M.R.O. 1—82 400—21-11-57

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

Cons. 17-11-57.

G.O. No. 2276 Press Mis.

Dated 12 11 18 57

Not to be folded or roughly handled

Fort Saint George, Public Works Consultation of 17th November 1857.

No. 7. Read the following letter from Colonel C. E. FABER, Chief Engineer; to H. FORBES, Esq., Acting Secretary to Government, dated 23rd October 1857, No. 4686.

SIR,

With reference to Extract Minutes of Consultation, dated the 12th August last No. 1575, negativing Mr. Merrall's claim to Travelling allowance, I have the honor to submit another letter addressed to me by Mr. Merrall, in which he still further urges his claim, but at a reduced rate, and for which he has submitted a Bill amounting to Rupees 353, three hundred and fifty three, the bill is stated to be for travelling whilst in the execution of his duty as Civil Engineer in charge of the Bezoarah Workshop, and also as Engineer in charge of the Kistnah Bridge viz. From January to July last, the distance travelled during this period in going twice a day from his house to the workshop as is computed at 616 miles for which distance at (8) eight annas a mile including charges for some extra Travelling, makes up the amount to the bill in question.

2. Mr. Merrall founds his present claim upon certain observations contained in a despatch from the Honorable Court of Directors and communicated with Colonel Baker's letter of the 20th January last No. 519. In this Despatch the Honorable Court, alluding to an allowance of (45) forty five Rupees a month granted in Bengal &c., to Civil Engineer's sent out from England and (30) thirty Rupees, to Supervisor's to cover all travelling expenses within a radius of five miles, suggested that mileage allowance at the rate of eight and four annas respectively be allowed instead as well within, as beyond the five miles radius and Mr. Merrall accordingly prefers his present claim upon this suggestion of the Honorable Court. I do not think however that the circumstances under which the allowances are granted in Bengal to Civil Engineers are similar to Mr. Merralls case in this Presidency. It appears to me from the whole tenor of the Courts Despatch that the allowance in Bengal is intended for the purpose of enabling the Civil Engineer to meet his expences of Travelling on duty inspecting works &c., within a radius of five miles, and not for the purpose, as in Mr. Merrall's case of defraying the ordinary charges for being conveyed a short distance from his place of residence to a fixed place of business. In fact the Honorable Court's suggestion to change the fixed allowance into one of mileage, conforms my opinion of this view of the case and nullifies Mr. Merrall's claim to compensation for being conveyed to and from his house to the workshop.

I must not however omit to observe that the practice in Bengal affects Rule I, of the Notification of this Government of the 27th January last which requires that a distance of at least five miles a day should be travelled to entitle a party to travelling allowance whilst in that Presidency (so far as regards Civil Engineers and Supervisors sent out from England) a fixed allowance of (45) forty-five and (30) thirty Rupees is allowed for Travelling within a radius of five miles. Under these circumstances I beg to recommend that the exceptional allowance as as it is termed in Bengal or the allowance suggested instead by the Honorable Court be granted to Mr. Merrall on account of the Kistnah Bridge which he states he has been in sole charge for the past eighteen months. This allowance it is respectfully recommended should be drawn by him from the date on which he ceased to draw travelling allowance up to the date on which the work in question was stopped, I trust the Right Honorable the Governor in Council will take a favorable view of the present claim of Mr. Merrall, as from his personal character he does merit any indulgence which the rules or practice of the Bengal Presidency may seem fairly to countenance.

Letter from Mr. E. E. MERRALL Civil Engineer; to Colonel C. E. FABER, Chief Engineer, Department Public Works, dated Bezoarah, 24th August 1857.

SIR,

I have the honor to acknowledge the receipt of a communication, dated Fort Saint George, August 17th 1857, No. 2999 being a reply to my application for Travelling allowance, and informing me that the Government of India refuse to accede to my claim, although they had before informed me that the allowance I now ask was in accordance with the agreement entered into with the Court of Directors in England.

It is difficult to reconcile statements of so conflicting a character and the Civil Auditor appears to have felt the dilemma as well as myself.

Since making my application to the Company upon this subject, I have met with a previous document which was forwarded to me in March last, but which, by some mischance I had before overlooked and this communication (a copy of which I enclose) seems to me to set the questions in dispute completely at rest.

Upon perusal of this Document it appears that the Court of Directors in London had especial reference to the Covenanted Civil Engineers sent out from England and more particularly to that clause in our agreement which I had before referred to it seems that the Bengal Government had allowed to those gentlemen buggy allowance at the rate of Rupees 45 per month for all distances under 5 miles and annas 8 per mile for all distances beyond, the Court of Directors however suggest that the mileage rate of annas 8 per mile should be adopted for short, as well as for long distances and a copy of this is forwarded to all the Madras Covenanted Civil Engineers, for their information: mine bears date March 5th 1857, being subsequent to the abolition of tentage.

The actual distance from my house to the nearest point of my work is one mile this distance I have to travel four times every day and sometimes oftener frequently under a burning Sun, I go to business about 6 in the morning and return to breakfast at 9 I go to business again at 11 o'clock and leave about 5 in the evening this makes every day a journey of 4 miles which I am compelled to take entirely and exclusively on professional duty and with the exception of Sundays and a few days absence from illness or other causes I have done this every day from the beginning of January last (when I entered my present abode) until the end of July, when all on works were stopped by order of Government, and the distance thus travelled amounts during that time to 616 miles as will appear by the statement annexed.

This distance was not optional but compulsory I erected my house as near to the work as possible, and I would have gladly placed it nearer but Captain Orr was himself unable to find me a more convenient site.

On one side of our workshops is the river Kistna and the bridge now in the course of erection on another side a range of hills several hundred feet high and extending 2 miles inland with only a narrow road on the edge of the river in front is the Bazaar the native town and the channels, all the other European houses (except one) are the same distance from the works as mine and some are much farther even the Overseers and the East Indians have been compelled to fix their residences in a similar portion.

If the document a copy of which I have the honor to enclose does not entitle me to annas 8 per mile for this distance or else to Palkee allowance in lieu thereof I confess myself unable to understand its meaning.

In the recent reply received by me from the Government there are some curious points to which I may be permitted briefly to allude.

It is stated that the Tentage formerly paid to me was obviously intended for Marching allowance, and to be paid only when the Officer was qualified for detached employment, if this is correct how came that allowance to be paid to me for 18 months, when from my inspection lists the Government must have known that I was *not marching* and was not, according to their notion, qualified for detached employment, although, in reality, I have been duly qualified for and actually engaged in detached employment, many years befor I came to India.

I am likewise addressed as. In charge of the Workshops thus ignoring the fact that for 18 months past I have been also in charge of the Kistnah bridge which is constructing under my sole superintendance, and is actually one of the largest and most difficult works in the whole District, and one which particularly demands both skill and attention.

The Honorable Company... ... ... *Dr.*

To E. E. MERRALL, Civil Engineer Kistnah Division.

1857.

To amount due for travelling while in the execution of my duty as Civil Engineer in charge of Bezoarah Workshops and also as Engineer in charge of the Kistnah bridge from January 1st to July 31st 1857, inclusive at the average of 4 miles per day, after deducting 26 Sundays and 32 working days absent from illness and other causes 616 miles at annas 8 per mile Rupees 308

To journey to Masulipatam and back between the 3rd and 8th of August 1857, by order of the Government, 90 miles at annas 8 per mile Rupees..... 45

Total Rupees... 353

Extract from the Minutes of Consultation under date the 28th February 1857, No. 393.

Read the following letter from Lieutenant Colonel W. E. BAKER, Secretary to the Government of India; to J. D. BOURDILLON, Esq., Secretary to the Government of Fort Saint George, dated Fort William, the 20th January 1857, No. 519.

SIR,

With reference to the correspondence noted in the margin, regarding the Travelling allowances granted to the Civil Engineers sent out from England, I am directed to forward the accompanying Extract, paragraph 29th from a despatch from the Honorable the Court of Directors, No. 23 of 1856, dated 20th August remarking on the grant of exceptional Buggy or Palkee allowances to these gentlemen, and to state for the information of the Government of Madras, that, under the operation of the Notification of 17th June last No. 117, all such allowances will cease to be drawn in Bengal, North Western Provinces, and the Punjab on the promotion of the recipients to grades of which the authorized salary exceeds the aggregate of their Covenanted Pay, and their present exceptional Travelling allowance.

From Secretary to the Government of Madras, No. 774, dated 7th November 1855.

To Do. No. 2928, dated 21st December 1855.

Extract from a Despatch from the Honorable the Court of Directors to the Government of India; in the Public Works Department, No. 23 of 1856, dated the 20th August.

29. You have directed that these Officers shall be conveyed to their destinations at the Public expense and that after reaching to their respective Divisions, Civil Engineers shall be allowed 8 annas and Supervisors 4 annas per mile for Travelling expenses, so far the rule is consistent with our intentions, but the Clause in the contracts made by us with every officer of the classes mentioned, which provides that the East India Company "shall make such allowance as they may deem adequate for his travelling expenses to be incurred in the prosecution of the duties," was not intended to sanction the further allowances which you have granted to Civil Engineers and Supervisors whether at Calcutta or in the Mofussil, viz., Rupees 45 per mensem to the former, for the maintenance of a horse and Buggy, and Rupees 30 per mensem to the latter for the maintenance of a horse or Palkee. These allowances are designed to cover travelling expenses within a radius of five miles, journeys beyond that limit being provided for by the mileage rate of 8 or 4 annas referred to above, but we would suggest that the same mileage allowance would answer as well within as beyond the 5 miles radius.

Letter dated 14th September (No. 31) 1855.

2 at 4 Travelling expenses of Civil Engineers and Supervisors appointed by the Court.

(True Extract)

(Signed) W. E. BAKER, Lieut.-Colonel,

Secretary to the Government of India.

Ordered to be communicated to the Chief Engineer and Civil Auditor, for their information and guidance.

No. 10677.

Resolved to forward Copy of Extract Minutes Consultation No. 393, dated 28th February 1857, to the under mentioned Gentleman.

W. Fraser Esq.,
J. Dopping Esq.,
J. Biggers Esq.,
E. E. Merrall Esq.,
H. B. Huddleston Esq.,
G. Taylor Esq.,

Central Office D. P. W.,
Fort Saint George, 5th March 1857.

(Signed) C. C. JOHNSTON, Captain,
Acting Superintending Engineer Northern Circle,

No. 8. ORDER THEREON, No. 2094; dated 12th November 1857.

Para. 1. The Chief Engineer submits a further letter from Mr. Merrall, Civil Engineer, on the subject of his claim to travelling allowance. The Government have already, in their Resolution of the 12th August 1857, No. 1575, entered upon a full consideration of Mr. Merrall's claim on the grounds then advanced by that Gentleman, and they had hoped that their decision would have been received as final, and did not anticipate the present further reference.

2. Mr. Merrall now founds his claim, it is stated, upon certain observations contained in a Despatch from the Honorable Court of Directors communicated in Colonel Baker's letter of the 20th January 1857, No. 519; which he regards as favorable to his cause. The Government however cannot think with him in this matter; on the contrary they deem the Honorable Court's Despatch as clearly in favor of the view they have taken of the question.

3. In their order of the 12th August above referred to, the Government negatived the interpretation put by Mr. Merrall on the terms of the Covenant entered into by him with the Honorable Court of Directors, and ruled that the terms, "that the said Company, or their "Government in India, shall make such allowance as they may deem adequate for his travelling "expenses" referred, "to real and bonâ fide travelling," and not, "to the expenses of a Conveyance to take him from his house to his office."

4. In a letter dated the 12th October 1855, the Government of India informed this Government that the Covenanted Civil Engineers and Overseers sent to that Presidency "receive travelling expenses to the places of their destination, and are subsequently allowed respectively Rupees 45 and Rupees 30 a month. Horse and Buggy allowance; and 8 annas and 4 annas a mile travelling allowance for distances exceeding five miles from the Stations." They thought that the practice should be uniform at all the Presidencies, and suggested that the Bengal system should be enforced in the Madras Presidency, unless there was strong local reason to the contrary. This Government however assigned their reasons for preferring the Tentage and travelling allowances already allotted to the Covenanted Engineers and Overseers at this Presidency, viz. to the former, "the Tentage of a first Assistant Civil Engineer, Rupees 3 per diem," and to the latter, "travelling allowance at Rupees 50 per mensem when on actual duty." The Government of India admitted the views of this Government and allowed the arrangement then existing to continue.

5. It is in reference to the Bengal practice that the Honorable Court of Directors, in their Despatch referred to by Mr. Merrall, say that the allowance of 8 annas and 4 annas per mile for "travelling expenses" is consistent with their intentions, but that the clause inserted in the Covenants, and quoted above, was not intended to sanction the further allowances granted for Horse and Buggy.

6. This is the very allowance that Mr. Merrall now seeks to obtain. It is true that the Honorable Court did suggest a mileage in preference to the Buggy allowance, but that was in reference to the practice already introduced under the Bengal Presidency, from a misconception of the intent of the Covenant, and does not apply to the Madras Presidency, where the practice did not obtain.

7. In assigning to the Covenanted Civil Engineers the Tentage of a 1st Assistant Civil Engineer, the Government placed them on the same footing as those Officers. This allowance was, as already stated, intended to keep up a marching establishment, and was drawn by Engineer Officers, under the practice previously existing, without reference to actual travelling; but these orders having been superseded by the rules published on the 27th January 1857, Mr. Merrall, like all other Officers of the Department of Public Works, came under the operation of those rules. The Government have already said that they see no reason for establishing a distinction between Mr. Merrall and the rest of the Department, and they adhere to that decision.

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

Central Office of P.W.
Fort Saint George
23rd October 1837.

No. 1696.

From

The Chief Engineer

To

The Secretary
to Government D.P.W.

Sir

With reference to Extract
Minutes of Consultation dated the 12 August
last No. 1575, negativing Mr Merralls claim
to Travelling allowance, I have the honor to
submit another letter addressed to me by Mr
Merrall in which he still further urges his
claim, but at a reduced rate, and for which
he has submitted a Bill amounting to
Rupees 353 --- Three hundred and fifty three.
the Bill is stated to be for travelling whilst
in the execution of his duty as Civil Engineer
in charge of the Bezwarah Workshops,
and also as Engineer in charge of the
Kistnah

Encs 2.

Kistnah Bridge viz. From January to July last, the distance travelled during this period in going twice a day from his house to the Workshop as is computed at 616 Miles for which distance at (8) eight annas a mile including charges for some extra travelling, makes up the amount to the Bill in question

2 Mr Merrall founds his present claim upon certain observations contained in a despatch from the Honorable Court of Directors and communicated with Colonels Bataus letter of the 20th January last No. 319. In this Despatch the Honorable Court, alluding to an allowance of (45——) Forty five Rupees a month granted in Bengal &c. to Civil Engineers sent out from England and (30——) Thirty Rupees to Superveisors to cover all —travelling— expenses within a radius of five miles, suggested that mileage allowance at the rate of eight and four Annas respectively be allowed instead as well within, as beyond the five miles radius and Mr Merrall accordingly prefers

prefers his present claim upon this suggestion of the Honorable Court. I do not think however that the circumstances under which the allowances are granted in Bengal to Civil Engineers are similar to Mr. Merralls case in this Presidency. It appears to me from the whole tenor of the Courts Despatch that the allowance in Bengal is intended for the purpose of enabling the Civil Engineer to meet his expences of travelling on duty inspecting Works &c. within a radius of five miles, and not for the purpose, as in Mr. Merralls case of defraying the ordinary charges for being conveyed a short distance from his place of residence to a fixed place of business. In fact the Honorable Courts suggestion to change the fixed allowance into one of mileage, conforms my opinion of this view of the case and nullifies Mr Merralls claim to compensation for being conveyed to and from his house to the Workshop

I must not however omit to observe that the practice in Bengal affects Rule 1 of the Notification of this

this Government of the 2nd January last
which requires that a distance of at least five miles
a day should be travelled to entitle a
party to travelling allowance whilst in
that Presidency (so far as regards Civil
Engineers and Supervisors sent out
from England) a fixed allowance of
(£3-0-0) Forty five and (30-0-0) Thirty
Rupees is allowed for travelling within
a radius of five miles. Under these Cir-
cumstances I beg to recommend that
the exceptional allowance as it is termed
in Bengal or the allowance suggest-
ed instead by the Honorable Court
be granted to Mr Merrall on account
of the Kistna Bridge which he states
he has been in sole charge for the
past eighteen months. This allowance
it is respectfully recommended
should be drawn by him from the
date on which he ceased to draw tra-
velling allowance up to the date on
which the work in question was stopped.
I trust the Right Honorable the

Governor

which he regards as
favorable to his cause.
His Government however
cannot think with
him in his matter,
on the contrary they
deem the Honorable
Court's despatch as
clearly in favor of the view
they have taken of
the question.

3. In their order
of the 12th August above
referred to, the Govern-
ment negatived the
interpretation put by
Mr Merrall on the
terms of the Covenant
entered into by him
with the Honorable
Court of Directors, and

ruled

Governor in Council will take a favorable view of the present claim of Mr Merrall, as from his personal character he does merit — any indulgence which the rules or practice of the Bengal Presidency may seem fairly to countenance. —

I have the honor to be
Sir
Your most Obedient Servant
Lt Col. Chief Engineer

To
The Secretary
to Government D.P.W.

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"that the said Company
"or their Government
"in India, shall make
"such allowance as
"they may deem ade-
"quate for his travelling
"expences" referred, to
real and bonafide tra-
-velling, and not, to
the expences of a Convey-
-ance to take him from
his house to his Office".

I have &c.

Letter dated the 12th October
1855, the Government of
India informed this
Government, that the
Covenanted Civil Engineers
and Overseers sent to
that Presidency "receive
travelling

Public Works Dept

No 2094

Extract from the Minutes of Consultation

Under date the 12th Nov. 1857.

Read the following.

Letter from the Chief Engineer.

Dated 23rd October 1857

No 4056

Submitting another letter from Mr Morrall on the subject of his Travelling allowance & recommending the same in accordance with the practice which obtains in Calcutta respecting Civil Engineers sent out from England.

No 2094 12th Nov.

Cons: 18th Aug.t 57 No. 8-9.
" 7th July " " 7-8.
" 3d March " " 55-56.

P. Works 1857 Despatch
No 2106

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

Dated 23d
Rec'd 24 } October 1857
Encls 2 Rec'd No 4056

Submitting another letter from Mr Morrall on the subject of his Travelling allowance & recommending the same in accordance with the practice which obtains in Calcutta respective Civil Engineers sent out from England.

No 7.

Travelling

@ 31 Oct

1857 No 1575, entered upon a full consideration of Mr Merrall's claim on the grounds then advanced by that Gentleman, and they had stated that their decision would have been received as final, and did not anticipate the prevent further reference.

2. Mr Merrall now founds his claim, it is stated, upon certain observations contained in a despatch from the Honorable Court of Directors communicated in Colonel Baker's letter of the 20th January 1857 No 519; which

travelling Expenses to the places of their destination, and are subsequently allowed respectively Rupees 45 and Rupees 30 a Month Horse and Buggy allowance; and 8 Annas and 4 Annas a mile travelling allowance for distances exceeding five miles from the Stations." They thought that the practice should be uniform at all the Residencies, and suggested that the Bengal system should be enforced in the Madras Residency, unless there was

strong

strong local reason to the contrary. The Govern-
-ment however assigned their reasons for prefer-
-ring the Tentage and travelling allowances
already allotted to the Covenanted Engineers
and Overseers at this Presidency, viz! to the
former, "the tentage of a first Assistant Civil
Engineer, Rupees 3 per diem", and to the latter,
"travelling allowance at Rupees 50 per mens-
-em when on actual duty". The Government
of India admitted the views of the Board
allowed the arrangement

then

existing to con-
-tinue.

5 It is in reference to the Bengal practice that the Honorable Court of Directors, in their despatch re-
-ferred to by Mr Morrall, say that the allowance of 8 annas and 4 annas per mile for "travelling Expences" is consistent with their intentions, but that the above mentioned in the Cove-
-nants and quoted above, was not intend-
-ed to sanction the further allowances granted for Horse and

Buggy

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6. This is the very allowance that Mr. Merrall now seeks to obtain. It is true that the Honorable Court did suggest a mileage in preference to the Buggy allowance, but that was in reference to the practice already introduced under the Bengal Presidency, from a misconception of the intent of the Covenant; and does not apply to the Madras Presidency, where the practice did not obtain.

7. In assigning to the Covenanted Civil Engineers the Pontage of a 1st Assistant Civil Engineer, the Government placed them on the same footing as Revenue Officers. This allowance was, as already stated, intended to keep up a marching establishment, and was drawn by Engineer Officers, under the practice previously existing, without reference to actual travelling; but these orders having been superseded by the Rules published on the 27th January 1857, Mr. Merrall, like all other

other Officers of the De-
partment of Public
Works, came under the
operation of Rhode Rules.
The Government have
already said that they
see no reason for es-
tablishing a distinc-
tion between Mr
Harrell and the
rest of the Depart-
ment, and that they
adhere to that decision.

Yrs

Copies to the Chief Engr
Capt. 13th

Cons. 18th Augt 57 No 849.
— 7th July — — 768.
— 3d March — — 55456.

Public Works 1857 Dept.
Dy to Cons: 17th November

No 2094.

Extract Mins: of Cons:
Dated 12th Novr 57.

From Chief Engr 25th Octr 57
No 2389 in Reg.

Stating that the Govern:
ment see no reason for revising
their former decision on Mr Merrall's
application for horse and buggy
allowance).

No 7.48.

C 31st Octr R. 6th Novr