M.R.O. 1—32 400—23-11-50

MADRAS RECORD OFFICE.

Government of Madras.

Public Works **DEPARTMENT.**

Cons. 16.7.57

G.O. No. 1340 Press Mis.

6667
Dated 13 — 7 — 18 57

Not to be folded or roughly handled

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

No. 66. 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 25th 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 letter[1] 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 orders[2] 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.

2. Extract Minutes Consultation, No. 933, dated 7th October 1850.

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 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,

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 whon 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 1854 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.
No 667 Fort St George 25th May 1857.

From
The Chief Engineer
To
The Secretary to Government
P.W. Department

Public Pensions & Gratuities

Sir,

1. With reference to Extract Minutes of Consultation No 196 dated 25 February 1857 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 copy of a letter and its enclosures from Colonel H. Cotton.

Letter dated 1st May 1857.
Enclosures in original
Letter No 309 dated 26 August 1837.
Extract from the Hon'ble Court's of Directors despatch No 2 dated 6th January 1847.

2 Ry: Min: Cons: No 933 7th Oct 50

2. The Orders 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.

The

Letter

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.-

I have the honor to be
Sir
Your most Obed.t Servant

Central Office of P.W.D.
Fort St. George
25th May 1857.-

Lieut.t Colonel
Chief Engineer

W
A.D.C. Engr. E.C.

X 7/10

No. 1543.

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 15th June 1857.

Ordered, that the Deputy Secretary to Government be requested to direct the forwarding Memorandum to the Correspondence noted in the margin to be diligently referred to when no longer required by, that they be returned with the Officers in charge of the Cantonment Records, respecting the grants of Land to the brothers, and Heirs of persons murdered, or killed at the Arcot Barks.-

Asst. Contract

Wolfenston Captain.
Off. Deputy Engr. for Chief

42 Original letters with their Covers

1 Ext. Jurisdiction Cons. No. 34 dated 3rd Feby. 1848.
1 Letter from Captain Q.r.M.r No. 37 dated 5th Feby. 1848 with 4 Enclosures
1 Do. No. 91 dated 17th Feby. 1848 with 3 Enclosures.
1 Ext. Jurisdiction Cons. No. 893 dated 13th June 49
1 Letter from the Asst. Chief Engineer &c. No. 178 dated 25th July 1849. with 5 Enclosures.
1 Do. No. 317 dated 13th Augt. 1849 with 1 Enclosure
1 Ext. Jurisdiction Cons. 863 dated 7th Augt. 1849
1 Do. 1887 " 8th Augt. 1849
1 Letter from Captain Dept. No. 314 dated 28th Decr. 1849 with 5 Inclosures
1 Do. No. 13 dated 1st March 1850
1 Do. No. 215 " 24 July 1850 with 6 Enclosures.
1 Ex. Jurisdiction Cons. No. 935 dated 7th Sept. 1850
1 Letter from Lt. Colo. Cotton No. 350 dated 1st Decr. 1850 with 1 Enclosure
1 Ext. Jurisdiction Cons. 196 dated 25 Feby. 1851
1 Letter from Lt. Colo. Cotton No. 56 dated 22nd Feby. 53 with 2 Encls.
1 Letter from Major Cotton No. 104 dated 12th March 1853 with 1 Enclosure.
1 Do. No. 145 dated 13th April 1853 with 2 Enclosures
1 Ext. Jurisdiction Cons. No. 350 dated 31st May 53
1 Do. " 982 dated 28th August 53
1 Letter from the Asst. Engr. Colo. &c. No. 148 dated 17th March 1857.-
1 Do. from Engr. Retd. 16th Feby. 57.-

The Deputy Secretary to Government

Letter

1 Letter from Lt Col. McCallum No 78
dated 11th March 1851 with 1 Enclosure
1 Do to Civil Engr 1st Division No 313
dated 31st March 1851
1 Do from Lt Col. Colton No 1284 1st Augt 51
1 Do Civil Com No 395 4th July 1851
1 Letter from Lt Col. Colton No 191 dt 12th May 51
1 Do Civil Com No 467 dt 12th May 1851
1 Do Do 473 dt 21st Do
1 Letter to the Civil Engr 1st Dn No 339 dated
31st July 1851
1 Do Civil Com 765 dt 1st Augt 1851 with 1 Encl:
1 Letter from Lt Col. Colton dated 5th August
1851 No 284
1 Do No 327 dated 26th August 1851
1 Do No 329 dated 11th Sept 1851
1 Do to Civil Engr 1st Division No 393 dated
20 October 1851
1 Do Civil Com 1077 dated 8th Novr 1851
1 Letter from Capt. Colton No 90 dated
26 March 1852 with 9 Enclosures
1 Do from the Civil Engr Cadastry &c
No 216 dt 12th August 1852 with 2 Encls
1 Do Civil Com No 559 dt 10th July 1852
1 Letter from Major Colton No 338 dt 3rd July
1852 with 3 Enclosure
1 Do No 339 dt 3rd August 52 with 1 Encl
1 Do to Civil Engr Cadastry &c No 56
dated 17th January 1853
1 Do Civil Com No 974 dt 2nd Dec 1852

Sir

Extract from the Proceedings of the Chief Engineer to Lt. Deputy Asst. Com. Gen.

Dated 26th
Rec'd. June 1857.

No 1542

Fernando Torres Jordan
Asst has taken place subsequent to 1845 with the Officers in charge of the Quadravery Ancient respecting the grant of Pensions to Widows & Heirs of persons maimed or killed at the Ancient Works.

Louisiana cuc
1st Dec 1837.

Sir

Colonel C. Mathus, Corps
Commandant of Engineers

Colonel C. C. Pasteur
Chief Engineer Dept.
Fort St. Leger

Sir,

I am respectfully to acquaint you that a letter of the 30th March 1837, being found to appertain to the Ordnance department, was addressed to that department on the 3rd of June last.

2d: On the subject of the Pensions to persons and heirs of persons employed on the Government Public Works, I have to state in reply to your letter of the 21st August 1837, that the Board of Ordnance and Fortification have not received any answer, I am after to the District and in 1834 I obtained in England during all the time the matter has been in abeyance.

3d: In the meantime the Widows, Orphans, and Married persons, or rather a portion of them have been paid the pensions assumed by them by the Board of Ordnance

Comds Order of the 1st January 1838.

Ent

Loun 25th July 51 No. 27-28
8 Dec 50 22-23

Engr Works 1857 Dec 11
Ord Corps No. 1662

From the Chief Engineer
To the Secretary to Government
War Department

Dated 25th May 1837.
Rec Engr 30th May 1837.

2 Encls:
2 as Returned

No 607.

E. No. 1340. 13th July

Inwards for the favorable consideration and orders of Govr
Letter from Colonel R. Cotton
on the subject of Pensions
to persons and heirs of persons
injured on the Government
Public Works.

No 666.

C4 6 July 37

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 Dowlaiswaram 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.

4: 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.

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

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

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

5: 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.

6: That as I was the Officer who

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 1851 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.

7: That in the mean time 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.

5: I am so fully assured, that the Honble 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.

6: 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

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

17.- I bring forward the case of these
a 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 19½ Lacs paid
with great difficulty: already in this year
before the works are finished, the Collections
will be 27 Lacs paid with the utmost

ease,

ease an increase of 7½ Lacs.-

9.- But this has been notwithstanding
the most unaccountable 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 2½ Rupees an acre,
on all lands, which on the 12 Lacs of acres
commanded by the Anicut, is 30 Lacs a
year. In addition to this, there will be about
250000 acres of increased cultivation when
the whole Delta is watered at 1½ an acre
or 10 Lacs, and this is besides the increase
of the Extra Revenue arising from the
improved condition of the people. We have
this most certain data for calculating
an ultimate increase of Revenue arising
from these works of at least 40 Lacs,
which would at them not make the Revenue
of the Delta equal to that of the Kavary
of the same extent, but much inferior in
fertility and water supply, and without
water transit, its Revenue this Year being
upwards of 60 Lacs including the part
in South Arcot.-

Hons

on 10.- Now a total pension list of 100 persons
could only require about 3000 Rupees a year
out of these 40 Lacs is 1/3 p Cent of the ultimate
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 a burden to their
friends and a reproach to the Government
rather than surrender 1/100 part of these 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 Black paddy under all
the contingencies of flood
and drought ------ Rs 10.
Value of Crop of irrigated
paddy under the new
works ..... 24 Rs
2 Crop. at 12 Rs on
1/4 of the lands --- 3 --- 27 Rs
Difference 17 Rs

12.- Difference on 120,000 acres, 20 Lacs and
this is besides.-

1st. The produce of the lands not before
Cultivated.-

2d. The value of Sugar, Chillies, plan-
tains, and other superior produce.-

3d. The saving in the substitution
of 1000 Miles of water carriage at 8 Penny
p Ton for land carriage, when practicable
at 2 or 3 Annas p Ton

13. Thus the pensions to 100 Widows &c. would
not amount to 1/10000 part of the total benefit
from the works, and thus 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 moments hesitation about confirming their
first gracious order, and thus declare, once
and for ever, that they will not have their

Treasuries

Treasuries enriched by laws of Rupees stained
with the sufferings of those who have helped
to bring this increase into them.-

15. GOD has been pleased most fully
to bless these attempts to improve the country.
How can we expect the continuance of His
blessing if we bring His hatred upon
our religion as we should do if we abandon
these unhappy persons.

Shaw &c
Dhulaiseram
11th May 1857.
Lt. Col. H. Cotton Commg
Commandant 19th Regiment

True Copy

Offg Colonel
Offg Engineer

T.P.

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

(Executive 25th May 1857 No. 1107.)

Sir, I have the honor to inform you that 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

Enclosure in a letter from the Chief Engineer to the Secretary to Government P.W. Department

Dated 25th May 1857

No. 1107/557

Copy of a letter from Colonel H. Cotton Commandant C.P. Engineers, agreeing to the recommendations and terms of Mr. Superintendent and Engineer.

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 hands
had been permanently
injured.

In shaping 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

being given to the instruc-
tions received on their
behalf, and the Board
were requested, in sub-
mitting the information
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the amount of pension
which should be granted
in each case, bearing
in mind that the pen-
sions would commence
in arrear from the date
of the accident which
had deprived the peo-
ple of the means of earn-
ing their Customary
subsistence.

The Honorable
Courts orders were
accordingly acted
upon, and pensions
were

were granted to certain
Sufferers from Her Acts
decide on the Godavery
Annicut, & the
proposals relating to the
application for, and
authorization of these
Pensions, were noted in
the margin.

3 The original orders
however of Her Honor-
able Court respecting to
the principle of granting
pensions, were modified
by the Government of
India in their orders
to Mr. Government dated
5th October and 23d Novem-
ber 1849; and the substi-
tution of gratuities
for pensions was enjoined.

Here

Govt of India to Govt 15th Jany 1848 No 95
E. to C. 3d Feby 1848
From Govt of India & Cote, in Comm. 13th Novr 1849.
To Govt of India 27th October 1849
From — Do — 23d Novr 1849 in Comm. 24th Decr 1849
E. to C. No 853. 7th September 1849 enclosing letter from Govt of India No 1325 of 5th October 1849.

Here proceedings were
confirmed by the Honor-
able Court of Directors &
in their despatch to the
Supreme Government
No 15 of 5th March 1851 and
their decision was com-
municated to Mr. Govt
ment in the Suspense
Communication letter of 25th
April 1851. No 626.

In his letter of 23d
February 1851, Colonel Colvin
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.

Nubia. Her question was accordingly referred to the Supreme Government in the Despatch Marg's letter No 173 of 20th May 1851, 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 Hallows on 11th August last, they declined to refer the question to the Honorable Court of Directors, on that authority had already approved of their proceedings with holding Pensions.

5 On 26th August 1851 Colonel Cullen was brought to the notice of the

the Board of Revenue that Mir Nasrut 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 promised benefits made.

6 In their despatch No 15 of 1851 para 20, the Honorable Court state that, as a general rule, it

it is advisable to bestow gratuities instead of Pensions in all cases where labour has been voluntary, but where the labour is forced, there remains a just claim to reasonable pecuniary support, and if killed, their families possess similar claims, and on 30th July 1856 the Government of India transmitted to their Government a printed copy of a publication containing rules for the grant of gratuities to the families of persons killed in the execution of their public duties;

&c

so that the grant of Pensions may be confined to cases strictly necessary, and as there is no such thing as compulsory labour on any Public work in the Presidency.

In his letter to the Chief Engineer of 1st July 1857 submitted to Government in the Chief Engineer's proceedings recorded above, Colonel Colvin urging the subject forwarded a statement of some of the Pensions (the six principal) which were awarded to the widows of Sappers in accordance with the Honorable

Honorable Court's order
of 1847, are, now discharged
out of private funds,
and he argues that they
should be justified be
paid wholly by the
State. To enable the
Government to arrive
at a decision on the
course to be adopted in
this matter, it is necessary
that they should be
supplied with a statement
of the debt at
the period at which it
has been held to give
a claim to the Pensions
awarded to the persons
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also be informed of
the date on which the
orders

orders of the Government
of India of the 5th October
and 23rd November 1849,
reached the Civil Engineer
of the First Division.

8 Colonel Pollard
enters into a discussion
of the general question
of the claims to pensions
which have remained
unsettled upon
any Public work leaves
upon the Government.
Into this the Government
will not follow Colonel
Pollard, the matter has
been definitively settled
by the Honorable
Court and their
decision must be
accepted

Accepted and signed.

Copies to the Chief Engr
with 2 Encls Office

Public Works 1857 Dep.t.
No. 10 Cons. 14.th July.

No. 1340.

Extract Mins. of Cons.
of 13.th July 57.

From the Chief Engineer 0/29 Oct.r/54
C. No. 2135 Volcano: 12 Jany/55
No. 41.

Relative to the Claim
to pension, which those mained
or killed while employed
upon any Public Work, have
upon the Government.

No. 366 & 67.

C. 4 Lucky 87.th