

MADRAS RECORD OFFICE.

Government of Madras.

Q.118

DEPARTMENT.

G.O. No.	Press Mis.
33-37	
Dated	19

52/53

Not to be folded or roughly handled

was cut out of
the bottom of

9th March 1863.

city, as the Officer in charge of the Jail and Sessions Judge, and not I
either. I have informed Mr. Story, that, so far as I am aware, neither the Pen
nor the Jail contain any provision authorizing him as Sessions Judge to mo
mat the Ramireddi channel, in the present stage of proceedings; the
Collecto I am, with the District Engineer, responsible for the
of Public Works, and that, as Magistrate of the District, it would be be
ired measures would have to be taken for the preservation of public prop
he Jail render such necessary. W
my proceedings as Magistrate could not com
charge of the Jail being a party in the case.

The people have subscribed opinions of respect to you, and even Cap
Major Greenaway having given me their hearty co-operation, the Government

Mr. Story is mistaken in supposing the skew bri
ansen, is of no real public benefit. But, on the other hand, Mr. Story
ending. He is on the spot. I am unquestionably "one of the private be
would make an agreeable driv

The subscriptions may be the result of official influence. And the Engine
my their time, and draw up plans out of his hands. I should
doubts

one whose judgment, like mine, is not op
by considerations of a private nature.

decide that prison labor is not available
duals, when required for p
s, and, if required for the Town Imp
ndies to be sold for in an
er point if conceded, as for as
this inst.

avored with early orders, and that Mr. Story may be directed to recover and return
ne improperly supplied to Mr. Simpson, as Mr. Simpson has been duly warned th
is supplied under protest, and it is all-important that the bridge and aqueduct sh
as possible, not only in fa
le who have subscribed s
out, also to allow as much time as possible for the chunam coating of the aqueduct
for the South West span on commences

letter, and before signing the fair copy, M
in consequence of what passed, I agreed not to submit th
or date the 29th of last month informing him that I intended to su
ndence for the orders of Government. And he came to me on the 31st, to
erence, if possible, by a personal discussion, a wish in whic
ended in our agreeing, that he was to stop supplying stone to an
and number, and that he was then at once to comm
the Town Improvements. Mr. Story admitted that he h
in giving Mr. Simpson the Ramireddi stone; and we agreed, that, as he was going to deliver
stone for the Town Improvements, free of cost, and the stairs in the Ramireddi channel
longer I for the purpose for which put there, it might be co
had been replaced by the new stone to be supplied to the Town Improve
wrote to me to this effect, and requesting the Government would be

hours later, I left Nellore for the Jamabandi of this place, in
would promise, and that the arrangements I had made, fully
I had recd whose behalf, ch

private in

ers been supply

ers been supply
were registered
I believe, an un
remuneration
under

would be su

for public pa
Mr. Story

this left

then and there pr
once be

Proceedings

instant

No. 1

what had been
January 1863, ultimo. I therefore
inform me

and to inform me officially, when
ply of stone for the T...
ally, recapitulating what
31st ultimo.

Kamreddi stone, in 1863.

3rd January 1863. more important port
the Inspector G...
nes free of c...

promise, mentioning that he had
Rohde's consideration, as is usual, the
argued against the
paid for, and
course left me but
further loss of time.

4. Had Mr. Story said the correspo.
Rohde, and informed Mr. Rohde, that he had

that prom.
of the, whose cond.
probation by Government.

submitting the matter
al, informing
briefly to the a...

ing that some should not be
Mr. Rohde will have, as they

or stone for T...

when stone is required urgently
questions, he informs Mr. Rohde, a
but I am of...

without these profits to Mr. S.
the available group

would be

&c. I w...

ous to...

9th Mar

... payment is made for prison la.
by Government to Government; it
course to be pursued with... son labor for v.

Mr. Rohde's* in... and the
to bring to the...

eways, build

has also
and the

h, build

built; a... in like manner, performed fre.
he community, will be su... issued,
every stone delivered, wi... reference to the
the Native popula... linking purposes is
here of a reserve... distributing chan
obtained by these, whose poverty makes it
el for the water they require for the ordina

for judicious in its app... There can be no valid
k, if undertaken by the Magistrate with prison labor, should
Judeo should not be paid for... the true course is
Whether the work is r... blic benefit, and when it has been
let the prison be
the Office... superin-

d) J. W. B. DYKES,
Collector and Mag

12th Jan. 1863.

copies of the correspondence referred to above will be sent... tomorrow.

ES,

B. Dykes,

Received a letter from
Mr. [illegible] dated [illegible]

Don.
size

that the stone for the monuments could be approved of and supplied by private subscription.

use +

944 363.

the 2000 election, the Supreme Court, which has the final say on the matter, may have the final say. The Court's decision would be final.

considered the
have a personal interview
and that the cordiality of
District, might not be en-

to Ramireddi channel with various communications with District Engineer; and agreed to supply materials and get Mr. Srinivasulu Reddy to look after the work. I am stating that I was

instant 1

the To

the To

secondly, if a stone may then be entered and paid for stone, I am sure, if a stone, I am sure, no reason why it should not be entered and paid for stone; and if there were

General of Jails

neither should the Public
but I urged the retention
on financial ground

him a co:

16. In answer to ... I thought it ...

thrown in the ...

... to me from ...

his 2nd ...

... Director General of ...

them

apply

... of the

... End

for

... ing pris

... much of this work, if I rightly reco...
... an Assistant Engineer (Mr. Sage) nearly ...
... built. I be ... that had stone been

... work to ...
... I was n

... of the words "Sessions Judge" was sim

... reference to Mr. Dykes' complaint of the expression
... "few private individuals," I beg to state that I referred to Natives ...
... myself amongst the latter; but without special reference to ...
... express was that the said bridge would ... in my opinion ...
... to repeat my assertion; feeling confident that it is the general opin ...
... to the town that is really wanted, being one leading from ...
... and in effecting which ... is require

... throw some 1,500 acres of Circular land up ...
... an hardly ... provemen

Mr. Dyk ... of Nellore should ...
... amount of prison produc ...
... after ...

... will allow ... demurring to at once ...
... look up

... finally led to all this unh ...
... Mr. Dykes stating that he ...
... for the skew

... the Nu ...
... on the 5th instant, the ... not at once comply with ...
... arranged to supply Mr. Simpson with 5,000 stone; ...
... wanted to know if payment was to be made for ...
... of Public Works; thirdly, because the dis ...
... I did not understand the expre ...
... should be our ...

30. Having up to this time received no letter or retraction or apol ...
... I trust Government will agree with me in thinking, that considering the ...
... in this Distri ... did not pass over in silence the grave charge publicly brought ...
... es; and that I was right in saying, Government mus ...
... in making it; I also beg that Government will be pleased to ...
... writing even supposing him to be right in all his ...
... nother public Offi

31. I ... Government will allow that I have ...
... understanding between Mr. Dykes and m ...
... nessy of this

by the
quite con-
with perfect indifference, know

I have sent to Mr. Dyke

copy to
giri, 27th January

With refer
at the request of Mr. Story, to st

th instant. date the 17
which copy has
have passed between us, under dates the

2. Mr. Story, it will be
Town Improvements, and explain
stion of the Public Work

to d
because he did

5. As brought to the
Story whilst saying nothing about
to fulfil it, and put the reference on
the Public Works Department being made

to Mr. Story of this
y did promise to put on official
to report to Government the irregularities
with the same unnecessary

General of

own recommendati
d given. He was a
So far as he himself was
and this being

Proceedings of Madras Government, Judicial Department,
9th March 1863.

ent be of opinion that Mr. Story's conduct is not open to the charge
only add, I shall be glad to learn I was in error, and apologize

B. DYKES, Esq., Collector of Nellore; to A. J. ARBUTHNOT, Esq.,
Chief Secretary to Government, Fort Saint George, dated Veru, 30th Janu

With reference to my letter of the 27th instant, I have the honor to state that a copy
reference to the Inspector General of Jails referred to therein was submitted with
the 29th ultimo, No. 50.

No. 50. ORDER THEREON, 9th March 1863, No. 366.

going letters have reference to a difference which has arisen between the Collector of
Nellore and the Session Judge of that Station in his capacity of Officer in charge of the Jail,
consequent on the refusal of the latter to supply, free of charge, stone cut by the prisoners for
certain works in progress in connexion with the improvements of the town, in aid of
Government sanctioned grants amounting to Rupees 3,287-11-4.

2. The facts of the case, as they appear in the correspondence, fly these.
Last year the prisoners were employed at various times in cutting and carting stones for
the works in question. The work having been interrupted by the monsoon, the Collector early
in December applied again for their services; but was informed by the Session Judge that he
was not to supply stone to a gentleman residing at Nellore on payment, and that until
he fulfilled he could not supply stone for the town improvements. The Session
Judge enquired whether the Collector was prepared to pay for the stone supplied to
the stone supplied to Mr. Simpson, the gentleman
referred to, was taken from an old channel; and this being public property, the Collector objected
to its being removed without his sanction. At a personal interview which followed, the Session
Judge agreed that as soon as a certain number of stones had been supplied to Mr. Simpson, the
prisoners should commence quarrying and carting stone for the town improvements. It was
settled on this occasion that Mr. Story should write officially to the Collector to this effect, and
admitting that the stone should not have been removed from the channel before alluded to. On
further considering the matter, Mr. Story saw reason to question the propriety of his supplying
stone for the works free of cost, and made a reference on the subject to the Inspector General of
Jails, at the same time addressing an official letter to the Collector, in which he confined himself
to the question of the removal of stone from the channel. On receiving the Inspector General's
reply, which was to the effect that stone supplied by Convict labor to the town works must be
paid for, Mr. Story sent a copy of it and of his letter to which it was a reply to Mr. Dykes.
Both Officers have addressed Government; Mr. Dykes with reference to the refusal of the Officer
in charge of the Jail to supply the stone for which he applied, free of cost; and Mr. Story with
reference to the tenor of Mr. Dykes' letters, in one of which he has accused him of duplicity in
connexion with the reference made by Mr. Story to the Inspector General of Jails.

3. The Governor in Council regrets that the time of two public Officers occupying the responsi-
ble positions of Judge and Collector of a District should have been occupied in a correspondence
of the nature of that under notice, and he is constrained to say that the language made use of by
Mr. Dykes in his correspondence with the Session Judge is altogether without warrant. Mr.
Story was perfectly justified in referring to the Inspector General of Jails, the question whether
the Collector's requisition for Convict labor free of charge should be complied with; and pend-
ing the result of that reference, it was clearly open to him to defer carrying out the arrangement
which had been agreed on between the Collector and himself. It would have been better and
would probably have prevented the unpleasant correspondence which followed, if Mr. Story had

9th March 1863.

at once informed Mr. Dykes of the reference he deemed do so affords no justification for the charges of default against him.

4. On the other questions submitted by the following observations.

Governor

5. No definite rule can be laid down in regard to the precedence for the labor of Convicts. Generally, works of public utility should have cases may arise where, as in the present instance, an engagement may have been made with a private individual, who, having contracted to pay the regular rate for the work, is clearly entitled to have the contract fulfilled before any other of the case, and presuming that the Session Judge had not received notice that the Convicts would be wanted at an early date for the town works, the Government Mr. Story was justified in declining to place them at the Collector's disposal until made with Mr. Simpson was fulfilled.

6. On the second question whether Prison labor when required for public purposes be paid for, the reply given by the Inspector General of Jails is correct. There is no reason why such labor should be supplied gratuitously on works carried on under Government when payment is required for it from the Department of Public Works. The principle is clearly applicable to both cases, especially where the work is not strictly a Government work but a local one carried on with the aid of Government grant. In the present instance, however, the work appears to have been undertaken and the subscription, under the impression that Convict labor would be given without payment. In these circumstances the Council will not object to such further supplies of stone as may be required for the work, being quarried and carted by the Convicts free of charge.

ARBUTHNOT

No 620.

Attn.
Collector's Office
1st December 1862.

From, J. W. B. Dykes Esq.,
Collector of Bellary.
To, E. Story Esq.,
Sessions Judge of Bellary.

Sir - With reference to the enclosed Proceedings of the Board of Revenue & the Proceedings of the Town Improvements Committee published in the District Gazette of the 8th ultimo, I have the honor to request that you will kindly make arrangements for supplying me with 350 Cubic yards of stone, which I request may be cut as far as possible from the Randi quarry & carted by Prisoners to the three arched Shew Bridge near the new Mussalman Burial ground.

2. This stone is required for the Shew

Bridge itself, & lining the channel close
to it; a large quantity will hereafter be
required for lining the reservoir in the
Pattikeri square &c, regarding which
I shall advise you subsequently.

Have &c.

Signed / C. W. B. Dyke
Collector.

From, E. Story Esq.
No. 402.

Officer in charge of the civil station.
To, C. W. B. Dyke Esq.
Collector of revenue.

Sir, With reference to your letter of the
1st instant No. 260 requesting to be sup-
plied with 350 cubic yards of stone, &c.
I have the honor to inform you that for
the following reasons your request cannot
be at once complied with.

* I have engaged to supply A. M. Simpson Esq.

with 5000 stone, 18 x 12 x 6.

2nd The amount of stone required by
you is very large, & I wish to know
if you expect it free of charge, or
intend paying for it, as is done by
the Department of Public Works, when
wanting stone.

3rd You do not give the dimensions of the
stone to be cut.

4th I do not understand what you mean
by the expression "to be cut as far as is
possible from the Handy Quarry," as stone
can be cut 3 miles on the road to
Guduru.

Jillah Court House, } Have &c.
5th December 1862. } Signed / E. Story
No. 646. } Officer in charge of the
Mellon, Collector's Office,
19th December 1862.

From, C. W. B. Dyke Esq.,
Collector of revenue.

To E. Strong Esq

Officer in charge of the Jail, &c. &c.
Sir, I have the honor to acknowledge

receipt of your letter No 402 of the 5th instant,
intimating in reply to mine of the 1st that
you cannot supply me with stone at once,
because you had engaged to supply Mr.
Simpson Esq with 5,000 stones; whilst you
further wish to know whether I intend to
pay for the stone, what the dimensions of
the stone are to be, and what I mean
by requesting that the stone may "be cut
as far as possible from the handy &
quarry".

2. I have not the Jail rules by me to
refer to, but to the best of my belief
prison labour can only be made available
for private individuals when not required

for public purposes, & the prisoners being
engaged furnishing stones for the Town Im-
provement, & having been simply stopped in
the delivery by the Prisoner, I protest
against their being taken from that work for
the purpose of supplying stone to Mr. A.
Mr. Simpson, & I claim that any stones that
up to this date may have been so delivered
to Mr. Simpson be returned to the 3 arches
Shew Bridge, from which I consider they
have been improperly taken. I propose
intimating to Mr. Simpson my claim so that
should he use the stone he may know
the conditions under which he uses it.

3. With regard to your request as to
whether I am prepared to pay for the stone,
I presume the question is not asked with
the expectation that any portion of the money
subscribed by the people for the improvement

of their Town should go for a cash &
payment for prison labour, & I should
have thought it would have been competent
to you to credit yourself with the Prisoners
labour for the value of the stone delivered,
without referring to me on the subject.
If however you think an authority is
requisite from me, I have no hesitation
in giving it, & hereby authorize you to
debit the Town Improvements for the stone
delivered as shown by the weekly receipts
furnished to you from this Office. And
I take this on myself with reference
to the orders of the Board & of Government
sanctioning & approving of the work in hand.
And, in continuation of these orders, I forward
for your information copy of an order of

Will be pub. Government received yesterday, Prisoners
listed in next
Gazette, & being
now required,
will be sent
subsequently.

Department No. 2, 611

4. Should you however still hesitate
as to the propriety of giving the Town
Improvements credit for so large an
amount of labour on the authority pro-
duced, on hearing from you to such
effect, I will lose no time in applying
for such sanction as you may deem
requisite. And, pending its receipt, I
request that the Prisoners may be
employed cutting & storing stone for deliv-
ery to the Town improvements when
sanction is received.

5. The dimensions required, regarding
which you request information had been
already communicated to the Saylor, & have
been followed during your absence on leave.
You will find them in the printed receipts

furnished to the Sailor, in the printed receipts
sent weekly to yourself.

6. The third point on which you require information I am sorry should have occasioned you any trouble, as it is a point equally capable of elucidation as the previous one without the trouble of writing to me. There are two quarries in Nilapitt in which the Priamers had been cutting stone before the rains set in, one, where the bulk of stone lately quarried has been cut; the other, the "Nandi" quarry across the Road, where I got the Priamers leave for to cut the better description of stone requisite for turning the Arches of the Sker Bridge.

7. In answering your letter under
acknowledgment, I take this opportunity

to bring to your notice what came to my knowledge only this morning, when I was superintending the Prisoners work west of the new Mussalman Burial ground. I found at a short distance from the Road, I am making there, a gang of Prisoners, lifting stone from the old Pemiroodi Chan. - wall, & I was told that the stone formed part of a bridge that had been built there, & was being taken to Mr. Simpson's house. I have directed full inquiry to be made by the local authorities with regard to the stone in question, & should it turn out to be a public work from which it is taken, I shall of course have to adopt the requisite measures for securing its return. I presume you were not aware of what the Prisoners were doing, & would suggest without waiting to hear from

me again, that you should take
measures for stopping, what is apparently
a gross irregularity, of which due
warning has also been given to Mr. Simp-
son.

8. And, in conclusion I beg that I
may be favored with an early reply
to this letter, as I propose to commence
turning the Arch of the Shaw Bridge,
I am anxious to have every thing
arranged for the punctual delivery of
stone before I go out for Jamatbandi.
I may add that whilst 350 Cubic
yards of stone are immediately required,
there is probably as much more
eventually required, as will keep all
the Prisoners that can be spared fully
employed up to the end of 1865.

S

I have &c
Signed J. W. B. Dykes
Collector.

No. 429.
From E. Story Esq.

Officer in charge of the Jail, Bellare
To J. W. B. Dykes Esq.
Collector of Bellare.

Sir, I have the honor to acknowledge
the receipt of your letter of the 19th instant
No. 646 in which you,
1st Impugn my right to supply private
individuals with stone cut by the
Prisoners, when the same is required for
public purposes.

2nd That the Prisoners previous to this
were employed on a public work &
only ceased from so doing owing to the
Monsoon.

* Cutting stone
for your
Shaw bridge.

3^{rdly} You order me (for the wording of
your para 2 amounts to an order) to have
the stones already given to a certain private
individual, to be taken from that person &
conveyed to your Shaw bridge.

4^{thly} Authorizing me to debit the Town
Improvements for the stone to be delivered
and requesting that in the event of my
still declining to give free of cost so large
an amount of labour, the Prisoners may
be employed in cutting stone for the
eventual delivery to Town Improvements.

5^{thly} Accusing me of a grave
irregularity in having removed some stones
from a "bridge" in the old Ramiroo
channel, & impugning my right to do so.

2. There are two other subjects in your

letter under notice which I will subsequently
by notice; I now proceed to notice those
pointed out by me in para 1.

3. To the 1st, I have to state that
stones are supplied as registered, & no
distinction is made between private &
public applicants.

4. To the 2^d, that no such order for
supplying stone was given by me; it
appears to have been given by Mr. Elliott
during my absence on leave.

5. On my return no such work was
going on & had it been, I should, for
the following reason, at once have
put a stop to it, viz that the stone
was not being paid for.

6. Nor was the stone work on
which the Prisoners were employed pre-
vious to the Imposition, strictly speaking
of a public nature i.e. a Government

37/10/18
1/11/18

one; for the improvements were & are being
carried out by private subscription.
I am at the same time quite aware
that the Board of Revenue have
approved of as laudable an object
& supported it but that does not
alter the nature of the undertaking.
7. While on this subject, I beg to
observe that much of the Town improve-
ment was carried out when the
Prisoners levelled a portion of the mud
wall round the Town & that nearly
all the practical improvement, as far
as I have heard of them, will be
carried out when the whole of the
wall is levelled & on which Prisoners
are still employed; & that in my
opinion the "Shaw bridge" for which

+ See Proceed-
ings of the Board
of Revenue
dated 15th Nov.
1862 No. 7521 B.

it appears the stone or a great portion
of it, is required, is not wanted & of
no real public benefit. I admit how-
ever that it may make a most
agreeable drive into the Town for a
few private individuals.
8. To the 3rd, for the reasons already
given, I must decline complying with
your order.

9. To the 4th - I have to state that
the rule is that parties applying for
stone pay for the same in advance
after their application has been
registered.

10. This, the Department of Public
Works has always done, or Department
which is strictly a Government one.
I cannot therefore give you stone or

order stone to be cut for you in other
terms, and only then, after the orders
already registered have been complied
with.

11. The only order now on the book
is that of Mr. Simpson, on the completion
of which & on your complying with the
rule, I shall be most happy to
comply with your wishes.

12. It is my duty to see that the
labour of the Prisoners is as remunerative
as possible; & it is only from the price
realized from stone cut by them that
any thing in reality is realized.

13. To the 5th, I have to state that
the "Bridge" is a myth. Many years ago
when Mr. H. D. Phillips was Registrar
of the Zillah Court he of his own

accord or it may be, at the request of
some of the inhabitants, & entirely with
Prisoner labour, erected steps for the con-
venience of parties taking water from
the Raminooy channel; for a long time, &
this channel has not been used & con-
tains no water, nor is it probable that
it will be again used, for, the mouth
of it has been blocked up; the steps
therefore were useless, & as the Prisoners
had placed them there under the orders
of the Court, I considered & still
consider that I had a perfect right
to remove & make use of them.

14. Some 200 & odd were sent to go
towards making up Mr. Simpson's 5,000, &
the remainder were used in forming a
parapet to a dangerous part of the
public Hospital opposite the Civil

Dispensary.

15. In the same para you inform me that you have directed a "full enquiry" & that you may have to adopt measures "for securing its (stone) return".

16. As to this, I have to simply to ~~state~~ that the removal was ordered by me in my Official Capacity as Sessions Judge & Officer in charge of the Jail, & that as I am not in either capacity under your authority & as you have no power to investigate & decide on my Official acts I shall not be able to respect any order you may issue on the subject.

17. I now proceed to state the other two subjects alluded to by me in para

2.

18. The first is para 5 of your letter & under reply, the printed receipt received by me since my return from leave, contain no mention of stone or dimensions of the same.

19. But on referring to papers previous to that time, it appears that stone of four different dimensions have been applied for by & supplied to you viz -

18 x 12 x 6

21 x 15 x 7.

24 x 15 x 8.

27 x 15 x 7.

20. I am still therefore quite in the dark as to what dimensions of stone you wish to be cut.

21. The 2^d is para 6, not being gifted with supernatural powers, it was impossible for me to say for certain what your wishes were in the vague & unmeaning phrase

phrase "as far as possible from" a certain quarry.

22. In conclusion, I beg to observe that the tone of your letter in paras 2 & 7 is rather dictatorial & threatening & a little wanting in courtesy. You seem to have forgotten that I am not in the slightest degree, as Officer in charge of the Jail under your orders & that the disposal of the Prisoners & their work is not under your control.

Zillah Court Dabhoi } I have been
23^d December 1862 } / Sd/ E. Story
Off^r in charge of
the Jail.

No. 665.

Attn. Coll^r & Magistrate's Office,

22^d December 1862.

From, J. W. B. Dykes Esq.

Collector & Magistrate of Dabhoi,

L.

6.

L. E. Story Esq.

Civil & Sessions Judge of Dabhoi;

With reference to my letter No. 646 dated 19th instant, I have the honor to inform you that from enquiries made by the Tahsildar of Dabhoi, I learn that the stone, which I observed the Prisoners lifting from Pimirodi Channel formed part of a flight of steps built by Mr. H. D. Phillips, when Registrar here, & procured with the aid of prison labour.

2. The steps, the Tahsildar further informs me, were originally built in connection with a bridge over the Fort ditch to assist the poor people living in the west portion of the Town in drawing water from the Pimirodi Channel, and, as the Pimirodi Channel has now been closed, are no longer required for the purpose, for which they were originally put down.

3. Should the steps have been originally built, as I presume, with the aid of the prison labour, you may perhaps be of opinion that it is competent to you, as the Officer in charge of the Jail, to remove the steps when no longer required, & deliver the stone to whom you think fit. But, in this respect, I differ from you. The work once constructed became public property; and, as such, the work passes under the control of the District Engineer & myself. And, when the work no longer is required for the purpose for which it was originally built, the disposal of the materials rests with the Officer who have hitherto had control of the work: and, with reference to recent orders of Government as regards the Fort at Tanjore, the decision of any question in respect to materials, in the

first instance, rests with the District Engineer.

4. Were you a private individual, & the removal of the stone the act of a private individual, it would of course be my duty to take measures for the preservation of the public property entrusted to my care, according to Law.

5. As it is, such a course would bring my authority as Collector & Magistrate in collision with the authority exercised by yourself in the first instance as the Officer in charge of the Jail, in the second as the Civil & Sessions Judge of the District. And such collision being unseemly, & in every respect to be avoided, I propose to submit the matter for the orders of Government in the judicial department should you decline to return

the stone.

6. And as I am anxious to have the question settled before I leave the station for Jamshedi, I have the honor to request that you will be so good as to inform me in the course of the day, whether, on reconsideration, you are disposed to return the stones to the work from which you took them, or still hold to the opinion I have supposed, & decline to return the stone, in which case, the reference referred to shall be made without loss of time, & your reply will be submitted with the correspondence.

7. I make this reference to you in your capacity as Civil & Sessions Judge though the question more immediately concerns you in your capacity of Officer in

7

charge of the Jail, because it is in respect of your former capacity that it is more especially desirable that I should avoid coming in collision with you.

8. I also take this opportunity of requesting that I may be favoured at the same time with a distinct reply to my application for stone for the Town Improvements, as also to the claim which I then put forward that the prisoners labour can only be made available for private individuals when not required for public purposes.

I have &c

/Signed/ C. W. B. Dykes

Collyer & Magistrate

No 435

From E. Loring Esq.

Officer in charge of the Jail
Nelson

To J. W. B. Dykes Esq.,
Collector of Bellary.

Sir, In answer to your letter to my
address of yesterday's date No. 665, I have
the honor to refer you to my letter to your
address of this day's date No. 429.

Zillah Court Bellary, I have &c.
23^d December 1862. Signed / E. Story
Officer in charge
of the Jail.

Sir, E. Story Esq.,
Officer in charge of the Jail Bellary.

To J. W. B. Dykes Esq.,
Collector & Magistrate of Bellary.

Sir, With reference to the 2^d Para of your letter
of the 29th Ultimo No. 363, I have the honor to
state that on reconsideration I consider that
I ought not to have removed the stones that
formed the steps to the old & unused Rami-
roori channel, as the same were virtually public

property.
Zillah Court Bellary, I have &c.
2^d January 1863. Signed / E. Story
Officer in charge of the Jail
Bellary, Collector's Office,
No. 2. Udayagiri, 8th January 1863.

From J. W. B. Dykes Esq.,
Collector of Bellary.

To E. Story Esq.,
Officer in charge of the Jail, Bellary.

Sir, I have the honor to acknowledge the receipt
of your letter of the 2^d No. 1, informing me that
on reconsideration you are of opinion the stone
in the old Ramiroori channel referred to in
my letter No. 363 of the 29th Ultimo, was
public property, & should not therefore have
been delivered to Mr. Simpson, and, in expressing
my satisfaction at our being of the same
opinion on this subject, I have the honor
to request that you will kindly inform
me what you propose to do in respect
to this stone, & whether on reconsideration

you find yourself able to comply with my
request for the quarrying & delivery of stone
for Town Improvements.

I have &c.

Signed / J. W. B. Dyer
Collector.

No. 7
From, C. Stuyvesant Esq.

Officer in charge of the Jail, N. York
To, J. W. B. Dyer Esq.

Sir, Magistrate of Prison.

1. I have the honor to enclose for your
information copy of a letter received yesterday
from the Inspector General of Jails; as
matter of courtesy, I send you copy of the
letter which induced the letter of the Inspector
General of Jails.

2. I also enclose the rules I have laid
down for the supply of stones.

Jillah Court House, I have &c.
1st January 1863. Signed / C. Stuyvesant

of New York.

Jillah Court House,
3rd January 1863.

From, C. Stuyvesant Esq.

Officer in charge of Jail, N. York
To, J. W. B. Dyer Esq.

Inspector General of Jails,
Cotnamund.

Sir, I have the honor to request your
instructions on the following points.

1st Is the Department of Public Works
to pay for stone supplied them?

* these improvements were originally com-
menced by the Government have
since recognized their great utility & assisted them
with a grant of money.
2nd Is the Magistrate of the District
to pay for stone supplied him on account
of the Jail House Improvements?
3rd Am I at liberty to give stone on
payment to private parties though stone
may be at the same time required,
whether urgently or not for public pur-
poses?

4th If stone thus supplied by prison

labor is to be paid for, how is it to be paid for? in advance, or monthly as supplied, or how?

2. My reason for asking your instructions on the 1st & 2^d points are; that hitherto, the Department of Public Works have paid for stone supplied them; but the Magistrate of the District is of opinion that stone ought to be supplied to him free of cost the work being a public one; if so, I do not see why the Department of Public Works should pay for their stone.

3. My reason for mooted the 3^d point is that the Magistrate of the District maintains that I have no right to supply private parties with stone, as long as stone is required for public purposes. Consider that I have the right, & that it is expedient to service it; for in the 1st place, it

is the only work done by Prisoners that is an actual gain; & 2^{dly}, without it, I should not be able to pay for permission to quarry stone, all the available ground near Gallone itself being private property.

4. My reason for mooted the 4th point is, that hitherto the Department of Public Works & private parties have paid in advance for the whole amount of stone asked for; but to this, the Magistrate of the District objects; in my opinion where Government is concerned, payment of the whole amount in advance is not absolutely necessary; but that it is necessary with reference to private parties; for otherwise, they might object to taking the stone after it had been cut for them, & I have no power to compel payment; distinctions however of this kind, are invidious.

5. & early answer to this request

Office, Charge of Jail.
(True Copy)

Signed, (S) P. J.

Officer Charge of Jail.

From (S) P. J.
No. 697

Inspector General of Jails

To, (S) P. J.

Spains Lodge of Hollow

Sir,

In acknowledging your letter of the 4th instant I have the honor to state that the stone cutting in the Hollow Jail must be regarded as a Manufacture. In any other Jail, that no department is entitled to receive stones cut by Prisoners from the quarry rented by the Jail gratuitously, that it is optional to you to sell to whom you please, & if the demand, at present

prices, exceeds the supply, to fix a higher price, when individuals & the Municipal body or quasi municipal body, improving the town, may compete. When a deposit is made the customer has a legal right to have his contract fulfilled before a stone is cut for sale to others, & in the case of stones of exceptional sizes it is desirable that a deposit of the value should be made, but for the ordinary stones stock sizes may at all times be disposed of, & it might be sufficient to make it a rule to deliver only for cash, but this must be left to your discretion. I have lately been requested to take steps for recovering debts due to the Chingleput Jail, & I see no reason why an Officer in charge should, by selling on credit, be compelled to draw for sums due.

2. When Officers in charge of Jails

undertake the ^{structure}
a work of Prisoners labor, skilled & un-
skilled, may be made available for
the furnished work the ^{of the}
but bricks, paper, cut stones &c. are
not in fact. certainly not at
the disposal of any Offr. who
them, for works stated to be of public
Utility -
Prisoners.

Office of Inspector ^{General}
General of Jail. ^{1st}
1st January 1863.

^{new copy}
Signed C. Story
Offr. in charge of the Jail.

Rules for the supply of stone cut by
Prisoners.

1. No credit will be given.
2. Parties private or public on paying
in advance, will be ^{interested &c}

supplied according to date of application
& payment.

3. No orders unaccompanied with payment
will be registered; but if there is stone
on hand any parties will be supplied
on payment.

4. Dimensions of stone required, &c.
must always accompany the request
for stone; otherwise, the application will
not be attended to.

5. All applications to be made to
the Sheristadar of the Court.

6. If considering advisable the price of
stone will be raised; of which due
notice will be given

9th January 1863.

Signed C. Story
Offr. in charge of the Jail.
Jillah Court, Dacca
10th January 1863.

No. 9.
From, C. Story Esq.,
Officer in charge of Jail, Dacca.

To, J. W. B. Dyke Esq.,
Collector of Bellare.

Sir, 1. The copy of the letter from the
Inspector General of Sails sent you
yesterday, answers your letter of the 8th
instant No. 2.

2. I take this opportunity of sending
you copy of a letter to the Inspector
General of Sails sent the day after
the one copy of which is alluded to above.

I have &c.
Signed /s/ E. Story
Officer in charge of Sails
No. 3.
5th January 1863.

From, E. Story Esq.,

Officer in charge of the Sails, Bellare.
To, J. P. B. Esq.,

Inspector General of Sails.

Sir, With reference to para 3 of my letter
to your works under date the 3rd instant
No. 1. I omitted to state that on taking

charge of the jail in June of 1860, I found
it was the rule to supply stones as the
applications were registered, without reference
to the application coming from private or
Official persons, & that I therefore continued
to act on this rule.

I have &c.
Signed /s/ E. Story

Officer in charge of the jail
No. 12.
Bellare, Collector's Office,

Madayagiri, 12th January 1863.

From, J. W. B. Dyke Esq.,
Collector of Bellare.

To, E. Story Esq.,
Officer in charge of the Sails, Bellare.

Sir, I have the honor to acknowledge the
receipt of your letter of the 9th instant, enclosing
for my information copy of a letter you
had received the day before, from the
Inspector General of Sails, & the rules you
have laid down for the supply of stones.

24/1/63
J. W. B. Dyke Esq.
Collector of Bellare.

also of your letter of the 10th instem, informing me that the copy of the letter of the Inspector General of Sails, that you had sent me the previous day, was the reply to my letter of the 8th instant, &c. &c. & taking the opportunity of sending me copy of another letter you had written to the Inspector General of Sails on the same subject.

2. Prior to the receipt of your letters of the 9th & 10th instant, I had had the honour of receiving a letter from you of the 2^d instem, intimating that you were in error in delivering the Paminodi Stone to Mr. Simpson, & had written to you on the 8th to ask what were your intentions in respect to this stone, as well as the stone applied for in the letters, dated as per Margin. And it is to this letter, you inform me the Inspector General's letter is your reply.

3. On the 29th of last month I had informed you, I was about to refer

to the 2^d instem, dated 1st Decr. 1862.
to the 4th instem, dated 19th Decr. 1862.
to the 6th instem, dated 22^d Decr. 1862.
to the 3^d instem, dated 29th Decr. 1862.

the Correspondence above alluded to for the orders of Government. On the 31st you had come to my house, and, expressing your wish that the necessity for a reference should, if possible, be avoided, in which wish I heartily concurred, you had informed me verbally that on reconsideration you were of opinion, you had made a mistake in giving Mr. Simpson the Stone from the Paminodi Chammel, and, after some discussion, we had agreed, that, after you had delivered a round number of Stones to Mr. Simpson you were to stop & delivering to Mr. Simpson, & were to commence Quarrying & carting Stone for the Town Improvements, leaving to me to arrange with the P. W. D. for the orders of theirs that you held at the time. And, in this manner, we had agreed there would be no necessity for my referring the question for

the orders of Government, as the stone was no longer required in the Rimini Channel for the public purposes for which originally put there, & might be considered to be replaced by the new stone delivered for Town Improvements.

4. The points agreed to at the interview of the 31st, were to be communicated to me officially. In your letter of the 3^d above referred to, you carried this intention out as regards the change in your opinion, in respect to the Rimini Stone, but as to what you intended to do about that stone, & whether you had stopped delivering to Mr. Simpson, on completing a round number, as you had also promised, you were wholly silent. You were equally silent as to whether you were prepared on reconsideration to quarry & deliver stone for the Town Improvements, free of cost, all of which points agreed to &c.

promised on the 31st, should have been duly stated in your Official of the 2nd.
5. On the faith of your promise that you would refrain from delivering stone to Mr. Simpson at the expense of the Town Improvements, as soon as you had completed a round number, & on the faith of your promise, ^{that} you would then at once commence quarrying & carting stone for the Town Improvements free of cost, I had left Hellose without making the reference to Government I had intended, & which had been fair copied & was then ready for my signature. I left Hellose trusting that the Officer with whom I had had the honor of serving for some time now would be as good as his word.

6. And from your letter of the 9th & 10th instant I gather, ^{instead,} not any information as to whether you have kept your word in respect to Mr. Simpson, but

that you had written to the Inspector General of Sails to know whether you might keep your promise, & had argued against being permitted. It is on one of these days too, that you write to tell me in accordance to our agreement, that you have changed views in respect to the Ramirez Stone, & yet keep silent as to this change. It is in respect to the remainder of our agreement, duplicity I might expect from a Native, but certainly not from the Judge of the District. You write to the Inspector General of Sails to ascertain from him whether you might do what you had promised. You write without saying a word of your promise, without laying before the Inspector General of Sails, as is usual, the Correspondence that had led to the promise being given; & putting your questions in such a manner as left to that Officer

no other course than to return the answer he gave.

7. If you had laid the Correspondence that has passed between us on this subject before Mr. Polke, & had informed him of what had passed at the interview, sought by you & not by me, I believe Mr. Polke would have returned a different answer, & whatever his opinion may be as to prison labor in general, he would not have issued orders in this instance that compel you to break your promise, when the keeping of that promise has for its object the Improvement of the Town of Hallowell & the interests of the people.

8. I shall now submit for the orders of Government the reference I deferred making on the faith of what you told me, adding to it such further

marks as shall explain the cause of delay,
 & sending with it copy of this letter, & of
 the correspondence that has ensued since
 the 3rd inst.

9. With reference to the instructions of
 the Inspector General of Sails, & the
 rules you have issued thereon, it will
 also be my duty to submit for the orders
 of Government, an estimate of what
 the Town Improvements would cost,
 supposing you should not raise the
 price of stone; and, to enable me
 to submit this Estimate, which I will
 send in as soon as I receive your
 reply, I have the honor to request, that
 you will be so good as to inform me what
 you are at present charging for stone
 supplied to Mr. Simpson & the D. P. W.
 I ask for this information separately,

because the public works cut their stone
 themselves, & Mr. Simpson's stone you
 have carted for him. Should you how-
 ever not have made a consolidated
 charge to Mr. Simpson, I have the honor
 to request that you will be so good
 as to inform me what you have charged
 for the cartage, & whether this will vary
 with reference to distance; & further that
 you will be so good as to furnish me
 with this information, if possible, by return
 of post, in order that there may be
 no delay in transmitting the requisite
 Estimates to Government.

I have &c
 Signed W. B. Dyer
 Collector.

1 True Copy/

To B. D. R.

Collyer & Hazlehurst

End M. 36

James

James

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No. 13.

From E. Strong Esq.

Officer in charge of the Jail, Boston.

To J. W. B. Dykes Esq.,

Collector of Boston.

Sir, I have the honor to acknowledge the receipt of your letter of the 12th inst. No. 12, and notice its contents.

Para 3.

2. My only reason for coming to your house and seeking a personal interview was, for the sake of peace & that there might be no misunderstanding between us, which in our relative positions was, I thought, unseemly but which without a personal interview, was likely, it appeared to me, to ensue, as your 2^d letter was in some respects quite as offensive as your first; this second letter of yours, owing to the personal interview, was not answered but I am prepared,

Enclosure

do a letter on the
College of Boston, to the
deputy to Government
in the Judicial Dept.
Oct 29. 1866
J. W. B. Dykes
No. 12.

Copies of Envelope

3. Since with the above

papers I send to you

copy of the Boston

Independent

Aug. 1866/1867

Aug. 1863

1869

on being called upon by competent authority,
to explain every point raised by you in it.
3. I did then agree to quarry stone for
the Town Improvements & as mentioned
in my demi Official to you, put on ^{*Delegated,}
Monday the 5th instant, 36 Prisoners on that ^{no copy}
work & who were only withdrawn on the ^{having been}
7th instant, i.e. the day after the receipt
of the letter from the Inspector General
of jails; but I then made no promise
to cart the stone as cut; on the contrary
I told you that I could not, to which
you answered "that will swamp me at
once", or words to that effect.

4. I also then agreed to write to you
officially regarding the Ramiroo Channel
which was done, but nothing was said
about writing officially on the other points.

5. Your own demi Official to me of the
8th

of the instant proved this, if further proof is
necessary, for you then say "I should
be much obliged by your putting them
officially on record; I call this letter &
mine in answer to it "demi Official," as
they were sent on the Public service.
I also then agreed to ask Mr. Simpson
to be satisfied with 4,000 stones & to relieve
quick the other 1,000 asked & paid for
by him, & I agreed to this solely for the
reason already stated in para 2, but not
from any doubt as to the propriety of my
having supplied that Gentleman with stone.

Para 5 & 6. 7. In my demi Official already alluded
to, I endeavoured to explain by a reference to
your demi Official, why I made the
reference, now complained of by you,
to the Inspector General of jails. I will
now explain more fully. I considered it

advisable that the question of the payment
or non payment for Stone for Public
Works should be settled by the Inspector
General of Jails; & I also considering that
I was not justified in asking Mr. Simp-
son to give up 1000 stone (who however
willingly consented to do so) when I felt
that I had a ~~perfect right~~ ^{perfect right} to let him
have stone in payment, & under the existing
circumstances.

As the foregoing occurred to me
the day after our interview & as you had
in the mean time left town, I could not
speak personally to you on the subject; &
which otherwise I should have done.

9. I did not send the previous
correspondence, simply because I did not
think it necessary, as the reference now
complained

complained of contained the main points of
the said former correspondence viz whether
I had or ^{had} not a right to sell stone
cut by Prisoners, to private parties if their
applications were made & paid for, prior
to any such application on behalf of
Government; & whether stone for Government
purposes and Town Improvements were
to be paid for or not.

10. To not make these explanations
in order to exculpate myself before you
of the charge of duplicity which you
have been pleased to bring against me,
but to enable you to see clearly how the
matter stands, & to induce you if possible,
at any rate to give you an opportunity
to apologise for & withdraw your public
accusation of duplicity, a charge made
I am certain, without due consideration &
in

in the heat of the moment, arising from vexation at having a difficulty thrown in the way of a favourite project; but which having been publicly made, must be as publicly withdrawn or the question whether you are justified in making so grave an accusation must indeed be referred for the decision of Government.

11. Should you however refuse to do my Official character, this justice, I have to request that when sending up the correspondence to Government, you will be so good as to send up at the same time a copy of my demi Official to you & also the enclosed copy of your demi Official to me; & until this point is settled one way or the other, I must decline all further correspondence with you

you regarding it.

Para 9 12. Stone had been previously & is now or 36 stone cut at the rate of 1 Rupee the cubic yard & at this rate Mr Simpson was supplied as well as the Public Works Department.

13. For casting, Mr Simpson was charged the usual price per Prisoner per diem viz 2 Annas & Pice, the tips per diem being apportioned according to the distance.

Zillah Court & Hallah } I have & co.
Hallah, } Signed C. Shing
17th January 1862 } Offr in charge of the Jail.

True copy

J. W. D. R.
Collector & Magistrate

Ed
P.H.

42.33.

Nellore, Collector & Magistrate's Office
Udayagiri,
27th January 1863.

From,
J. W. D. Dykes Esq^r,
Collector & Magistrate of Nellore.

C. Story Esq^r,
Officer in charge of the Jail,
Nellore.

I have the honor to acknowledge the receipt at Addanki on the 20th of your letter of the 17th Instant, which I regret travelling has prevented my sending an answer to sooner.

2. Writing in reply to mine of the 12th Nov. 12, in paragraphs 7 to 10, you explain the grounds on which you acted in making the reference to Mr. Pocher I complain of, and explaining further, that you do not make these explanations to clear yourself

Enclosure, No. 1.

In a letter from the Collector
of Nellore to the Chief
Secretary to Government
Madras dated 27th Nov.
January 1863 No. 3.

Copy of letter No. 13

dated 17th January 1863 from

the Officer in charge of Jail

to the Collector Nellore regarding

the supply of stone

for the stone improvement

being made in the Jail.

27th Jan 1863

No. 205

before me, but to enable me to withdraw the charge of duplicity should I think fit, in paragraph 11, you request me to submit the correspondence for the consideration of Government should I decline, I request me to send copies as well of our demi officials of the 8th & 9th Instants respectively.

3. Having promised to quarry stone free of charge for the Town Improvements, you wrote the next day to the Inspector Genl of Sails to ~~renew~~ that you should not be allowed to. And when I asked you to fulfil your promise, you refused me to. the reply, you had received from the Inspector General, complying with your own recommendation. In your letter to the Inspector General you said nothing of the promise, now had given me; you put the question

on a different footing, viz, as regards P. 11. Works, I allowed Mr. P. 11. to suppose, that; so far as you were concerned, it was an open question; and this I said was duplicity I might expect from a native, but not from the Judge of the District. I do not see how I can with propriety withdraw this charge, when you yourself admit that you did promise to quarry the stone free of cost.

4. In my letter of the 17th I dwelt on other points also, to which you demur, and I have not therefore referred to in the preceding paragraph, but regarding which I am none the less clear in my recollection.

5. In the 4th paragraph, for instance, you admit having agreed to acknowledge officially, that the Ram Reddi Stone had

been improperly sent to Mr. Simpson, but deny that any agreement was made, about intimating, officially, the arrangements made for rectifying the error, a view of the case you yourself will see on reflection is opposed to every probability. It is not probable, when a mistake had been made, which it was my duty to bring to the notice of Government; and I had then written but not despatched the report, that I would stop the report, without your promise of putting on record the grounds on which I stopped it?

6. Again, you deny having promised to cart the stone free of cost. Allow me to recall to your recollection what passed. — After getting your promise to quarry free of cost, I mooted the point of carriage. &c.

You refused. You said you were sorry you had agreed to carry for Mr. Simpson. I urged you had bargained expressly for carrying stone. You said you would put baskets on them, and intended repairing the Gangapatnam road. I said the Town Improvements were pressing; and, as for the Gangapatnam road, outside Nawaspet, it was only a tract of sand, and what you could do would not much affect it as a line of traffic. And you then made no further objection.

7. When I wrote to you demi-officially that "I should be much obliged by your putting officially on record" what we had agreed to, I put my request in that shape to avoid, if possible, referring officially to a private interview. And it seems to me, ^{6th} paragraph, not to contradict, as you urge, that such

things had been agreed to, but to prove that,
in my semi-official correspondence, at all
events, I do not use the style you characterize
as "offensive" in my official correspondence. ^{2^d} paragraph.

the whole of which might have been avoided,
had you thought fit to continue to the Town
Improvements the support ^{you} gave in the first
instance. In the first instance you gave
the stone free of cost; you now raised the
question of requiring it to be paid for. And,
if, as stated in the 7th paragraph of your
letter under acknowledgement, you considered

that the supply of stone free of cost
for the Town Improvements raised the
question of the propriety of charging the Public
works, in submitting this question for Mr.
Rohde's consideration, why did you not
state as regards the Town Improvements

you had given your promise. In ^{the} 8th para-
graph you state that you did not submit
the previous correspondence, simply because
you did not consider it necessary; but a
promise given does not come under this
category. Surely it is necessary for an
Englishman to keep his promise. And, if
you had scruples that prevented your keeping
your promise, surely it was... necessary to
write and tell me so. If I had been in
^{the} 8th paragraph the station, you say you would have told
me; I cannot see my being absent undid
it less necessary.

8th When I wrote to you on the 12th, I at
the same time sent on the original referred
with a postscript, and copy of the letter to
yourself. Your request noted in paragraph 2
shall now be complied with, & the Higher

Authorities will decide how far my language
is in accordance to facts.

Calcutta
from Birivra
Jan^y 29th 1863.
I have ~~just~~
(signed) J. W. B. Dykes.
Collector & Magistrate

True copy

J. W. B. Dykes

Collector & Magistrate

had
MSL.

Copy of letter No. 3326
27th Jan^y 1863, to the
Officer in ch. of Police
regarding the supply of
stone for the stone
improvements.
J. W. B. Dykes
29th Jan^y 1863
No. 3326
Imp. & Ind. No. 005366

1863 100544
Enclosed in a letter
from the Comm. & Mag. of
Police to the Chief
Secretary to Govt. in the
name of the 27th Jan^y
1863 No. 3.

My Dear Story,

I was glad to get your letter of the
2nd, but am writing to you officially, to day, for
further information in respect to the stones
required for the Town Improvements. As I re-
member, we agreed, when you came over to my
house, that you were to go on delivering to Mr.
Simpson to complete a round number in
thousands, and as soon as that number was
completed you were to draw to Town Im-
provements, leaving me to make arrangements
with the Engineers with regard to their supply,
and that, as new stone was to be delivered,
there would be no necessity for further pro-
ceedings in respect to the old Ram Reddi
stone, which you said had been used by Mr.
Simpson, & could thus be considered as re-
placed by the new stone delivered to Town
Improvements. - I am sorry to give you the

trouble of writing again on this subject; but, if
I have remembered correctly the conclusions we
came to, I should be much obliged by your
putting them officially on record; for, as the
saying goes, you are at present at single anchor;
any day you may leave for good; and it is
very desirable, every thing connected with Town
Improvements, so far as Prison labor is con-
cerned, should be definitely fixed before
the Jail passes into the hands of a new
Judge. Also kindly mention when the
round number was completed, and, should
you not have commenced as yet; when you
will commence delivering stone, as I am
now trimming the stone I have got, at the
rate of a 100 p day, and shall soon have
exhausted the supply of rough cut stone
at present in hand. I am sorry Christmas
and the journey out here has delayed my

letter about Clay's domination. I however
sent off my reply yesterday. In concluding
this long note, must add, I find my first letter
about the stone, as you thought, was rather
provocative in its tone. As soon as I looked
at it, after our conversation, I remembered
that, when I wrote it, I thought a discussion
was probable, and I had therefore put what
I wanted in as few words as possible. If
you think a different style would have avoided
the discussion that did ensue, I can only
regret that the letter was not couched in
the usual style.

Yours Sincerely
(Signed) J. W. B. Dykes.

Udayagiri,
8th January 1893.

9th
My Dear Dykes.

I received your note a few minutes
ago. It is now 9. P. M. I answer at once.

On leaving you it struck me as it has you
that the question of Stone should be de-
-finitively settled by the Inspector General
of Sails, so far as his power goes. The
result I sent you to day. On Monday last
I put 36 prisoners on your quarry. I
doubt not they have more than repaid
the 200 \$ odd sent to Mr Simpson
from the old channel. However many they
may have cut they are not to be paid for.
On receipt of Raldis official I was
obliged to withdraw them. On applying
to Government they may order you to have
Stone free of expense.

Yours Sincerely
(Signed) E. Story.
(True Copies)

J. B. De R.
Collector.

102.
Nellore, Collyer & Co. (officiating),

Udayagiri,

27th January 1863.

From,

J. W. D. Pykes Esq^r,

Collector of Nellore.

To,

A. J. Arulthot Esq^r,

Chief Secretary to Government,

Judicial Department,

Fort Saint George.

Sir,

With reference to my ltr. of the 29th Ultimo, & postscript of the 17th Instant, I have the honor, at the request of Mr. Story, to submit for the consideration of Government further correspondence on the same subject, consisting of an official letter from himself to my address, under date the 17th Instant, in reply to one from myself of the 12th of which a copy has been already submitted, & 2d some officials which have passed between me under dates

* Wike-leson
of 12th Inst.

Enclosure No. 2.

In a letter from the Collector of Nellore to the Chief Secretary to Government, Judicial Department.

Fort St. George dated 29th January 1863 No. 3.

Copies of some official

correspondence between the

Collector of Nellore & the

Chief Secretary to Government

of Fort St. George, regarding

supplying of some of the

some improvements to

Jan 25/63 29th
Amplified 15th or 16th 566.

the 8th & 9th int. respectively.

2. Mr. Story, it will be seen, admits having agreed to quarry the Stone free of cost for the Town Improvements, & explains that after making the promise, it struck him as advisable, that the question of the Public Works paying or not, should be settled by the Inspector General of Sails; & he therefore made the reference to Mr. Rohde, I complain of.

3. Mr. Story denies having promised to cart the Stones free of cost, denies having promised to put on record that he would replace the Stone he had improperly supplied to

Mr. Simpson from the Ram Redde Channel, ^{xx} ^{xx} paragraph 3.

& states he would have told me of what had occurred to him after our interview, had

I been in Killore, ^{xxx} & he did not send the ^{xxx} paragraph 8.
previous correspondence to Mr. Rohde.

⁺ paragraph 9. simply because he did not think it necessary.

4. Mr. Story does not state, why he did not think it necessary, in making the reference, to inform Mr. Rohde, as regards the Town Improvements, he had already given his promise.

5. As brought to the notice of Government in making the reference to Mr. Rohde, Mr. Story, whilst saying nothing about having given a promise in the matter, argued against being allowed to fulfil it, & put the reference on a different footing altogether, viz. the propriety of the Public Works Department being made to pay.

6. And, whilst perfectly sure that Mr. Story did promise to cart Stone free of cost, as shown in my reply to Mr. Story of this day's date, copy of which is now submitted, & perfectly sure that Mr. Story did promise

is put on official record the only grounds, that
would justify me in failing to report to Govern-
ment the irregularity in respect to giving
the Rome Reddi Stone to Mr. Simpson,
till it seems unnecessary to complicate the
question by these points, & as requested by Mr.
Story, I beg to submit for the consideration
of Government, whether, with reference simply
to facts that both Mr. Story & myself are
acquainted with, I was justified in the language
I used in my letter to Mr. Story of the 12th
Instant.

Mr. Story having promised to quarry
stone free of cost for the Town Improvements,
wrote next day to the Inspector General of
Sails urging he should not be allowed to...
When I asked him to fulfil his promise,
he referred me to the reply he had then
received from the Inspector General of Sails

complying with his own recommendation. In
his letter to Mr. Rhode Mr. Story said
nothing of the promise he had given. He put
the question on different grounds altogether. So
far as he himself was concerned, Mr. Story
allowed Mr. Rhode to consider it was an
open question, & this being the course he had
pursued, for Mr. Story to refer to Mr. Rhode's
letter, when I called on him to fulfil his
promise, was I said duplicity. I might ex-
pect from a native but not from the Judge
of the District.

8. Should the Government be of opinion
that Mr. Story's conduct is not open to the
charge I have brought against it, I can only
add, I shall be glad to learn I was in
error, & apologize for the impression used.

I have the honor to be,
Sir,

Yours Most Obedt Servt
J. B. D. R.

Collector & Magistrate

Despatched from
Dacca on 11th Dec.
1864
J. B. D.

• *Nature, Collector's Office,*

Yours,

30th Janua 1851.

From,

J. W. J. Dykes Esq^r,
Collector of Taxes.

2/0,

A. J. Arbuthnot Esq^r,
Chief Secretary to Government,
Fort Saint George.

Sir,

With reference to my letter of the 27th
instant I have the honor to state that a Copy
of the reference to the Inspector General of Sails
referred to therein was submitted with my
letter of the 24th Ultimo N^o. 50.

I have the honor to be

Tr,

Yours Most Obedt. Servt

Wm. D. R.

the Tor.

To the Editors of
The Liberator.

To His Excellency,
the Governor of the State of New York

De la Harpe,

Wm. J. Peapack

Oct 27th 1863.

Aug 29th 1863

Dec 3/11

Dec 21.
In C. 3-6
inspected -

2-Enclosures-
Pg 3. 1/2925

submit for consideration what
has our justified and strong
the offer in charge of the fact that
the fact of having written to
the Secretary General of the
: and that the same document
should be accepted for them, with
mentioning that the way before
the two things is sincerely
truly yours
A. C.

Read the following papers:—

From the Collector & Magistrate } Here enter 29th Decr. 1862. N^o 50
of Mellore _____
— Do. — Do. — — — — — 27th January 1863 N^o 13.
— Do. — Do. — — — — — 30th — Do. — — — — — N^o 14.
From the Civil & Session Judge } — — — — — 24th — — — — — No. 9.
of Mellore. _____

Order thereon 9th March 1863. N^o 366.

The foregoing letters
have reference to a difference
which has arisen between
M. Collector of Nellore
and M. Session Judge of
that station in his capacity
of Officer in charge of the
Jail, consequent
refusal of the latter to
supply, free of charge
stone



Wm. J. P.

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informing copy of the report
of the Inspector General of
India, was acknowledged with
letter of the 29th March.

20249

stone cut by the prisoners
for certain works in
progress in connexion
with the improvements
of the town, in aid of
which the Government
have sanctioned grants
amounting to Rs. 3287-11-4.

B. The facts of the case,
as they appear in the
correspondence, are briefly
these. In the course of
last year the prisoners
were employed at various
times in cutting and
carting stone for
works having been
interrupted by the monsoon,
the Collector
December 1861
for their services;

was

was informed by the
Session Judge that
H.D. taken supply
stone to a gentleman
residing at Tellore on
payment. And that until
this engagement was
fulfilled he could not
supply stone for the
town improvements. The
Session Judge at the same
time inquired whether
the M. to was prepared
to pay for the stone
required for the town
works. It appeared
that the stone supplied
was from Simpson, and
the man referred to, was
taken from an old
channel and the
being public property,
the Collector objected
to

to its being removed without
his sanction. At a

interview which
followed, the Session
Judge agreed "at as soon
as a certain number of
stones had been supplied
Mr. Simpson, the
prisoners should commence
quarrying and carting
stone for the town
improvement. It was
settled on this occasion
that Mr. Story should
write officially to the
Collector to this effect
and admitting that the
stone should not have
been removed from the
channel before alluded
to. On further considering
the matter, Mr. Story
saw

no reason to question the
propriety of his supplying
stone for the works free
of cost, and made a
reference on the subject
to the Inspector General
of Mills, at the same
time addressing an official
letter to the Collector, in
which he confined himself
to the question of the
removal of stone from
the channel. On receiving
the Inspector General's
reply, which was to the
effect that stone supplied
by Common Labor to the
town works must be
paid for, Mr. Story
sent a copy of it and
of his letter to which it
was a reply, to Mr. Dykes.
Both

Both Officers have addressed
Government; Mr. Dykes,
with reference to the
removal of the Officer

in charge of the Jail
to supply the stone for
which he applied, free
of cost; and Mr. Story,
with reference to the
tenor of Mr. Dykes' ^{letter} one of which
he has accused him
of duplicity in connexion
with the reference made
by Mr. Story to the
Inspector General of
Jails.

3. The Governor in Council
regrets that the time
of two public officers
occupying the responsible
positions

positions of Judge and
Collector of a District
should have been occupied
in a correspondence of the
nature of that under
notice, and he is con-
strained to say that
the language made use
of by Mr. Dykes in
his correspondence with
the Session Judge is
altogether without warrant.
Mr. Story was perfectly
justified in referring to
the Inspector General of
Jails, the question whether
the Collector's requisition
for convict labor free
of charge should be
complied with; and
pending the result of that
reference, it was clearly
open

Open to him to defer carrying
out the arrangement
which had been agreed
on between the Collector
and himself. It would
have been better and would
probably have prevented
the unpleasant correspondence
which followed, if Mr.

Storoy had at once informed
Mr Dykes of the
reference he deemed it
his duty to make; but
his omission to do so
affords no justification
for the charge of
duplicity which Mr
Dykes has thought fit
to bring against him.

4 On the other
Questions

Questions submitted by
the Collector, "Governor
in Council will make
the following observations.

5. A definite rule can
be laid down in regard
to the ~~proceedings~~^{proceedings} to be
given to applications
for the labour of Convicts.

Generally, works of
public utility should
have the preference; but
cases may arise where,
as in the present instance,
an agreement may have
been made with a private
individual, who, having
contracted to pay the
regulated price for the
Convicts' work, is clearly
entitled to have the
Contract fulfilled before
any

Any other work is under-

taken. In the view of
the case, the Government
consider that Mr. Story
was justified in declining
to place them ~~convicts~~
at the Collector's disposal
until the contract made
with Mr. Simpson was
fulfilled.

6. On the second
question whether Prison
Labor when required
for public purposes,
should be paid for, the
reply given by the
Inspector General of
Jails is correct. There
can be no reason why
such labor should be
supplied gratuitously by
on works carried on
under the Collector,
when

When payment is required
for it from the Depart-
ment of Public Works.

The same principle is
clearly applicable to
both cases, especially
where the work is not
strictly a Government
work, but a local one
carried on with the aid
of Government grant. In
the present instance, however,
the work appears to have
been undertaken and the
subscriptions raised, under
the impression that
Convict labor would be
granted without payment.
In these circumstances
the Governor in Council
will not object to such
further supplies of stone
as

as may be required for
the completion of the
work, being quarried
and carted by the
Contractors free of charge.

To The Collector & Magistrate of Mallore
The Civil and Session Judge of Mallore }
The Inspector General of Mills }
enclosures 11
dated 11/3/63

Pro. Secy
Ludwell 1863. Department.

No. 366.

PROCEEDINGS OF GOVERNMENT.

was 53-56
6.10.57
5-6
31-7-60

was 167-68
7.3.62
was. 10.40.41
8.9.67

was 58-59
4.60

23.2.37

Dated 9. March 1863.

2284
2393/54.

Certain observations made
regarding a difference that
arose between the collection
and the paying party, con-
-dependent on the refusal
of the latter to supply free
of charge, stone oil. by
the oilmen for certain
months in progress in
connection with the in-
-provement of the road.