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Government of Madras.

Public DEPARTMENT.

Govt. No. 11 5 7

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Dated 12 11 — 18 37

Not to be folded or roughly handled

No. 62. Read the following letter from Colonel C. E. FABER, Chief Engineer; to H. FORBES, Esq., Acting Secretary to Government, dated 30th October 1857, No. 4831.

SIR,

The Superintending Engineer Southern Circle P. W., having addressed you instead of the Head of his Department as he ought to have done on the subject of my Proceedings, No. 4710 of the 24th Instant, and he having called upon me to forward his letter, I feel constrained however reluctantly to tresspass further on the time and attention of Government respecting a question of internal economy in the Central office of P. W., on which my own authority ought to have been conclusive and final.

2. The statements now made by Major Lawford, appear to me to thoroughly substantiate my former report of his "non performance of a Subordinate's duties," for the whole tenor of his present address is little else than an exposition of his own claims to be relieved of all Departmental authority, and to be authorised to consult nothing but his own Judgment in discharging the duties of a Superintending Engineer.

3. It is almost the bounden duty of my present office to dissect Major Lawford's despatch with a view to the separation of right and wrong, which if not wilfully, are almost inextricably mingled together, so that what is incontestably just and legitimate, is found mixed up with what is as obviously improper and insubordinate.

4. It will thus be noticed, that in the opening of para. 2 of his letter now forwarded, No. 230 of the 28th Instant, the Superintending Engineer Southern Circle virtually questions the power of the head of the office to prohibit recourse to written correspondence on the part of his Subordinates, whenever the matter in hand admits of personal and vivâ voce disposal as he defends his acknowledged infraction of the rule on the ground of my order not being "based on the Regulations of the Department or service, or indeed any lawful order from the Chief Engineer."

5. In point of fact it is on Major Lawford's foregoing allegation that the whole question (if question there really be) hinges. The Superintending Engineer affirms, that an order intended to check redundance of recorded correspondence, and to protect myself and the Government from unnecessary written discussions on points admitting of verbal disposal, is not lawful; and he thus denies, as he repeatedly has done, that there is any authority inherent in the Head of the Department to make suitable office regulations for despatching the business for which he alone is responsible to the Government. This accordingly is the one point on which I at last am now compelled to apply for an expression of the intentions of Government. Major Lawford professes obedience to its orders, but claims practical exempties from my own authority, except as the avowed channel for communicating such orders of Government; and my instructions for his movements and inspections when on circuit were openly considered as invalid whenever or until they were confirmed by the Governments approval of my Proceedings, which either might, or might not be communicated in time to reach the Inspecting Officer before the opportunity for examination had been lost.

6. In respect to the privelege of Superintending Engineer's placing their professional opinions on record; this it is well known both to the Government, and to Major Lawford has been reserved from the beginning albeit it was not at first obligatory on the Head of the Department to place such record before Government forthwith. But this has never been called in question and my directions never to write, when it is sufficient to speak, have nothing whatever to do with the privelege of recording opinions which differ from those recommended for the adoption of Government. Major Lawford's letter of the 6th Instant which originated the Proceedings of the 24th, can be consulted with advantage, as an instance of the species of letters, I from the first had felt called upon to discourage and to forbid, for it will be observed that there was nothing contained in that despatch to warrant the writer having recourse to a vehicle of communication which both pointedly and repeatedly. I had prohibited and all the more that on the very day it was written, Major Lawford passed a considerable portion of the forenoon in personal conference with me in my room.

7. But perhaps no more forcible illustration can be found of the Superintending Engineer's utter inability to apprehend the reality of his relative position with the Head of the office, than

his own remark that "moreover the Chief Engineer has himself frequently adopted the very form of communication he forbids" just as if the cases were not quite different, and as if, whilst the Chief Engineer has frequent occasion to give instruction (though never by letter I believe as erroneously stated) to his subordinates, they cannot have any but verbal communication to him, unless as a channel to Government against which of course there never could have been a rule as the practice now current may well exemplify.

8. I have no wish to modify my Statement as to the routine in the Central office, notwithstanding the counter allegations contained in para. 3, though I think it quite likely Major Lawford believes his version to be true, or even that it may literally have been so in his own case, by reason of action on mistaken surmises but as he states, there is nothing on record. The Government will easily appreciate the measure of exaggeration that pervades para. 4, and it might be thought a very obvious proceeding to send a special messenger to obtain the Chief Engineer's initials or orders whenever "the urgency was evident" but as the Superintending Engineer Southern Circle "insists on the immediate despatch of orders" on all requisite occasions there would seem to be something contradictory in Major Lawford's Statements on this head.

9. I am altogether unprepared to admit that with reference to para. 5, there is, or has been any thing whatever of a representative character in Major Lawford's persistence in his disobedience of my interdict against written letters; on the contrary I must beg permission to express my most confident opinion that the Superintending Engineer Southern Circle would have acted exactly as he has done and does, if he had chanced to be the Regimental Junior instead of the Senior Departmental Officer. The subject matter of his several written papers is personal on every occasion; and it is only necessary to refer to the harmonious action of the Central office during Major Lawford's tours of inspection to conclusively demonstrate the absence of any deligacy or representative character in the habitual opposition to both my wishes and my orders, which that Officer has shewn almost uniformly towards me in my capacity of Head of a Department in which he practically claims to hold an independant position.

10. The Government will now have no difficulty with reference to para. 6, in deciding how far my "imputations" are indeed "undeserved" since if I mistake not the despatch itself to your address now forwarded amply corroborates all that I have at length been compelled most reluctantly to place on record in my Proceedings of the 24th Instant, but whilst unfeignedly deploring my repeated failures in inducing Major Lawford to recognize the authority inherent in my rank and official position, I should be very sorry to omit my testimony to the zeal, diligence and ability with which he discharges the duties of his office.

Letter from Major E. LAWFORD, Superintending Engineer Southern Circle; to H. FORBES, Esq., Acting Secretary to Government, dated 28th October 1857, No. 230.

SIR,

The Chief Engineer having submitted to Government Extract of his Proceedings of the 24th Instant, No. 4710 simultaneously with his communication of that document to me, I have the honor to request you will do me the favor of laying before his Lordship in Council the following remarks.

2. The first nine paragraphs of Colonel Faber's paper are occupied with the subject of my having on some occasions, addressed him officially for which he censures me in terms I do not feel to be deserved, for I can by no means admit that I have "alone set an example of the non-performance of a subordinate's duties" or "habitually disregarded" any orders based on the Regulations of the Department or Service or indeed any lawful order from the Chief Engineer. On the contrary, I have been in the constant habit of consulting with and receiving verbal instructions from Colonel Faber but Para. 2 Section II. of the Code gives me the undoubted right of placing my opinions on record whenever I may think proper to do so, and Colonel Faber's memory has so failed him at times in our personal intercourse, that I have felt written communication to be necessary. In the present case, Colonel Faber forgets to inform the Government that my first communication with him on the subject of my letter (No. 223 of

6th October 1857,) was verbal, but the rejection of my request for a change of system led to my placing it in an official shape. Moreover the Chief Engineer has himself frequently adopted the very form of communication he forbids.

3. With respect to the immediate subject of Colonel Faber's reference, I must state that his recollections are certainly at fault when he ventures to affirm "as a matter of actual fact" that I and other Superintending Engineer's both "possessed and exercised from 1st August 1855, to 10th August 1857, the very powers of independent action suspended by Extract Minutes Consultation No. 1556." Those powers were withheld on the first working of the new system, then conceded, and finally withdrawn again so that on my return to the office last July, I found an order in force which had never been directly communicated to me that no paper should leave the office to the draft of which the Chief Engineer's initials were not previously affixed. The several changes of system were not recorded.

4. The public inconvenience caused by the restriction under notice arises from delay and in some instances I have found it absolutely necessary in Colonel Faber's absence from office, to insist on the immediate despatch of orders on which no question could arise, and of which the urgency was evident. So far however is the restriction ordinarily carried, that disposals made in conformity with his own instructions must as a general rule receive the Chief Engineers initials, as if the Superintending Engineers could not be trusted to put them into intelligible language.

5. I cannot conclude this explanation without noticing Colonel Faber's reflection on myself as the only Superintending Engineer who has questioned his right of interdict to official communication. In their order of the 27th January 1857, Government recognized the seniority of Officers in the Department according to the order of appointment, agreeably to which I stand first of my grade and therefore on me devolved the duty of representing any matter which seemed to affect its efficiency. If I have, as Colonel Faber asserts been "most tenacious of my own authority and strict in the exaction and enforcement of the obedience of my own Juniors." I am conscious of no other motive than that which has prompted my representation of the evils of a system, which tends to neutralize the very purpose of my appointment, and as I believe to prejudice the Public service.

6. I trust that the Government will exonerate me from the undeserved imputations the Chief Engineer has recorded against me, on the sole ground of my availing myself of an official privilege belonging to my office.

No. 63. ORDER THEREON, No. 2089; dated 10th November 1857.

Ordered that the foregoing letter be recorded.

(Signed) H. FORBES,
Acting Secretary to Government.

No. 230.

Superintending Engineer's Office
Southern Circle.
Fort Saint George.
28th October 1857.

From,

Major E. Lawford,
Superintending Engineer
Southern Circle.

To,

H. Forbes Esquire
Secretary to Government
D. P. Works
Fort Saint George.

Sir,

The Chief Engineer having submitted to Government Extract of his Proceedings of the 24th Instant No. 4710, simultaneously with his communication of that document to me, I have the honor to request you will do me the favor of laying before his Lordship in Council the following remarks.

2. The first nine paragraphs of Colonel Faber's paper are occupied with the subject of my having, on some occasions, addressed him Officially for which he censures me in terms I do not feel to be deserved, for, I can by no means admit that I have "alone set an example of the non performance of a subordinate's duties" or "habitually disregarded" any orders based on the Regulations of the Department or Service or indeed any lawful order from the Chief Engineer. On the contrary, I have been in the constant habit of consulting with and receiving verbal instructions from Colonel Faber but Para 2 Section II of the Code gives me the undoubted

undoubted right of placing my opinions on record whenever I may think proper to do so, and Colonel Faber's memory has so failed him at times in our personal intercourse, that I have felt written communication to be necessary. In the present case, Colonel Faber forgets to inform the Government that my first communication with him on the subject of my letter (№ 223 of 6th October 1857) was verbal, but the rejection of my request for a change of system led to my placing it in an Official shape. Moreover the Chief Engineer has himself frequently adopted the very form of communication he forbids.

3 With respect to the immediate subject of Colonel Faber's reference, I must state that his recollections are certainly at fault when he ventures to affirm "as a matter of actual fact" that I and other Superintending Engineers both "possessed and exercised from 1st August 1855 to 10th August 1857 the very powers of independent action suspended by Extract Minutes Consultation № 1556." Those powers were withheld on the first working of the New System, then conceded, and finally withdrawn again so that on my return to the Office last July, I found an order in force which had never been directly communicated to me that no paper should leave the Office to the draft of which the Chief Engineer's initials were not previously affixed. The several changes of system were not recorded.

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5. I cannot conclude this explanation without noticing Colonel Faber's reflection on myself as the only Superintending Engineer who has questioned his right of interdict to Official communication. In their order of the 27th January 1857 Government recognized the seniority of officers in the Department according to the order of appointment, agreeably to which I stand first of my grade and therefore on me devolved the duty of representing any matter which seemed to affect its efficiency. If I have, as Colonel Faber asserts

asserts been "most tenacious of my own authority and strict in the exaction and enforcement of the obedience of my own opinions." I am conscious of no other motive than that which has prompted my representation of the evils of a system, which tends to neutralize the very purpose of my appointment, and as I believe to prejudice the Public service.

6. I trust that the Government will exonerate me from the undeserved imputations the Chief Engineer has recorded against me, on the sole ground of my availing myself of an Official privilege belonging to my Office.

I have the honor to be
Sir
Your Most Obedient Servt.

Fort Saint George.
28th October 1857.

A Crawford Major
Superintending Engineer
Southern Circle.

To
The Secretary to
Govt
Chief Engineer

Central Office of P.W.
Fort Lillooet

No 4831 30th October 1857

From The Chief Engineer

To The Secretary to Government P.W.D

Sir.

The Superintending Engineer Southern Circle P.W. having addressed you instead of the Head of his Department as he ought to have done on the subject of my Proceedings, No 470 of the 24th instant, and he having called upon me to forward his letter, I feel constrained however reluctantly, to trespass further on the time and attention of Government respecting a question of internal economy in the Central Office of P.W. on which my own authority ought to have been conclusive and final

2 The statements now made by Major Lawford appear to me to thoroughly substantiate my former report of his "non performance of a Subordinate's duties", for the whole tenor of his present address is little else than an exposition of his own claims to be relieved of all departmental

Enclosure No 1

From Major C. Lawford, Superintending Engineer. S.C.

To H. Foster, Esquire Secretary to Govt. & D. P.W. Fort Hillooet

Dated 28th Oct.
Received 2 Nov. 1857.

D.P.W. 2162/57

Copies explanation on the Chief Engineer's Proceedings in reference to the work of the Central Office.

:al authority, and to be authorised to consult nothing but his own judgement in discharging the duties of a Superintending Engineer.

3 It is almost the bounden duty of any present officer to dissect all of Lawfords despatch with a view to the separation of right and wrong, which if not wilfully, are almost inextricably mingled together, so that what is incontestably just and legitimate, is found mixed up with what is as obviously improper and insubordinate.

4 It will there be noticed, that in the opening of para 2 of his letter now forwarded, No 230 of the 28th Instant, the Superintending Engineer South-Eastern Circle virtually question the power of the head of the office, to prohibit recourse to unofficial correspondence on the part of his subordinates, whenever the matter in hand admits of personal and private disposal as he defends his acknowledged infraction of the rule on the ground of any order not being "based on the Regulation of the Department or Service, or indeed any lawful order from the Chief Engineer"

5 On point of fact it is on Major Lawfords forgoing allegation that the whole

question (if question there really be) hinges. The Superintending Engineer affirms, that an order intended to check redundance of recorded correspondence, and to protect myself and the Government from unnecessary written discussions on points admitting of verbal disposal, is not lawful; and he then denies, as he repeatedly has done, that there is any authority inherent in the Head of the Department to make suitable office regulations for despatching the business for which he alone is responsible to the Government. This accordingly is the one point on which I at last am now compelled to apply for an expression of the intentions of Government. Major Lawford professes obedience to its orders, but claims practical exemption from my own authority, except as the avowed channel for communicating

such orders of Government; and
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were openly considered as invalid
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by the Governments approval of
my Proceedings, which either might,
or might not be communicated in
time to reach the Inspecting Officer
before the opportunity for examination
had been lost.-

6 In respect to the privilege
of Superintending Engineers placing
their professional opinions on record,
this it is well known both to the
Government, and to Major Lawford
has been reserved from the beginning,
albeit it was not at first obligatory
on the Head of the Department
to place such record before Govt
for their th. But this has since been

called on question and my direction
never to write, when it is sufficient
to speak, have nothing whatever to do
with the privilege of recording opinions
which differ from those recommended
for the adoption of Government.
Major Lawford's letter of the 6th Sept.
which originated the Proceedings
of the 24th, can be consulted with
advantage, as an instance of the
species of letter I from the first
had felt called upon to discourage
and to forbid, for it will be observed
that there was nothing contained
in that despatch to warrant the
writer having recourse to a vehicle
of communication which both pointedly and repeatedly I had prohibited
and all the more that on the very
day it was written, Major Lawford
passed a considerable portion of
the forenoon in personal conference

with me in my room.

7 But perhaps no more forcible illustration can be found of the Supt Engineer's utter inability to apprehend the reality of his relative position with the Head of the Office than his own remark that "Moreover the Chief Engr "has himself frequently adopted "the very form of communication "he forbids" just as if the cases were not quite different, and as if, whilst the Chief Engineer has frequent occasion to give instruction (though never by letter I believe as erroneously stated) to his subordinate, they cannot have any but verbal communication to him, unless as a channel to Govt. against which of course there never could have been a rule as the practice now current may well exemplify. —

8 I have no wish to modify my statement as to the position in the Central Office, notwithstanding the counter allegations contained in para 3, though I think it quite likely Major Crawford believes his version to be true, or even that it may literally have been so in his own case, by reason of action on private & unwritten promises. But as he states, there is nothing on record. The Government will easily appreciate the measure of exaggeration that pervades para 4 and it might be thought a very obvious proceeding to send a special Messenger to obtain the Chief Engineer's initials or orders whenever "the urgency was evident", but as the "Supt Engineer Southern Circle" insists on the "immediate despatch of orders" on all requisite occasions there would seem to be something contradictory in Major Crawford's statements on this head.

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-ducing Major Lawford to recognize the authority
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should be very sorry to omit my testimony to the
zeal, diligence and ability with which he discharg-
-the duties of his Office. I have the honor to be
Sir, Your most Obed.t Servant

Central Office P.W.
Fort St. Geo: 30 Oct.r 1857.

Arthur Taylor Coll.
Chief Engineer.

P Works 1857 Defrau B
Cov 10th Novr Ibden
No 2152.

From
The Chief Engineer
To The Secy to Govt
P.W.D.

Dated 30th Oct 1857.
Rec'd 3d Nov.
No 1831

With 1 Enclosure

Subject

Submitting the Copy of Lieut Engr Southern Circle's forwarding a letter from that Officer to the Secy to Govt P.W.D. and in so doing offering observations to shew that Major Lawford's despatch is in itself a substantiation of the Charges of Misconduct preferred by Lieut Ibden Cov: No 1710 of 21st Oct 1857. To be Recorded

Note Recorded
No 2089
Govt Gazette
10th Nov 1857

362 & 63

3d Nov 1857