obtaining the Board of Revenue's orders upon a rule of the Local Fund Act, the interpretation of which was doubtful.

The protest was made in the form of a letter at Mr. Thomas' special request.

if a Collector's hands were not hampered quite enough with all the Boards and Committees he has to work with nowadays.

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 land 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's) 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 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 upkeep to Educational Funds.

21. I am sorry Mr. Thomas should have thought it necessary for him to make this remark. There was no question of dignity; the matter was purely one of departmental duty. My request was a simple one, and conveyed, if I recollect rightly, merely in a note. It had reference to patches of land of a depth that, to the best of my memory, might have been recorded in inches.

22. In reply to this, I have the honour to append to this letter the demi-official reference made to Colonel Farewell, which will speak for itself.

23. I must here express my regret that Mr. Thomas should have thought fit to introduce a purely social matter; also that the wording of the paragraph hardly expresses the real state of the case, which, no doubt, Mr. Thomas has not lately referred to.

24. Mr. Thomas' memory must have failed him on a small point in this paragraph, and this is the transfer of my first letter to the Collector's file and its reply thence, for I find, on examination of the original letters, that the order in which they stand is this—

1. Assistant Engineer's letter, No. 147, dated 29th May 1873, to the President of the Municipal Commission.

2. Letter, No. 44, dated 4th June 1873, from the President of the Municipal Commission, to the Assistant Engineer.

3. Letter, No. 175, dated 5th June, from Assistant Engineer, to the President, Municipal Commission.

4. Letter from the Assistant Engineer, No. 227, dated 1st July 1873, to President, Municipal Commission.

5. Letter from Collector, to Assistant Engineer, No. 1015, dated 4th July.

From this it appears that the only letter from the Collector's Office was the last one which remained unanswered by me. The inference (that I wished to divert the matter into a wrong channel) based upon the assumption (that the first reply from Mr. Thomas was signed as Collector) naturally, therefore, falls to the ground.

25. This paragraph, after what I have stated, requires but little notice. I trust what I have already said has shown Government that factiousness has not been my aim.

26. This requires no notice.

27. In conclusion, I have the honour to state that, feeling myself guiltless of the conduct ascribed to me by Mr. Thomas, I have found it to be a hard task to answer his letter temperately. I would respectfully submit that it is a most difficult matter to disprove the truth of inferences, however far from reality they may be, and I cannot but think that, before such serious charges are brought, some better proof than conclusions drawn from incorrect statements should be adduced. Once let an officer gain a character for factious interference and obstructiveness, and he cannot possibly carry out his duties conscientiously. The liability of his conduct being wrongly interpreted, whenever his views do not coincide with those of others, is constantly staring him in the face. In my own case, I have the honour to point out that every contrary vote I might give at either Municipal or Local Fund Boards might be misconstrued into obstructiveness. Already, indeed, has a reference to Government upon the reading of a Local Fund Rule, which when first mooted was carried in my favour by three out of four of the members of a special Board, and afterwards upset by only three out of four of a general Board, been brought forward as an instance of obstructiveness on my part.

28. I have always tried to carry out my duties without fear or f... ...d I feel confident that reference to those officers in my own department under whom I have served, and the officers in other departments with whom I have been thrown in contact, will satisfy Government that obstructiveness and factiousness have not hitherto been my characteristics.

(Demi-official referred to in paragraph 22.)

MANGALORE, *7th June* 1872.

MY DEAR FAREWELL,—I want your opinion on the following matter:—A few days ago, Mr. Thomas in conversation told me that he proposed planting trees (*en boulevard*) along the Bhunder in order to provide shade for the traders, an idea of which in itself I heartily approved. That evening I was on the Bhunder with Mr. Thomas, and showed him at his request where the trees might best be planted. That was on the land side of the Bhunder (the red line in the accompanying sketch).

Mr. Thomas objected to my line, and pointed out the line marked blue in sketch as that which he thought best. To this I demurred on the ground that it was too near the edge of the Bhunder, and that the roots of the trees would be apt to thrust the revetment. There the matter rested. I did not know that this was more than an idea in embryo, and had no official knowledge of the proposition. I was, therefore, surprised the next day to learn that Mr. Thomas had not only decided in planting the trees on his line, but had marked it off and had the holes dug. This speedy execution of the idea was the more unexpected, as Mr. Thomas had said that he proposed to make the expenditure a municipal one, and I knew that the Commission, of which body I am a member, had, up to that time, had no official communication of the undertaking.

Whether any real danger will arise or not I have not sufficient experience of the habits of mango roots to say, and I, therefore, ask your opinion as to whether any interference on my part is necessary.

My reasons for considering that there is a danger—reasons, too, supported by the experience of my Overseer Mr. Lobo—are that, at the depth of a foot below the surface, the roots will meet nothing but sand saturated four or five feet lower down by probably brackish water.

To escape from this unnutricious and unstable *loci* my impression is that the young roots will strike out laterally in search of more congenial soil, and this through light sand I think they will do with more than ordinary rapidity. In reply to this view the opinion of Mr. Thomas, who is well acquainted with the habits of trees, is that the roots will strike down through the soil with which the pits will be filled, confining themselves to the limits of those pits until that soil is exhausted, by which time all danger to the revetment will be passed.

I intend this to be in compliance with the spirit of memorandum, No. 11, dated 20th May 1872, the instructions of which I am unable more formally to follow, as I have no official communication on the subject, nor indeed anything more than a casual conversation on which to go.

Yours very sincerely,
(Signed) E. H. PRINGLE.

No. 21. ORDER THEREON, 3rd December 1873, No. 1748.

The Governor in Council is satisfied, after reading Mr. Pringle's explanation, that he was actuated by no other motive than a sense of duty and a regard for the public interests, but he ought to have done no more than refer the matter for the consideration and decision of the District Engineer.

(True Extract.)

Chief Secretary.

To the Public Works Department.
" President of the Municipal Commission, Mangalore.

Exd. J. Wright.

Madras Record Office
No. 1135
Date 11/12/13

Govt. of {1873} Madras.

FINANCIAL.

To

THE PUBLIC WORKS DEPARTMENT,
&c., &c., &c.

Dated December, 3rd.

Recd. *Encl.*

G.O., 3rd December 1873, No. 1748.

DECEMBER.
Nos. 19—21.

Mangalore Municipality.—Mr. Pringle, Assistant Engineer, Mangalore, exonerated from all blame in the matter of his interference with the President's action in planting the Provincial School compound.

planting have been passed upon the strength of Mr Thomas' letter and I hope to be able to show that no such interference was ever intended.

4. I regret that the question originally referred by me for orders of Government has been lost sight of. It is a question which if left unsettled places all members of Boards in an equivocal position and must eventually cause further references to Government.

5. As Mr Thomas' letter is a lengthy one and requires to be answered in detail for the sake of clearness, I have placed its paras: half marginally opposite my own.

6. This para requires little notice, except that I may remark, as one who was more anxious than myself to see the Provincial School made ornamental and I should have cordially supported Mr Thomas' proposal, had I been present at the meeting when the point was mooted, yet until the perusal of Mr Thomas' letter I was unaware that it might be considered irregular to vote Municipal Funds to such purposes.

2. The Hanzabee Provincial School is conspicuous Building standing in a perfect park like plot of ground and the Piers attached to it is a useful ornament 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. We had, however, no funds, and I anticipated that a reference to the Head of the Education Department and to Government would not prevent from

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

x Letter dated 29th May 1872 No. 147

Had he been actuated by nothing but a bona fide anxiety for the Govt. property represented in the Compound wall, he would surely not have waited till I had 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 maintained his superior status, and the result would have been,

as

7. In reply to this I beg to say that this statement is made in error. I was far from well after my return from Bynaad on the 21st May and consequently did not make any Farm inspections. Hence the pits which were all dug in the short space of four days and which I cannot remember to have been in progress did not attract my notice, until one day when riding home on which occasion I inspected them and it forcibly struck me that they were much too near the wall. I did not then know

know the exact distance from the wall at which they were supposed to be; (10 feet) but at once informed the deputy Conservator of Forests that the plants ought to be placed very much further off the wall, pointing out to him next morning, some holes which I believed to be much less than 10 feet distant. He referred me to Mr. Thomas under whose orders the work was done and I wrote at once by letter No. 147 dated 29th May 1873.

I regret that Mr Thomas acting on a false assumption should have inferred so much want of honesty and gentlemanly Conduct on my part, for I do not think I have ever given him reason to believe me capable of such.

8. The obstructiveness Complained of in notice to myself I am bound to state was purely imaginary on Mr. Thomas' part. The objection was raised simply because he deemed it to be dangerous to plant trees so close to masonry especially such light and easily disturbed masonry 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.

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 he 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 plantings.

× My letter dated 4th June 1873 No 44.

5. Thereon Mr Pringle addressed me his protest. This protest drew me into the position of having to choose between polemics and weakness, by doing 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 lop of a part of the young or plantings, I decided it possible to avoid controversial 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 145.

⊗ dated 9th June 1873. No 836.

2 1770 8

masonry as the wall in question.

That this belief is shared by others is evident from the following Extract from G.O. P.W. Department No 2325 dated 11th August 1865.

"The Governor General "in Council was of opinion "that the planting of trees near "Public Buildings should, in no case, be "undertaken except in Communication with "the Officers of the Public Works Department "of the District or Cantonment."

9. Should I am correct in stating that without by protest against measures which in my opinion threatened danger to Public Works under my charge as executive officer would have been a correct exercise of duty. If the Municipal Board chose to accept the responsibility there and then must cease, and my opposition also. The question would never have been referred to Government as I did not consider it important enough, and only wished to place it

on

on its proper footing in order that and the anticipated damage eventuate, the Municipality might not be able to cast the blame upon their proper advisers in such cases.

With regard to the reference made by Mr Thomas to the District Engineer, that officer neither mentioned it to me personally, nor noticed it officially, otherwise than by forwarding the Circular Memo

No 17. Circular Memo.

under the present arrangement to each District having been provided with a District Engr at the head of the P.W. Dept the Ranger officers will be expected as to their future correspondence for the future directly with the Heads of the other departments on Public matters. If any reference be necessary, it should be made either to the District Engr to forwarded through him.

which is quoted in the margin and which had not the least conception at that time, was the result of my reference made by Mr Thomas.

10. Here again Mr Thomas labours under a misconception. The attack if it is to be so termed is a new one arising from a Circumstance totally unconnected with the tree planting otherwise than that the instrument that caused it, the protest relates to that matter. The question is that originally referred to Government, one upon which I still solicit their orders and which is purely Municipal in its aspects and in no way

6. When Mr Pringle returned to the attack* that is a new character and on a new subject. He was no longer an Assistant Engineer, but a Member of the Municipal Commission and to point that exercised his mind was no longer the duty, the treatment Compound wall, but a technical point of procedure. Attack being the obvious object and my time being too precious for pointless 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

197 9

way connected with the Public Works Department. Secondly Complained of was the actual Cause of this "attack" being made, the "Change of Character" a necessary Consequence of the entirely new nature of the matter.

I am sorry if it appear abstruse, at the time being Completely ignorant that the matter had been officially referred to the District Engr and thus taken out of my hands, I was at a loss to understand this reminder which from my own view of the Cause seemed somewhat curt and unintelligible and induced me to add the third para to my letter to Government No 342 dated 8th July 1873.

I may reminded him, for Mr Pringle was living in the same house with the District Engr 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 accepted me as alone known in a new Capacity & on a new subject; a delay & change of Character and tactics from which I drew the conclusion that it was a knowledge of that reference that led him to drop the Character in which he was subordinate to the District Engr, 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

11. Here I can only reiterate my previous assertion that I was totally ignorant of this reference, notwithstanding the fact of the District Engineer living in the same house and I can appeal to that officer in support of my statement. The "delay" and "Change of Character" I have already shown to have arisen from other Causes than the matter imputed to me by Mr Thomas.

A very certain Charge is preferred in the 7th Para (7) that of making a false statement to Government, I

Insert

much regret that such a charge should be made or inference drawn. The District Engr had never mentioned the reference that Mr Thomas Concluded. I must be aware of; the Forest officer if it was known to him kept silent; and I was not present at any discussion regarding the planting of the Church Compound during which a syllable concerning the matter was uttered. With this letter plainly & evidently interfere further than by telling Mr Leggatt, Lay Trustee that the trees were too near the wall.

The Forest officer had originally marked out the ground allowing 15 feet intervened between the trees and the wall, but this distance had been reduced to 10 feet by Mr Thomas although my letter No. 147 was in his hands. It was only subsequently to the plots being dug that their length was increased to admit of planting the trees at 15 feet distance.

The reason of the objection to the tone of Mr Thomas' letter has referred to, has already been explained.

Thus

* The Forest officer was never informed that he was unaware of the reference. Eyre?

Simultaneously planted by the Lay Trustees in the Church Compound, so that Mallaney 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 intimated to Government that he was not

× There are no grounds whatever for the Conception contained in the latter part of the letter.

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 objection to the proposed

217 10

As to reference to the Lecannel's attack. I ask the Government to be good enough to notice that there is made there no allusion whatever to the fact of the endangered wall, whereas if the Government property there in were Mr Pringles' bona fide subject of enquiry he should scarcely have trapped them out of the discussion; and if he was unaware of the reference to the District Engr, his more natural Course would have been to refer the matter to Govt, though his own Superior, the Dist Engr, 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.

Mr Pringles letter dated 1st July 1873, No 227 addressed to the President Municipal Commission.

9. I have said above (paragraph 4) that I looked upon Mr Pringles objection as purely obstructive and nothing else, & I come to this Conclusion from two Considerations. viz 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 was generally about 1½ ft high with an open trellice of about 2 ft 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 could scarcely be anticipated for if it showed any signs of overturning, it would be a simple process to cut down the offending

12. This has already been answered by former paras. I have had occasion to forwarding the whole Correspondence to Govt. was I have orders passed upon a question that in dealing so much with the powers of a President of a Municipality to withhold from the Board documents which he has been requested by a member to lay before them.

13. The Considerations will be answered in detail further on.

14. The heftiness of the structure rendered it the more liable to be overthrown

15. Mr Thomas seems to have overlooked the fact that the lateral roots of most trees are under ground, and that there are no external signs of damage until it is already partly accomplished.

16. I am sorry Mr Thomas did not mention this in his letter to 44 instead of only stating that "he did not anticipate any injury from the ornamental trees &c

17. The boundary line of the Provincial School Compound unfortunately ran parallel to a row of fine old avenue trees (banians) I have cut down three was not to be thought of. I have taken the wall 15 to 20' from them would have robbed the Compound of a considerable strip of land And in the case of banyans which throw out long lateral roots of even distance is almost fabulous distances would have been of little avail. For further answer I refer not but to note para 2 of my letter No 147 "It is true that there are trees close to the front wall in question, but I apprehend considerable trouble in preventing their lateral roots from damaging the masonry and it is to prevent needless mischief in this way that I now call your attention to the new planting."

III I thought that even if the worst did come to the worst & same 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 of Rupee (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 an old banyan trees To satisfy the Government of my accuracy I give marginally the

x.	distances from root of tree to wall. Feet	Inches.
First banyan tree on the N. East of the Compound	5	4
Second — " — "	7	3
Third — " — "	6	.
Fourth — " — "	6	3
Fifth — " — "	3	"
Sixth — " — "	4.	10
Seventh — " — "	3	2
A mango tree in the same avenue	4.	2
Another	10	7

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 these trees if the security thereof it seemed 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 objection for any tree but mine was further than inferible from a single tree on which I observed the marginally noted trees + all of which are closer and to most important buildings, And all of which cannot have excepted coming under Mr Pringles Eyes. The Military Hospital wall is

		Ft	Inch.
+	Two blackwood trees in the Church Compound	9	10
	Another	10	-
+ +	A Banyan tree near the Military Hospital Compound wall	5	"
	Nearest Cocoop tree to the Post office wall	12	10.
	Trees near the Engineers And Municipal offices one blackwood tree		
	distance from tree to Compound wall	4	4.
	one large flamboyant tree (from tree to office)	4	"
	one large flamboyant tree (from tree to office)	5	8
	one large mango tree (from tree to office —)	10	11.
	one large mango tree (from tree to office)	12	11.

lower 7 or 8 feet high (as against 5½ ft) at the point where the banian + is also close to it, and the tree is noticeably on the land side within twenty yards or three bands of the selected Provincial School site. Mr Pringles own office And work yard which he visits from day to day has many trees much nearer than my pits at ten feet distance And than the prescribed distance of fifteen 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 Engr to whom the Subject was referred did not move in the matter, And inferibly did not see any

18. The trees enumerated here are nearly all that I am aware of are being in dangerous proximity to Public Buildings. With one exception I have long remarked them, but as they are full grown trees And have not perceptibly injured the buildings near which they stand, I have not considered it necessary to advise their felling.

Because I have not done this, seems to me no reason why I should not object to the extention of the planting of dangerous species of trees near masonry. The trees near the Public Works office have in my own time been mutilated in consequence of their having threatening the building And in one instance a Peipul tree 80 feet from the Building had its branches lopped because it was damaging the roof.

19. This I must leave to the District Engineer for Answer. The inference in the latter part of the para

from

para, I have already shown to be erroneous

20. There was simply a protest made for the purpose of obtaining the Board of Revenue's orders upon a rule of the Local Fund Act, the interpretation of which was doubtful.

The protest was made in the form of a letter at Mr Thomas' special request.

21. I am sorry Mr Thomas should have thought it necessary for him to make the remark. There was no question of dignity, the matter was purely one of departmental duty. My request was a simple one and conveyed if I recollect rightly merely in a note. It had reference to patches of land of a depth that to the best of my memory might have been recorded in inches.

22. In reply to this I have the honor to append 6

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

* G.O. 29th January 73 No 139. First Report.

as he now does in the Municipal Commission, until he was 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.

12 As the Quay, again, he was only displeased because I magnified his dignity at the expense of my own, yielding an immaterial point for peace 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. Exact it should check the superwater from running off & so injure the Quay, it was at his desire all carefully swept up again, carried away and cast into the Estuary.

13. The hire of three cars on the Quay were also objected to by him though

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 ever to the front again as a vexatious & persistent Combatant, and unconcerning 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's) 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, but the Educational department, or, as I at the time mistakenly thought, the Collector, and so 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

to this letter, the semi official reference made to Colonel Farewell, which will speak for itself.

23. I must here express my regret that Mr Thomas should have thought fit to introduce a purely social matter; also that the wording of the para hardly expresses the real state of the case, which no doubt Mr Thomas has not lately referred to.

24. Mr Thomas's memory must have failed him on a small point in this para And this is the transfer of my first letter to the Collector's file and its reply thence for I find on examination of the original letters that the order in which they stand is this

1. Assistant Engineer's letter No 47 dated 29th May 1873 to the President of the Municipal Commission
2. Letter No 44 dated 4th June 1873 from the President of the Municipal Commission to the Assistant Engineer.
3. Letter No 175 dated 5th June

from Asst Engineer
to the President Munic
ipal Commissioners

4. Letter from Assistant
Engineer No 227 dated
1st July 1873 to President
Municipal Commissioners.

5. Letter from Collector
to Assistant Engineer
No 1015 dated 4th July

From this it appears that
the only letter from the
Collectors office was the
last one which remained
unanswered by me. The
inference that I omitted to
direct the matter into a wrong channel
based upon the assumption (that the first
reply from Mr Thomas was signed as
Collector) naturally therefore falls to the
ground.

25. This para after what
Thane stated requires
but little notice. I
trust what Thane al
ready said has shown
Government that pre
tensions has not been
my aim.

In his 2d letter Mr Knight 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 Knights third letter came to
the same address the matter had
gone so far and had already
been practically decided that I
thought the Government officers and re-
cently Exhibition to lay before
the native Commissioners, at the
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 Thane troubles
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 attaining some protec-
tion from future factiousness,
for I trust the Government will
recognize that in all harmony
with the Educational head here
and with the Municipal Commissioners
Thane been quietly trying to do a little
simple bit of local improvements
to which no reasonable objection
need have been made.

17. If Thane fallen into error
in accepting Municipal money,
will the Government be pleased
to allow me to transfer the
Planting and upkeep to Educational
funds.

26. This requires no
notice.

27. In conclusion I
have the honor to state that
feeling myself guiltless of the Conduct
ascribed to me by Mr Thomas I found
it to be a hard task to answer his letter
temperately. I would respectfully submit
that it is a most difficult matter to dis-
prove the truth of inferences however
far from reality they may be & I cannot
but think that before such serious
Charges are brought, some better proof
than Conclusions drawn from incorrect
statements should be adduced. Once
let an officer gain a character for
factious interference and obstructiveness,
and he cannot possibly carry out his
duties conscientiously. The liability of his
Conduct being wrongly interpreted, whenever
his views do not coincide with those of
others, is constantly staring him in the face.
In my own case, I have the honor to point
out that every Century each Enquiry at
either Municipal or Local Fund Boards, might
be misconstrued into obstructiveness. Already
indeed has a reference to Government upon
the

the reading of a Local Land Rate which when first started was carried in my favor by 3 out of 4 of the members of a Special Board and afterwards upset by only three out of four of a general Board been brought forward as an instance of obstructiveness on my part.

28. I have always tried to carry out my duties without fear or favor and I feel confident that reference to those officers in my own Department under whom I have served and the officers in other Departments with whom I have been thrown in Contact will satisfy Government that obstructiveness and pachaderness have not been their characteristics.

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

E. W. Smyth

Officiating Engr. & Surv.

D. O. referred to in para 22.

Charlottesville, June 1872.

My dear Barnett

I want your opinion on the following matter. A few days ago Mr Thomas

in

297 14

in connexion told me that he proposed planting trees (in boulevard) along the Rhunder mainly to provide shade for the travellers, an idea of which in itself I heartily approved. That evening I was on the Rhunder with Mr Thomas, and showed him at his request where the trees might best be planted. That was on the land side of the Rhunder (the red line in the accompanying sketch.)

Mr Thomas objected to my line, and pointed out the line marked blue in sketch as that which he thought best. To this I demurred on the ground that it was too near the edge of the Rhunder, and that the roots of the trees would be apt to thrust the revetment. There the matter rested. I did not know that Mr Thomas was more than an idea, an embryo, and had no official knowledge of the proposition. I was therefore surprised the next day to learn, that Mr Thomas had not only decided upon planting the trees on his line but had marked it off and had the holes dug. This speedy execution of the idea was the more unexpected as Mr Thomas had said that he proposed to make the expenditure a Municipal one and I knew that the Commission of which body I am a member had, upon that line, had no official communication of the undertaking.

Whether any real danger will arise or not I have not sufficient experience of the habits of

of Ivanhoe Roots to Lay and I therefore ask your opinion as to whether any inter. ference on my part is necessary—

My reasons for considering that there is a danger, reasons to be supported by the experience of my Overseer in Lake, are that, at the depth of a foot below the surface the roots will meet nothing but sand saturated four or five feet hence down by probably brackish water—

To escape from this unnutritious and unstable "loci" my inspection is that the roots will strike out laterally in search of more congenial soil and this through light sand I think they will do with more than ordinary rapidity— In reply to this view the opinion which Thomas obs as well acquainted with the habits of trees, is that the roots will strike down through the soil with which the pits will be filled, confining themselves to the limits of those pits; until that soil is exhausted, by which time all danger to the restaurant will be passed.

I intend this to be in Compliance with the Spirit of Memo No 11 dated 28th May 1872 the instructions of which I am make more formally to follow as I have had official Communication on the Subject nor indeed any thing more than a Casual Conversation on which to go.

I have &c

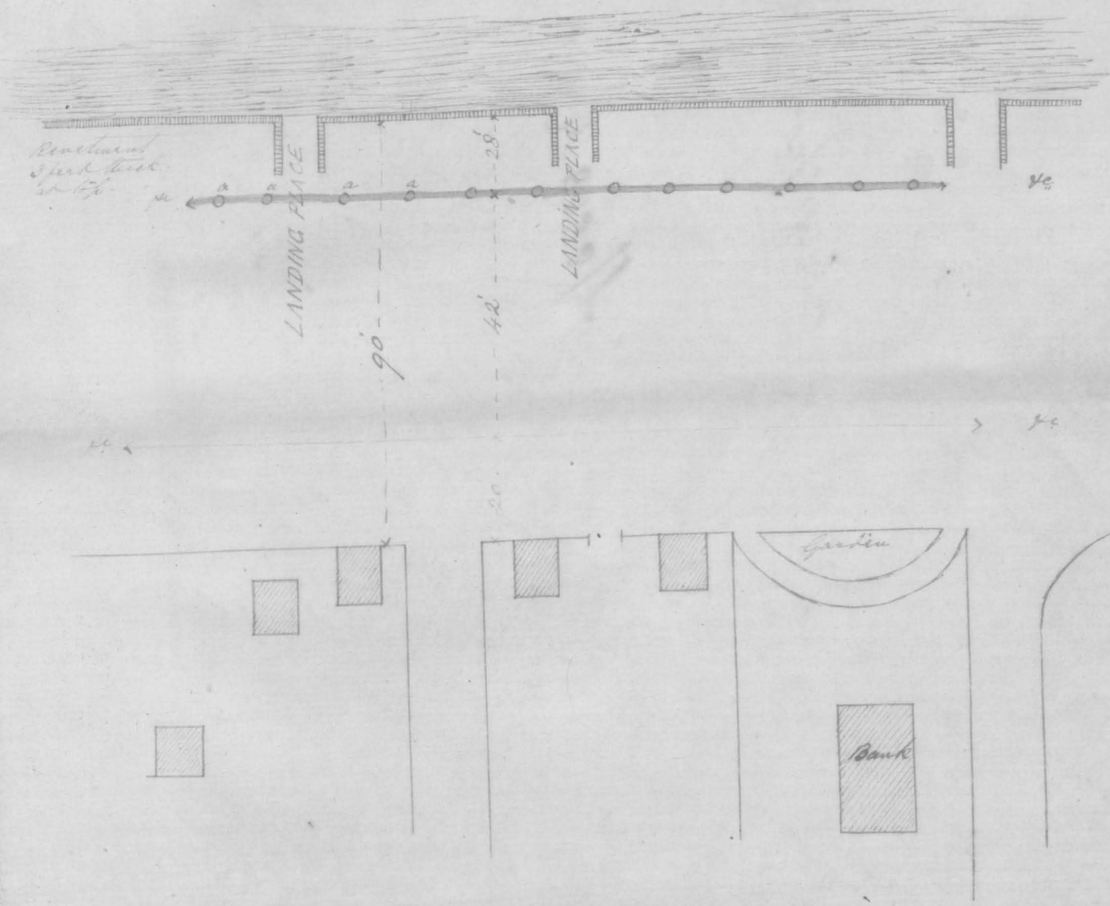
Ed Pringle
Assist Engineer &c

Jany 1873

Signed E.H. Pringle.

a, a, a, &c Pits about 3½ deep with a top diameter of not less 3 feet.

BACK WATER



Plan of Landing places Restaurant &c &c Sites pointed out by Mr Tees about

Sept 3 1872

Signed E.H. Pringle
Asst Engr &c &c
4-6-72.

No. 58.

District Engineers Office
South Canara,
Mangalore 11th Sept 1873.

From, The Offg District Engineer,
South Canara

To, The Chief Engineer
& Sec. Madras

Sir,

With reference to Mr Pringle's letter dated 5th Inst. I take the responsibility of forwarding his reply to the letter of Mr Thomas embodied in the correspondence printed with GO No 1130 of 11th August 1873, Financial Department, for the

the accusations of obstructive-
ness contained therein are
so baseless that it would
be an act of injustice on
my part to refuse to
comply. —

I have the honor to be,
Sir,
Your most obed't Serv't

A. Lawson
Offs District Atty Jamaica

726

Dist. Rec. 11 Aug. 05
285-86
Ft. 29th Aug. 73 164-67
" 11 Sept. 57-59

P. W. 1873 Department
Financial
From, No 5053
The Offg. District Engineer
South Canara.

To The Chief Engineer
D.P.W.
Madras

Dated 11th Sept. 1873
Recd 15th Sept. 1873

No. 50 No 2102.

Encls: (one)

Forwarding Mr. Pringle's reply to the letter of Mr. Thomas embodied in G.O. No. 1130 of 11th Augt. 1873, Fin. Dept: regarding the accusations of obstructiveness therein contained.

Dist. Rec'd 15th Sept 73

District Engineer's office
South Canara
Mangalore 9th September 1873

No 256.

From

H. C. Crawford Esqre
Offg. District Engineer
S. Canara

To

Colonel G. T. Walker R.E.
Chief Engineer & P.W.D.
Madras

Sir,

I have the honor to acknowledge receipt of your Memo No. 333 dated 3rd September 1873 censuring my action in the matter of a difference of opinion between the Assistant Engineer Mr. Pringle and Mr. Thomas the Collector with reference to the planting of certain trees and trust you will not consider it unbecoming in me to place the matter before you from another point of view.

2nd The facts of the case are these.

Mr. Thomas as President of the Municipal Commission proposed to plant out the Compound of the Provincial school. Within 3 or 4 days after the return of Mr. Pringle from Wynaad the pits were dug, but owing to his findings position were not seen by that officer, until

until nearly completed

3. He then officially as Range Officer in immediate responsible charge of Public Buildings addressed Mr. Thomas as President of the Municipal Commission objecting to the proximity of certain pits to the Compound Wall.

4. Mr. Thomas in reply said that he did not concur in the opinion of the probability of danger to the wall.

5. Mr. Pringle then addressed a protest to Mr. Thomas as President Municipal Commission requesting that it might be laid before the Board simply to throw all responsibility on the Municipality.

6. So far the attitude of Mr. Pringle was that of the responsible P.W. Officer objecting to certain action on the part of the Municipality and in my belief there was nothing objectionable in his proceedings the assumption by Mr. Thomas of antagonism and obstruction being utterly groundless.

7. Had I been the officer concerned in the place of the President regarding it purely as a matter of official business I should have proceeded the protest without altering my view unless I saw reason to do so, but without a thought of accusing Mr. Pringle of obstruction.

8. On receiving the protest Mr. Thomas enclosing the correspondence that had already taken place requesting that all future communications might come through me and in accordance with his request I addressed a circular to the Range officers addressed the Collector through me.

Letter No 836 of 9 June 1873 enclosed the correspondence printed with G.O. No 1130 of 11 August 1873.

9. I would respectfully submit that it was impossible to do more than this but of course my order could only refer to Departmental, for indeed and Municipal matters I disclose no power of Control.

10. The question of the proper distance of the trees from the wall was in no way officially placed before me.

11. The letter of Mr. Thomas enclosed in the Correspondence printed with G.O. No 1130 of 11 August 1873 Financial Department certainly does not [illegible]

I interpreted it and I thought fairly as a request that all correspondence might come through me. No further action regarding the trees occurred after the issue of my Circular.

12 During the occurrence of the correspondence either before or after the protest Mr. Thomas meeting me and finding me of opinion on the matter, and on my remarking that respect was very close, he assured me that he would plant only trees which could not strike lateral roots when of course I said no more knowing that he could be guided by the advice of a professional Forest Officer.

13 Mr Pringle had however a right to record a protest to remove responsibility from himself.

14. At the request of Mr Thomas in his letter No 1114 of 17th July 1873 I searched the District records for any Government order on the subject but failed to find one the copy probably being in those of the Coimbatore District. Subsequently on the Ranga files G.O. No 2325 of 11 August 1865 with contain

Correspondence

correspondence was found and forwarded for his information.

15. So far as the planting question was concerned the matter was disposed and had Mr Thomas complied with the request to place the protest before the Board nothing further would have occurred; the reference to Government was occasioned solely by his failure to do this.

16. I observe that Mr Thomas advances as his reason his dislike to bring before Native Commissioners the contention of two Government officers a reason that has no weight for there was no contention, merely a difference of opinion on the proximity of trees to Public Buildings. Of such differences of opinions are not to be laid before the Board and fully discussed else obvious that questions cannot be seen in all their bearings. ... Therefore must be settled in a partial one sided way. The matter now becomes purely a Municipal one.

17

17. Mr Pringle finding that his request was disregarded appealed as Municipal Commissioner directly to Government in order to obtain a decision on the point whether the President had the power to suppress letters intended to be laid before the Board.

18. This was a question of vital importance for its concession would render the power of the President nearly despotic and in fact nullify the object of Municipal & Local Bds I would submit that I had no possible power of control over the proceedings of Mr Pringle as Municipal Commissioner & on this ground I declined to become the channel of Communication with Govt

19. This a matter of regret to me that the groundless charges of obstruction against Mr Pringle should have brought censure on me but I trust my explanation will

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will shew that I am not to blame.

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

Alexander
Offg Protholigraphic Secy
& Engineer.

Not to be printed

No 383-

Memo

The Chief Engineer regrets to find from an Order in the Financial Departt No 1130 of 11th August that the District Engineer of Santa Maura failed in his duty to prevent further correspondence and collision between his Assistant and the Collector on a point marked by the former in his capacity as Range Officer; and which he was not justified in battering upon a fresh in his capacity of Member of the Municipal Commission, after he was aware of it having been referred to the District Engineer for further disposal.

The Chief Engineer views with displeasure Mr Pringle's action in this case, and requests the District Engineer to refrain in future from even tacitly encouraging him in factious opposition such as that under review: persistence in which cannot but end in his removal from the District.

10/73.

[Signed] Jos. Walker Lt Col R.E.
Chief Engineer

1873 Oct 8
Financial
Comm
No 5024
Collector Cephalonia
Transmits
Copy
of
Order
No 1130
dated 11th August
Rec'd 13th Oct
Answered
Dec 1873

Secretary Ionian
Government
Commissioner
Cephalonia
Transmits
Copy of
Order
No 1130
dated 11th August
Rec'd 13th Oct
Answered
Dec 1873

15
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Proof

Financial Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters from the Offg District Engineer, South Canara dated 9 and 11th Sept 1873, No 36458, transferred from P.W. Dept

Order thereon 3rd Dec. 73. No 1740.

The Governor in Council is satisfied after reading Mr Pringle's explanation that he was actuated by no other motive than a sense of duty and a regard for the public interests, but ~~he ought to have done no more than refer the matter for the consideration and decision of the District Engineer~~

To the Public Works Department
President Mr. Mangalore

Dated 9/12

I am to request that you will take the right to have done no more than refer the Municipality had no concern with it —

5 Remarks
No 5024.

Ld 2 Sept 1874-21

P. W. Dept.

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Proceedings of the Madras Government

Read the following

From

The District Engineer
South Canara } (H E. No. 5699 9th Sept. 73)

Do — do — do — (H E No. 5891 11th — do —)

It appears to
His Excellency the Governor
in Council that the
Executive Engineer in
charge of Mangalore
Range has cleared
himself of the imputa-
tion of obstructive-
ness and factiousness

Ordered that his Ex. and Co. in D. Pro. - the matter has been disposed of in the Financial Dept. which see and of any version of the advice that Dept. be requisite

brought against by
the Collector of South
Canara in his letter
recorded with order in
the Financial Department
No 1130 of 11th August
inasmuch as his
protest against plant-
-ing certain trees
nearer than 15 feet
to the Compound wall
of the Mangalore Pro-
-vincial School was
written 8 days after
his return to that Station
from the Wynad, and
was in accordance

Shd that it must be done in that Dept—
Impd/ HD simply record the Explanation and that in future Part of Order refers & Public Buildings & that W.D. & others addressed the Collr as Director & that Officer

7/11

Don't see that the Rule applies at all — Rule applies to Public Buildings & has no reference to Walls round a Compound. The Circular of this

with the orders of the
Government of India
Communicated with
GOrs No 2325 of 11th August
1865 — And it further
appears that his letter
of the 1st July, written
in his capacity of
Member of the Immici-
-pal Commission was
sent in ignorance of
his former correspond-
-ence having been refer-
-red to the District Engi-
-neer —

That Officer is very
much to blame for

Order seems to me to be ultra vires — and Govt not necessary as an excuse

Even his duty & proper communication with the D.E. — more especially as he refers to the Circular which he has so much misunderstood & therefore does not plead ignorance as an excuse

having failed to intimate
to the Executive Engineer
that such was the
case, his reticence in
the matter having led
to Mr. Pringle's further
action as a Municipal
Commissioner, and to
Mr. Thomas's most na-
-tural treatment of
the same in his letter
of the 4th July which led
to the reference to Govt.-

The Executive En-
-gineer however is him-
-self to blame for having

Scarcely on that - this animadversion is needed - on the part of Dr. T's reference to Dr Pieters & present - the detention and Mr. P. further action was in contravention of the instructions - & was the subordinate duty & for communicated with - his superior officer & he did not understand those orders -

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made any reference in
the first place to the
Municipal Commission
through its President;
and in the second place,
direct to Government -
The point originally
raised by him as Range
Officer, viz. the distance
of the trees from the wall,
was a professional one,
on which his appeal
lay to the District
Engineer, not to the
Municipal Commission,
on which ground alone

the President was
justified in treating
his protest as he did -
And appeals to Govt
by members of Munici-
-cipal Commissions
should invariably be
made through their
Presidents if the matters
in dispute cannot
be settled viva voce
at a sitting of the
Commission as should
usually be done -

With these re-
-marks His Excellency

the Governor recommended
closes discussion on
the subject -

+ Lord Derby [illegible]

are concerned, all the civil
[illegible] Captain Cavendish, [illegible]
[illegible] Mr Ds explanation, [illegible]
[illegible] by
[illegible] was also a Town
Councillor of Dublin & a gentleman
intimate [illegible] Mr Gladstone
& letter if he had [illegible]
[illegible] Mr D. explained

~~Further~~ It will be
better that this shd be
disposed of by the
Financial Dept & not
[illegible] dealt
with there

I really think that,
after reading the Explanation
for the People, there
is not much prejudice
to Blame Mr. If he had
acted only as a Public
Works Officer, he ought
not to have addressed
the Govt
[illegible]
[illegible], but

+ to have brought the matter
to the notice of the D.
Inspector, also (I suppose)
& then referred it to Govt.
But he was a Municipal
Commissioner also, &
therefore might naturally
suppose that he should
address the President
on a matter concern-
-ing the Municipality
and the P. W. Department

Govt. of {1873} Madras.

Financial

To

The Public Works Dept.
&c.

Dated 3rd Dec. } 1873, No. 1748.
Recd. }

Nos. 19-21.

Trangalore Municipality

Re. Pringle, Assistant Engineer Trangalore Exonerated from all blame in the matter of his interference with the Presidents action in planting the Provincial School Compound