

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

Cons. 14.7.57

G.O. No.	1340	Press Mis.
Dated	13 — 7 —	18 5.7

Not to be folded or roughly handled

Fort Saint George, Public Works Consultation of 14th July 1857.

No. 63. Read the following letter from Colonel C. E. FABER, Chief Engineer; to H. FORBES, Esq., Acting Secretary to Government, dated 25th May 1857, No. 607.

SIR,

1. With reference to Extract Minutes of Consultation, No. 196, dated 23th February 1851, on the subject of pensions to persons, and heirs of persons injured on the Government Public Works, I have the honor to forward for the orders of Government, the accompanying copy of a letter¹ and its enclosures from Colonel A. Cotton.

Letter dated 1st May 1857.
Enclosures in original letter No. 309, dated 26th August 1851.
Extract from the Honorable Court of Directors despatch No. 2, dated 6th January 1847.

2. The orders² regulating the amounts of gratuities to be granted in such cases, are doubtless opposed to the spirit, and intention of the order conveyed in the Honorable Court's despatch of the 6th January 1847, admitting, that the grant of pensions is, in principle, proper, and I therefore avail myself of the present opportunity of soliciting the recommendation of Government in support of the appeal made by Colonel Cotton.

3. The present correspondence has arisen from a petition to Government from a woman named Sunkapilly Munga, which was referred to me on the 15th January 1857.

No. 67. ORDER THEREON, No. 1340; dated 13th July 1857.

In their despatch of 6th January 1847, No. 2, the Honorable Court of Directors observed that the grant of pensions to persons seriously injured while engaged in the service of Government, or to that portion of their family which might be immediately dependent on them for subsistence, was in principle, proper, and they authorized the grant of such small pensions as might seem fit, to the two widows of a labourer who had been killed by an explosion at Vizagapatam, and to a lad whose hand had been permanently injured.

In passing orders upon the despatch of which the above is the substance, Government directed the Board of Revenue to cause enquiries to be made respecting the parties alluded to by the Honorable Court, with a view to effect being given to the instructions received on their behalf; and the Board were requested, in submitting the information required, to suggest the amount of pension which should be granted in each case, bearing in mind that the pensions would commence in arrear from the date of the accident which had deprived the people of the means of earning their customary subsistence.

Government of India to Government 15th January 1848, No. 76.
Extract Minutes Consultation 3rd February 1848.
From Government of India 5th October, in Consultation 13th November 1849.
To Government of India 27th October 1849.
From do 23rd November 1849, in Consultation 24th December 1849.
Extract Minutes Consultation No. 853, 7th September 1849, enclosing letter from Government of India No. 1325, of 5th October 1849.

2. The Honorable Court's orders were accordingly acted upon, and pensions were granted to certain sufferers from the accidents on the Godavery Annicut works. The papers relating to the application for, and authorization of these Pensions, are noted in the margin.

3. The original orders however of the Honorable Court assenting to the principle of granting pensions, were modified by the Government of India in their orders to this Government dated 5th October and 23rd November 1849; and the substitution of gratuities for pensions was enjoined. These proceedings were confirmed by the Honorable Court of Directors in their despatch to the Supreme Government No. 15 of 5th March 1851; and their decision was communicated to this Government in the Supreme Government's letter of 25th April 1851, No. 626.

4. In his letter of 23rd February 1851, Colonel Cotton stated that he conceived that the orders of the Honorable Court had been misunderstood by the Government of India, and requested that the whole subject might be brought under their notice. The question was accordingly referred to the Supreme Government in the Chief Secretary's letter No. 473 of 20th May 1851,

Fort Saint George, Public Works Consultation of 14th July 1857.

but in their reply No. 985 of 27th June 1851, communicated to the Board of Revenue by Government on 1st August, and by the latter to Colonel Cotton on 14th August 1851, they declined to refer the question to the Honorable Court of Directors, as that authority had already approved of their Proceedings withholding pensions.

5. On 26th August 1851, Colonel Cotton brought to the notice of the Board of Revenue that this refusal had entailed upon himself the necessity of making good certain pensions from his private resources; for, inasmuch as he had been the person to whom the original orders of Government had come, and who had communicated them to the people, they would naturally look to him alone for the fulfilment of the promises he had made.

6. In their despatch No. 15 of 1851 para. 20, the Honorable Court state that, as a general rule, it is advisable to bestow gratuities instead of pensions in all cases when labour has been voluntary, but where the labour is forced, those maimed have a fair claim to reasonable pensionary support, and if killed, their families possess a similar claim, and on 30th July 1856, the Government of India transmitted to this Government a printed copy of a Notification containing rules for the grant of gratuities to the families of persons killed in the execution of their public duties; so that the grant of pensions may be said to have wholly ceased, inasmuch as there is no such thing now as compulsory labour, on any Public Work in the Presidency.

7. In his letter to the Chief Engineer of 1st May 1857, submitted to Government in the Chief Engineer's proceedings recorded above, Colonel Cotton again brings the subject forward. He states that some of the pensions (14 in number) which were awarded to the widows of sufferers in accordance with the Honorable Court's order of 1847, are now discharged out of private funds, and he argues that they should in justice be paid wholly by the State. To enable the Government to arrive at a decision on the course to be adopted in the matter, it is necessary that they should be supplied with a statement of the date of the accident which has been held to give a claim to the pension awarded to the 14 persons referred to; and should also be informed of the date on which the orders of the Government of India of the 5th October and 23rd November 1849, reached the Civil Engineer of the First Division.

8. Colonel Cotton enters into a discussion of the general question of the claim to pension which those maimed while employed upon any Public work have upon the Government. Into this, the Government will not follow Colonel Cotton; the matter has been definitively settled by the Honorable Court and their decision must be accepted as final.

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

Central Office of P.W.
1867 Fort St George 25 May 1837.
Memo to
The Chief Engineer
The Secretary to Government

Public
Persons &
Gratuities

Sir,
1. With reference to Extract Minutes of Consultation, No. 196, dated 25 February 1837, on the subject of Pensions to persons, and heirs of persons injured in the Government Public Works, I have the honor to forward, for the Orders of Government, the accompanying

Letter dated 1st May 1837.
Enclosures in original
Letter No. 309 dated 26 Aug 1837.
Extract from the Honble Court of Directors despatch No. 2, dated 6 January 1847.

Copy of a letter, and its enclosures from Colonel A. Cotton.

2. The Orders regarding the amounts of gratuities to be granted in such cases, are doubtless opposed to the spirit, and intention of the order conveyed in the Honorable Court's despatch of the 6 January 1847, admitting that the grant of Pensions is, in principle, proper, and I therefore avail myself of the present opportunity of soliciting the recommendation of Government in support of the appeal made by Colonel Cotton.

The

Letter

3. The present correspondence has arisen from a Petition to Government from a woman named Sunhapilly Mungu, which was referred to me on the 15th January 1857.

I have the honor to be
Sir
Your most Obedt. Servant
Wm. Foster Colonel
Chief Engineer

Central Office of R.W.
Fort St. George
25 May 1857.
W
W. S. P. & L. C.

No 1542

Extract from the Proceedings of the Chief Engineer
in the Department of Public Works

Under date the 26th June 1857

Read the following Memorandum
from the Deputy Secretary to Government
dated the 15th June 1857

Resolved to forward to the
Deputy Secretary to Government as
requested in the foregoing Memorandum
the correspondence noted in the margin
to be obligingly returned when no longer
required, that has taken place since
Jan to 1857, with the officers in charge
of the Cemetery District, respecting
the grant of pensions to the widows,
and heirs of persons slain or killed
at the Ancient works.

See Extract

Wm. Foster Captain
S. S. P. & L. C.

The Deputy Secretary to Government

42 Original letters to the Bureau

- 1 Encl. from Cons. 1834 dated 3rd Feb 1848.
- 1 Letter from Captain Q. 1837 dated 6th Feb 1848 with 3 Encl.
- 1 Encl. 1837 dated 17th Feb 1847 with 3 Encl.
- 1 Encl. from Cons. 1837 dated 17th Feb 1847
- 1 Letter from the 1st Regt. Engineers 1837 dated 25th Feb 1847 with 5 Encl.
- 1 Encl. 1837 dated 13th Feb 1847 with 1 Encl.
- 1 Encl. from Cons. 1838 dated 14th Feb 1847
- 1 Encl. 1837 dated 15th Feb 1847
- 1 Letter from Captain Q. 1837 dated 28th Dec 1847 with 1 Encl.
- 1 Encl. 1837 dated 1st March 1850
- 1 Encl. 1837 dated 24th Feb 1850 with 6 Encl.
- 1 Encl. from Cons. 1838 dated 24th Feb 1850
- 1 Letter from L. Col. Cotton 1838 dated 1st Dec 1850 with 1 Encl.
- 1 Encl. from Cons. 1838 dated 25th Feb 1851
- 1 Letter from L. Col. Cotton 1838 dated 22nd Feb 1851 with 2 Encl.
- 1 Letter from Major Cotton 1838 dated 13th March 1852 with 1 Encl.
- 1 Encl. 1838 dated 13th April 1853 with 2 Encl.
- 1 Encl. from Cons. 1838 dated 31st May 1853
- 1 Encl. 1838 dated 23rd Aug 1853
- 1 Letter from the 1st Regt. Engineers 1838 dated 17th March 1857
- 1 Encl. 1838 dated 14th Feb 1857

1 Letter from Lt Col^d Cotton N^o 78
dated 11th March 1851 with 1 enclosure

1 Letter to Civil Eng^r 1st Division N^o 515

dated 23rd March 1851

1 Letter from Lt Col^d Cotton N^o 122/1st 11th 1851

1 Civil Eng^r 1st Division N^o 515 dated 11th July 1851

1 Letter from Lt Col^d Cotton N^o 49 dated 12th May 1851

1 Civil Eng^r 1st Division N^o 487 dated 13th May 1851

1 Letter to Civil Eng^r 1st Division N^o 537 dated 21st July 1851

1 Civil Eng^r 1st Division N^o 537 dated 21st July 1851

1 Letter from Lt Col^d Cotton dated 5th August 1851

1 Letter from Lt Col^d Cotton dated 5th August 1851

1 Letter from Lt Col^d Cotton dated 26th August 1851

1 Letter from Lt Col^d Cotton dated 11th Sept 1851

1 Letter to Civil Eng^r 1st Division N^o 573 dated 20 October 1851

1 Civil Eng^r 1st Division N^o 573 dated 20 October 1851

1 Civil Eng^r 1st Division N^o 573 dated 20 October 1851

1 Letter from Lt Col^d Cotton N^o 77 dated 25 March 1852 with 7 enclosures

1 Letter from the Civil Eng^r 1st Division N^o 216 dated 11th August 1852 with 2 enclosures

1 Civil Eng^r 1st Division N^o 573 dated 10th July 1852

1 Letter from Major Cotton N^o 100 dated 1st July 1852 with 3 enclosures

1 Letter from Lt Col^d Cotton N^o 337 dated 13th August 1852 with 1 enclosure

1 Letter to Civil Eng^r 1st Division N^o 556 dated 17th January 1853

1 Civil Eng^r 1st Division N^o 556 dated 17th January 1853

1 Civil Eng^r 1st Division N^o 556 dated 17th January 1853

1 Civil Eng^r 1st Division N^o 556 dated 17th January 1853

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For
District Judge the Honorable
of the Chief Justice
to
the Secretary of the
the Secretary of the

Dated 26th
No. 26. { June 1857.
No. 1041

Enclosed herewith
that was taken from the
in 1847 and the Office was
of the Secretary of the
relating the Court of Justice
Richard's Office of Justice
received - received at 1855
Ancient Justice.

Louvain
1st May 1837.

From
Colonel Arthur Cotton
Commandant of Engineers
To
Colonel C. E. Faber
Chief Engineer D.R.W.
Fort St. George

Sir,
In reply to your letter of the 30 March 1837. I beg first to apologize for not having sooner acknowledged it, but having been much on the move of late I had lost sight of it.

2^d. On the subject of the Pensions to persons and heirs of persons injured in the Government Public Works, I have little more to say than is contained in my letter of the 26 August 1831 copy of which I enclose, and to which I have not received any answer. I soon after left the District and in 1834 I returned to England during all this time the matter has been in abeyance.

3^d. In the mean time, the widows, Orphans, and maimed persons, or rather a portion of them have been paid the pensions assured to them, by the Hon^{ble} Courts order of the 6th January 1837.
out

From 28th 34 51 27-28
8 Oct 50 52-53

To
Colonel Arthur Cotton
Chief Engineer
Fort St. George
D.R.W.

Noted 28th
May 1837.

To
Colonel Arthur Cotton
Chief Engineer
Fort St. George
D.R.W.

Forwarded for the General
Commandant of the
Fort St. George
on the subject of Pensions
to persons and heirs of persons
injured in the Government
Public Works.

24 July 27

out of private funds, and they are still receiving them. During my absence in England, the Officer in charge of the District required them all to receive their pension in Dowlais town, when many of them preferred remaining in their Villages. The number at present receiving pensions from private funds is 14, the number pensioned by the Government still receiving their allowance can only be ascertained from the proper Officers.

4th I have the honor also to enclose a copy of the Honorable Courts order on the subject, and on this I have to remark.

1st That nothing can be more clear and explicit than this order.

2^d That no Officer could be justified in not acting upon it.

3^d That it was accordingly made known, and the names sent in for Pension as accidents occurred.

4th That for sometime, the Honorable Courts Orders were adhered to by the authorities in this country, and pensions were granted which are I suppose paid now.

5th That after sometime, these Orders were set aside, but no Extracts from the Honorable Courts letters declaring their former Orders cancelled, were communicated to me.

6th That as I was the Officer
who

13
who had under the authority of the Honorable Courts letter, committed myself by assuring the workmen, that pensions were to be granted, I requested in my letter of the 26th August 1831 above referred to, that in justice to me, as well as for more important reasons, the matter should be referred to the Honorable Court with my letter.

7th That in the meantime I had of course no alternative, but to try and arrange, that the pensions should be paid out of private funds, as the reproach of a breach of faith would otherwise have necessarily fallen upon myself.

5th I am so fully assured, that the Honorable Court will neither set aside their promise in this case, nor have their servant who has done nothing but make known their clear Orders to the workmen, to make good, that promise himself, that I can only still respectfully request, that I may be furnished with the Honorable Courts express decision on the case.

8th But I cannot think that my duty allows me to close this letter, without once more most earnestly entreating the Honorable Courts attention to this most important question. As an Officer who has been so long employed on important Public Works, involving of necessity many

as many accidents, both of life and limb, I have
seen this matter pressed most forcibly on my
attention, and it was with extreme satis-
faction and thankfulness that I received
the Honorable Courts deliberate decision
upon the whole question in their despatch
now copied, viz. "that the grant of pensions
is in principle proper &c." With this
the most merciful and just decision, I was
satisfied, and felt assured, that it would
be faithfully adhered to, and that the
time was past, when we should see
wretched objects starving amidst the
wealth and plenty which they had helped
to procure at the expense of their limbs
or health. I could not believe, that there
ever could arise again a question on this
subject.

7. I bring forward the case of these
works as an example of what will be
witnessed wherever Public Works are
executed, if the principles acknowledged
by the Honorable Court is not in future
acted upon.

8. The average Revenue of this District
before the new works was $19\frac{1}{2}$ Laes paid
with great difficulty; already in this year
before the works are finished, the Collections
will be 37 Laes paid with the utmost
ease.

ease, an increase of $7\frac{1}{2}$ Laes.

9. But this has been notwithstanding
the most inaccountable delay in collecting
a water rate. Some lands have actually
received the whole of the benefits of the new
works, irrigation, drainage, protection from
river floods and water transit for 11 years
without paying one Rupee for them. The
Collector is now at length collecting a water
rate averaging about $2\frac{1}{2}$ Rupees an acre,
on all lands, which on the 12 Laes of acres
commanded by the Ament, is 30 Laes a
year. In addition to this, there will be about
250,000 acres of increased cultivation when
the whole Delta is watered at 1 Rupee an acre
or 10 Laes, and this is besides the increase
of the Extra Revenue arising from the
improved condition of the people. We have
thus most certain data for calculating
an ultimate increase of Revenue arising
from these works of at least 10 Laes,
which would then not make the Revenue
of the Delta equal to that of the Navery
of the same extent, but much inferior in
fertility and water supply, and without
water transit, its Revenue this year being
upwards of 60 Laes including the part
in South Arcot.

How

or 10. Now a total pension list of 100 persons
 would only require about 3000 Rupees a year
 out of these 40 lacs is 1/4 cent of the ultimate
 the Government returns. I cannot but ask
 whether it can be consistent with any
 principles of mercy, justice, necessity or
 policy, that a multitude of widows orphans
 and maimed persons should be left to
 wander over the Delta as a burden to their
 friends, and a reproach to the Government
 rather than surrender some part of the expected
 profits.

11. But further, the profits to Government
 are only a small part of the actual benefits
 to be derived from the works. The following
 is an estimate of the value of produce caused
 by the works.

Average value of produce of an acre of dry grains or 13 black paddy under all the contingencies of flood and draught	Rs 10.
Value of crop of irrigated paddy under the new works	3 1/4 Rs
2 Cropl at 12 Rs on 1/4 of the lands	3 ---
	37 Rs
Difference	17 Rs

12. Difference on 120,000 acres 204 lacs and
 this

This is besides...

1st. The produce of the lands not before
 cultivated.

2nd. The value of sugar, chillies, plan-
 tains and other superior produce.

3rd. The saving in the substitution
 of 1000 miles of water carriage at 8 Penny
 per ton for land carriage, when practicable
 at 2 or 3 Annas per ton

13. Thus the pensions to 100 Widows &c. would
 not amount to 1000 part of the total benefit
 from the works, and this also a diminishing
 fund.

14. I am quite sure this question would
 be settled in a moment, if the settlers of it
 had themselves to see all the widows and
 married persons assembled in the midst
 of the plenty produced at the expense of
 their suffering, and to tell them that they
 were to receive nothing, but were at liberty
 to disperse themselves throughout the Delta,
 as living witnesses of our ideas of mercy and
 justice, and I have the fullest assurance
 that if the Honorable Court have again to
 decide upon this point, there will not be
 a moment's hesitation about confirming their
 first gracious order, and thus declare, once
 and for ever, but they will not have their

Treasuries

Treasurer's enriched by loss of Rupees stained
with the sufferings of those who have helped
to bring this message into them.

15. God has been pleased most fully
to bless these attempts to improve the country.
How can we expect the continuance of this
blessing if we bring our hands as a sacrifice
to our religion, as we should do if we abandoned
these unhappy persons.

I have,
Dowlaisaram } / Col. Cotton Colonel
11.1st May 1887. } Commandant of Engineers

True Copy

Colonel

Chief Engineer

Public Works Department
No 1340

Extract from the Minutes of Consultation
(Under date the 13th July 1857.)

Read the following letter
from the Chief Engineer

(Received 25th May 1857 No 107.)

In their despatch of
6th January 1857 No 2, the
Honorable Court of Directors
observed that the grant
of pensions to persons
seriously injured while
engaged in the Service
of Government, or to
that portion of their
family who might
be immediately depen-
dent on them for subsistence,
was

Enclosure in a letter
from the Chief Engineer
to the Secretary & Government
D. O. O. S. S. S.

22nd May 1857

19th May 1857

Copy of a letter from the
Honorable Court of Directors
regarding the Pension
to persons and their families
injured in the Service of the
Government.

was in principle proper,
and they authorized
the grant of such small
pensions as might
seem fit, to the two widows
of labourers who had been
killed by an explosion
at Vizagapatam, and
to a lad whose hands
had been permanently
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In passing orders
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Govt of India to Govt 15th Jan'y 1848
E. M. L. 3rd July 1848
From Govt of India 5th Oct., in
Comm. 13th Nov^r 1849.
To Govt of India 27th October 1849
From — do — 23rd Nov^r 1849
in Comm. 24th Dec^r 1849
E. M. L. No 853. 7th September 1849
enclosing letter from Govt of
India No 1325 of 5th October 1849.

3 The original adms
however of the Honorable
able Court respecting to
the principle of granting
pensions, as recommended
by the Government of
India in their orders
to His Government dated
8th October and 33rd Novem-
ber 1849; and the substi-
tution of gratuities
for pensions was enjoined.

These

These proceedings were
confirmed by the Honorable
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April 1851. No 626.

4 In his letter of 23rd
February 1851, Colonel Cotton
stated that he conceived
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notice.

police. The question was accordingly referred to the Supreme Government in the Chief Secy's letter of 11th 73 of 20th May 1851, but in their reply of 19th 35 of 27th June 1851, communicated to the Board of Revenue by Government on 1st August, and by the latter to the Secy on 16th August 1851, they declined to refer the question to the Honorable Court of Directors, as that authority had already approved of their proceedings withholding pensions.

On 26th August 1851. Colonel Pollock was brought to the notice of the

the Board of Revenue. that this refusal had to entail upon himself, the necessity of making in good certain pensions from his private resources, for, inasmuch as he had been the person to whom the original orders of Government had come, and who had communicated them to the people, they would naturally look to him, alone for the fulfilment of the promises he had made.

In their despatch of 1st 15 of 1851 para 20, the Honorable Court state that, as a general rule, it

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ment of the state of
the account, which
has been held to give
a claim to the Pension
awarded to the 14 per-
sons referred to, ^{and} should
also be informed of
the date on which the
orders

It is a very good
case to say that
I think the
State ought to
have been
so well managed
as it is

31
orders of the Government
of Justice of the 5th October
and 23rd November 1849,
reached the Civil Engineer
of the First Division.
8 Colonel Galloway
enters into a discussion
of the general question
of the claim to pension
which those named
were employed upon
any Public work leaves
upon the Government.
But this the Government
will not follow Colonel
Galloway, the matter has
been definitively settled
by the Honorable
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decision must be
accepted

accepted as final.

RR

1 Copy to the Chief Eng
with 2 Encl. Orig = 11.

Public Works 1857 Dept.
D^o to Cons 14th July.

c 1^o 1340.

Contract Minis. of Cons.
D^o 13th July/57.

From the Chief Engineer 0/29th Oct/54
C N 2135 refans: 12 Jan/58
N^o 41-

Relative to the Claims
to pension, which those maimed
or killed while employed
upon any Public Work, leave
upon the Government.

N^o 66 + 67.

c 4th July 1857