MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 1537 Press Mis.

Ps. 26

Dated 5 — 18 5

Not to be folded or roughly handled

No. 25. Read the following letter from Major E. LAWFORD, Superintending Engineer, in charge of Central Office, P. W.; to W. H. BAYLEY, Esq., Acting Secretary to Government, dated 22nd June 1858, No. 1341.

SIR,

I have the honor to submit for the consideration of Government the accompanying copies of correspondence* relative to charges brought against two Sub Overseers in Trichinopoly and Tanjore for acts done in the discharge of their duty, and beg to point out the expediency of some course being prescribed for such cases in order to prevent the Public service from suffering injury.

* No. 1646, dated 6th April 1858, from District Engr. Trichinopoly.
" 1613, dated 31st March 1858, from do.
" 53, dated 3rd April from Magistrate, Trichinopoly.
" 186, dated 29th May 1858, from District Engineer, Trichinopoly.
" 254, dated 9th June 1858 from do.
" 101, do. from Magistrate, Trichinopoly.
" 20, dated 20th May 1858, from Dis. Engr. Tanjore.
" dated 19th May 1858, from Mr. Edmonds.
" 56, dated 19th May 1858, from Dis. Engr. Tanjore.
" 34, dated 11th June 1858, from do.
" 68, dated 3rd do. from do.
" 326, dated 9th June 1858, from Collector do.

2. In the first instance, Ponnoosawmy Pillay a Sub-Overseer of Trichinopoly, was accused of cutting branches of trees in the village of Thootoor near the head of the Tonairy channel where he was employed. The Magistrate communicated the charge to the District Engineer, who caused the Sub-Overseer to be sent to the Police authorities, and after a detention from duty of five days (4th to 8th inclusive) the accused returned to duty without any further notice of the case being taken.

3. On subsequent application, the Magistrate refused to give any information on the subject to the District Engineer, and the Head of Police equally declined furnishing the proceedings to the Sub-Overseer, and thus an unfounded charge against a public servant remains without redress. It is not a case, I conceive, for the interference of the Judge as suggested by the Magistrate, and I agree with Lieutenant Ryves in thinking that the public servants of this Department while wholly amenable to the law for private conduct should, as regards their public acts, be responsible in the first instance to their own Officers, who should at least be informed of the result of any investigation held by the Magistrate or his Officers.

4. In the second case, I have to submit, Sub-Overseer Edmond's of Tanjore was actually arrested by virtue of a Summons from the Joint Magistrate, taken by a Peon to the Cutcherry without any communication to the District Engineer, and charged with having issued a Cuttalay to certain Merassidars and Curnums, the bearer of which Cuttalay, (by which I understood is meant a Summons) prevented the Curnums from collecting Kist.

5. The Sub-Overseer was dismissed after making a deposition, and no further proceedings ensued, nor would the Collector on Major Birdwood's application afford any explanation or information unless at the request of the Chief Engineer.

6. I shall refrain from further comment on these cases, as I feel confident they will receive full consideration and that the Government will give me credit for a desire to maintain perfect submission by the Members of this Department to the Civil Authorities in all matters of private conduct while soliciting their exemption from needless molestation and indignity in the discharge of their public duties.

Letter from Lieutenant J. G. RYVES, District Engineer, Trichinopoly; to Colonel C. E. FABER, Chief Engineer, dated Camp Pullivady, 6th April 1858, No. 1646.

SIR,

I have the honor to submit for your consideration the enclosed copy of a letter, in reply to one addressed by me to the Collector of this District, with the following statement of the circumstances under which my application to the Collector in his capacity of Magistrate was made.

2. In February, the Tahsildar of Arrealore reported to the Collector that a charge was brought before him against Ponoosawmy Pillay, and another the former being 1st Class Sub-Overseer in the 4th Circle, the charge being that these Subordinates of the Public Works Department had cut branches of trees in the village of Thootoor near the head of the Ponairy channel.

3. The Collector informed me of the circumstance, and I desired that the case might be tried at once and directed the attendance of Ponoosawmy Pillay at the Tahsildar's Cutcherry.

The Sub-Overseer was accordingly called in from his Station by Mr. Ricketts, and having given over as far as was requisite the charge of the works to that Officer, proceeded on the fourth of March to the Cusbah. The Tahsildar not being at the Cusbah, the Sub-Overseer followed him to Tricovum and Vickraamum and on the 7th reached the Tahsildar's Circuit Cutcherry at Vickraamum. His statement was taken down by the Tahsildar and he was dismissed and returned to duty on the 8th.

The Collector subsequently ordered the case to be struck off.

4. I then considered it desirable that the nature of the charge and the manner in which the case had been conducted should be communicated to me, and accordingly wrote the letter* which elicited the reply which I now submit for your consideration.

* Copy Enclosed.

5. And in doing so beg to offer the following remarks.

1st. It is indispensable that the Subordinates of the Department should be protected from vexatious charges to defend themselves against which necessitates absence from their duties, a transfer of accounts and an explanation of the circumstances under which the works may at the time be to the locum tenens, and which consequently produce much loss of time and inconvenience, moreover if a Subordinate in charge of a Talook is thus exposed to be called upon by the Tahsildar to defend himself against frivolous and vexatious charges, he loses position among the people, and the succeesful conduct of the works of the Talook is dependent on the will of the Tahsildar, it being notorious that officials of that class can at pleasure get up a case against a man who may unfortunately incur their displeasure.

2nd. A charge brought against a Subordinate for any act committed by him bona fide in the execution of his duty should, I am of opinion, be communicated in every case to the Head of the P. W. D. of the District by the Head of Police for that District, the former would then at discretion either adopt the act of the defendants who would in that case defend as the representative of the Department or repudiate his act in which case he would defend himself as a private individual.

6. In the particular instance under notice, the charge appears to have been frivolous and unsupported by evidence of any value. I therefore, until I receive further information from the Collector as Magistrate, am impressed with the belief that the charge was a vexatious one improperly encouraged by the Tahsildar.

7. Adverting to Mr. Bird's letter, it will be seen that that Officer lays down the law beafing on the question of compliance with my application with much distinctness, but with some want of precision.

8. In the 2nd para. of the letter, my application is refused on the grounds that I am in no way connected with the case, while in the 3rd para.* the course of appeal to the Session Judge is laid down as the proper course for me to adopt.

* Numbered 4 in original.

9. I need hardly observe that were I on every occasion to plunge into the midst of the delays and depositions and rejoinders of an appeal with perhaps a counter-appeal afterwards. I should add considerably to the already large amount of work to be done by a District Engineer and perhaps arrive at an unsatisfactory conclusion after all.

10. In the last sentence of this paragraph, Mr. Bird adopts an arbitrary tone which has been too common of late to occasion me surprise, but against which I beg to protest through you.

11. With reference to the last para. (numbered 5 in original) of this letter, I submit that it is the duty of Magistrate (when called upon) to give his opinion as to the conduct of Government servants, when that conduct affects in any way the successful execution of duty by the Officer calling for the opinion.

And if required by the Officer of the Department concerned, the record of the whole case should, I am of opinion, be furnished.

My application for the copy of the record and for the Magistrate's opinion has however met with a refusal worded strongly and uncourteously.

12. Having now laid before you the circumstances with my remarks, I have the honor to solicit for this case and the principle involved serious consideration.

Letter from Lieutenant J. G. RYVES, District Engineer of Trichinopoly; to J. BIRD, Esq., Collector of Trichinopoly, dated Trichinopoly, 31st March 1858, No. 1613.

SIR,

With reference to your letter, dated 29th Instant, No. 48, I have the honor to inform you that Sub-Overseer Ponoosawmy Pillay having left Vuppoor on the 4th Instant and having proceeded to the Arrealore Cusbah, the Tahsildar being not there, he followed him to Triconum and Vickramum where having found the Tahsildar, the actual enquiry occupied only a few minutes as stated in your letter.

2. No decision has yet been communicated by the Tahsildar to the Defendant Ponoosawmy Pillay, but I observe in the last paragraph of your letter above referred to, that you have directed the case to be struck off.

3. From the information I possess it appears to me, that Sub-Overseer Ponoosawmy Pillay was wrongfully accused, in which case his accusers should in my opinion receive punishment.

4. It also appears to me that the Tahsildar's duty was not to listen to an unsupported charge which, as far as I can understand the proceedings, could not stand against the simple statement of the defendant.

5. In short, I am justified in viewing the charge as trivial and vexatious trumped up against the Sub-Overseer Ponoosawmy Pillay by certain parties as yet unknown to me.

6. I have therefore the honor to request that you will furnish me with a copy of the whole proceedings in the case from the first Petition or complaint to the Tahsildar till the case was struck off by your orders.

7. I also request that you will favor me with your opinion on the case as Magistrate of the District.

Letter from J. BIRD, Esq., Magistrate of Trichinopoly; to Lieutenant J. G. RYVES, District Engineer of Trichinopoly, dated 3rd April 1858, No. 53.

SIR,

I do myself the honor to acknowledge the receipt of your letter No. 1613, of date the 31st Ultimo, to my address as Collector of this District, offering opinion on the disposal of a Police case by me as Magistrate in which Sub-Overseer Ponoosawmy Pillay and another are defendants.

2. As you are not a party to this case, either as defendant or otherwise, I must decline compliance with your requisition to furnish you with copy of the record.

Vide C. O. F. U. 8th August 1855, No. 207.

3. If you have reason to question, or to disapprove, any act, order or proceedings of mine as Magistrate for this Zillah, your proper course is to state your objections by appeal before the Session Judge, I can admit of no remonstrance being addressed to me.

4. It is not usual to ask the Magistrate for their opinion on cases.

Letter from Lieutenant J. G. RYVES, District Engineer, Trichinopoly; to Colonel C. E. FABER, Chief Engineer, *dated Trichinopoly, 29th May 1858, No.* 186..

SIR,

With reference to your letter No. 8968, dated 14th April 1858, I have the honor to forward the original Tamil Yadast and its translation received by Sub-Overseer Ponnoosawmy Pillay in reply to a Memo. addressed by him to the Head of Police of Arealore, applying for copy of the Proceedings and decision in the case of cutting trees in the village of Thootoor.

Letter from Lieutenant J. G. RYVES, District Engineer of Trichinopoly; to Colonel C. E. FABER, Chief Engineer, dated Trichinopoly, 9th June 1858, No. 254.

SIR,

With reference to your letter No. 829, dated 4th Instant, I have the honor to forward a copy of Mr. Bird's reply to my letter bringing to his notice that Ponnoosawmy Pillay, had on application, been refused a copy of the decision in the case in which he was defendant.

Letter from J. BIRD, Esq., Magistrate af Trichinopoly; to Lieutenant J. G. RYVES, District Engineer Trichinopoly, dated 9th June 1858, No. 101.

SIR,

I have the honor to acknowledge the receipt of your letter No. 242 of the 7th Instant, bringing to my notice, under instructions from the Chief Engineer, that Sub-Overseer Ponnoosawmy Plliay had been refused a copy of a decision in the case wherein he was a Defendant, charged with cutting trees.

2. The Tahsildar and Head of Police is correct in stating he is not competent to give a copy or copies of any decision passed. No copies of documents or record of cases or of decisions can be given save by the Magistracy to whom parties should make their application either in person or by constituted Attorney.

Letter from Major W. J. BIRDWOOD, District Engineer, Tanjore; to Colonel C. E. FABER, Chief Engineer, dated Tranquebar, 20th May 1858, No. 20.

SIR,

I have the honor to forward a copy of a letter received from Sub-Overseer Edmonds through Lieutenant Palmer, regarding an arrest on frivolous charges brought against him by Mr. Cadell, the-Sub Collector of Tanjore.

2. As a second intance has also been brought to my notice of a Sub-Overseer having been arrested while in the prosecution of his duties in the Sub Division by Mr. Cadell, I have decided that it is better at once and without the delay of a reference to the Collector (which has in so many instances of complaint proved fruitless) to lay the matter before you for your consideration, and to beg you will kindly obtain some assurance from Government that such proceedings may not in future take place with impunity.

I cannot suppose that Government would permit one branch of its own service to be treated as this Department is in the Sub Collectorate which is simply as if instead of being supposed to have the same interests at heart and the servants of the same Government and all our measures for the public good we were invaders of an enemy's country, subjected to annoyance and opposition both personally and officially:—in this instance you will observe, no more effectual means could be devised for checking the progress of works than carrying off our Overseers while engaged in the superintendence of work in this discourteous and unnecessary style lowering the Department in the eyes of the Natives diminishing its local influence just at the time when it is struggling to establish itself in the confidence of the people. I should be glad to have our position in the Sub Collectorate clearly defined and that some check should be put on this most vexing warfare which furnishes so much additional work in a District where it requires all the energies of my assistance and myself to get through our ordinary duties creditably.

Letter from Mr. E. W. EDMONDS, Sub-Overseer; to Lieutenant W. C. PALMER, 4th Class Executive Engineer, dated Tranquebar, 19th May 1858.

SIR,

I respectfully beg to state that on Sunday the 9th Instant, a Summons signed by Mr. Cadell, he Joint Magistrate, requiring me to appear before him on the following day, was delivered to me by a Police Peon who insisted on remaining as custodian over me till I went before the Magistrate, and demanded payment of batta for so doing as a mammool or custom, after troubling me for an hour and half and finding he could not succeed in getting money he went away on the same day, as I rode out in the evening, he stopped my poney saying, he would not allow me to go out till I gave bail and threatened to get other Peons to assist him, I then got a respectable Native who was present to say he would be security, when he allowed me to pass, he however returned on the following morning and urged my going with him at once in terms of great disrespect and insult, although I had public duties to attend to before leaving home, yet to secure myself from further indignity and humilitation I was already subjected to, I went at once to Mr. Cadell's office at Myavarum, 7 miles away where I had to remain till three in the afternoon up to which time I was treated as a close prisoner not being permitted during my stay there to hold communication with any person and some writers who came to speak were ordered off by the Peons acting as they said under Mr. Cadell's orders and the writers Dannel Pillay and Cunnapillay can prove that they themselves on speaking to me in Mr. Cadell's compound were prevented by the Deloyets from doing so, saying I was at the time a prisoner and that it was Mr. Cadell's orders that no one should speak to me and even Mr. Cadell's Butler openly and loudly scolded Cunna Pillay for speaking to me. When I was called before Mr. Cadell, several papers were read to me to the effect that I was charged with having issued a Cuttalay to certain Meerassidars and Curnums and that the man who carried the said Cuttalay prevented the Curnums from collecting kist and I was asked to answer the charge, on my stating that I issued no Cuttalay but addressed a chit to the Meerassidars in question inviting them to enter into a contract for executing certain sanctioned estimates for their benefit and that I never authorized any one to trouble the Meerassidars; my statement was taken in writing and having signed the same, I was ordered to go away. In submitting this simple narrative of what took place for your consideration, I beg you will permit me to claim your protection from being thus subjected to such unnecessary proceedings which I submit is not only a personal injury to myself in the discharge of my duties, but also detrimental to the works of which I may be placed in charge of, and moreover the arrest on a Sunday is I believe illegal. The humiliation to which I have been subjected to in this instance may be repeated every day if groundless complaints of this nature are to be entertained, and the Subordinates of this Department be dragged away as prisoners before the local authorities on the mere instance of any designing person it must have one influence at least viz., that of weakening the confidence of the people we have to deal with and lowering our position in the eyes of the Natives around us. I beg therefore you will take such measures as you may think proper to lay the same before the District Engineer to prevent the repetition of such proceedings.

Letter from Major W. J. BIRDWOOD, District Engineer; to H. D. PHILLIPS, Esq., Collector of Tanjore, dated Tranquebar, 19th May 1858, No. 56.

SIR,

As I feel it would be a great want of due deference to you to forward any matter of complaint to the Chief Engineer without intimating the same to you, I have the honor to lay before you a statement of the arrest of one of my Subordinates on frivolous charges without any reference whatever to me.

I do not know whether it is merely an official courtesy or that I have a right to be informed when my Subordinates are taken away from their duties to appear before a Magistrate, but in my experience on such occasions hitherto it has been a mark of consideration which his charge have accorded me however that is a mere secondary point.

This Department have been subjected of late to so much that is disagreeable in the Sub Division that in this instance I feel it will be unnecessary to make any demand on your time and have laid the matter before the Chief Engineer for the decision of Government, a proceeding that I believe to be absolutely necessary to ascertain in what position this Department is to stand in future in Sub Collectorate.

A second instance of arrest by the Sub-Collector of another Overseer while in the prosecution of his duties has just been brought before me and decided me in this opinion as there are but manifestations of the spirit which is abroad in the Sub-Division evidently emanating from the Sub-Collector himself.

Letter from Major W. J. BIRDWOOD, District Engineer, Tanjore; to Colonel C. E. FABER, Chief Engineer, dated Tranquebar, 11th June 1858, No. 34.

SIR,

With reference to Extract Proceedings, dated 26th May last, No. 619, I have the honor to forward the reply I have received from Mr. Phillips.

2. I cannot understand what the Collector means by "alleged arrest," as the Sub Overseer in question, was taken in custody by the Sub-Collector's Peon, and submitted quietly to avoid the shame of having further assistance called for, to overpower his resistance.

Letter from Major W. J. BIRDWOOD, District Engineer, Tanjore; to H. D. PHILLIPS, Esq., Collector of Tanjore, dated Seetoobana, 3rd June 1858, No. 68.

SIR,

With reference to my letter of the 19th May last, No. 56, regarding the arrest of Sub-Overseer Edmonds by the Sub-Collector, I have the honor to request, you will be good enough to favor me with your views on the subject, for transmission to the Chief Engineer.

Letter from H. D. PHILLIPS, Esq., Collector of Tanjore; to Major W. J. BIRDWOOD, District Engineer of Tanjore, dated Point Calimere, 9th June 1858, No. 326.

SIR,

Adverting to your letter of date the 3rd Instant, No. 58, and 19th Ultimo, No. 56, as also to my communication to you of the marginal date, respecting the alleged arrest of Sub-Overseer Mr. Edmonds.

22nd May 1858, No. 219.

I would beg permission to observe that a direct communication from the Chief Engineer to myself, seems to be the proper official course, in the event of an expression of my views being required regarding a subject under consideration by the head of the Public Works Department.

No. 26. ORDER THEREON, No. 1539; dated 5th August 1858.

Before recording an opinion on the cases referred to, the Right Honorable the Governor in Council resolves to forward a copy of Major Lawford's letter and of its enclosures, to the Magistrate of Trichinopoly and the Joint Magistrate of Tanjore, with a request that they will submit any explanation they may respectively have to offer on the allegations made therein. Messrs. Bird and Cadell will at the same time forward a copy of the charges preferred against the Sub-Overseers, and of the orders passed thereon.

(Signed) T. PYCROFT,
Chief Secretary.

Central Office of P.W.
Fort St. George 22 June 58.

No. 1341

From

The Superintending Engineer &c
in charge of Central Office P.W.

To

The Secretary to Government P.W.D.

Public

Sir,

Enclosures 5—

I have the honor to submit for the consideration of Government the accompanying copies of correspondence relative to charges brought against two Sub Overseers in Trichinopoly and Tanjore for acts done in the discharge of their duty, and beg to point out the expediency of some course being prescribed for such cases in order to prevent the Public Service from suffering injury.—

In the first instance Vonnovaum Pillay a Sub Overseer of Trichinopoly was accused of cutting branches of trees in the village of Thottam

Mean.

near the Head of the Ponairy Channel where he was employed.- The Magistrate communicated the charge to the District Engineer who caused the Sub Overseer to be sent to the Police Authorities, and after a detention from duty of five days /4th & 8th inclusive/ the accused returned to duty without any further notice of the case being taken.-

3 On subsequent application, the Magistrate refused to give any information on the subject to the District Engineer and the Head of Police equally declined furnishing the proceedings to the Sub Overseer and thus an unfounded charge against a public Servant remains without redress.- It is not a case, I conceive, for the interference of the Judge as suggested by the Magistrate and I agree with Mr Pigou in thinking that the public Servants of this Department while wholly amenable to the Law for private conduct should, as regards their public acts, be responsible in the first instance to their own Officers, who should at least be informed of the result of any investigation held by the Magistrate or his Officers.-

4. In the second case I have to submit, Sub Overseer Edmonds of Tanjore was actually arrested by virtue of a Summons from the Joint Magistrate, ... taken by a Peon to the Cutcherry without any communication to the District Engineer, and charged with having issued a Cuttalay to certain Merasidars & Cumums, the bearer of which Cuttalay /by which I understood is meant a Summons/ prevented the Cumums from collecting Kists.-

5. The Sub Overseer was dismissed after making a deposition and no further proceedings ensued, nor would the Collector or Major Birdwood

Birdwoods application afford any explanation or information unless at the request of the Chief Engineer.-

6. I shall refrain from further comment on these Cases, as I feel confident they will receive full consideration and that the Government will give me credit for a desire to maintain perfect submission by the members of this Department to the Civil Authorities in all matters of private Conduct while soliciting their exemption from needless vexatious molestation and indignity in the discharge of their public duties.-

I have the honor to be,
Sir,
Your most obdt. Servt.

Fort St George
22 June 1858

Lieut. Engr.
Supg. Engr. Public Works
Central Office of P.W.D.

To
The Secretary to Government
P.W.D.

No. 1646
57/58.

13

From,

Lieutenant J. G. Ryves,
District Engineer Trichinopoly.

To,

The Chief Engineer,
in the D. P. W.

Sir,

I have the honor to submit for your consideration the enclosed copy of a letter, in reply to one addressed by me to the Collector of this District, with the following statement of the circumstances under which my application to the Collector in his capacity of Magistrate was made.

2. In February, the Tahsildar of Ariyalore reported to the Collector that a charge was brought before him against Ponnosawmy Pillay and another the former being 1st class Sub Overseer in the 4th Circle the charge being that these subordinates of the Public Works Department had cut branches of trees in the Village of Thothoor near

No. 22
Dated 27 July 1858
Received 27 July 1858
Copy of Letter from Lieut. Ryves
Dist. Engr. Trichinopoly
Dated 17th July 1858
Submitting application for
Police Magistrate's Aid
Dated 25th June 1858
Read
Ordered
Dr. Do.

near the head of the Tonairy Channel.

3. The Collector informed me of the circumstance, and I desired that the case might be tried at once and directed the attendance of Ponnosawmy Pillay at the Tahsildar's Cutcherry.

The Lesbverseer was accordingly called in from his station by Mr Ricketts and having given over as far as was requisite the charge of the works to that officer, proceeded on the fourth of March to the Custom. The Tahsildar not being at the Custom, the Lub Overseer followed him to Triconum and Vie Kraamum and on the 7th reached the Tahsildar's Circuit Cutcherry at Vie Kaara-mum. His statement was taken down by the Tahsildar and he was dismissed and returned to duty on the 8th.

The Collector subsequently ordered the case to be struck off.

4. Often considered it desirable that the nature of the charge and the manner in which the case had been conducted should be communicated to me, and accordingly wrote the letter* which elicited the reply which I now submit for your consideration.

5. And in doing so beg to offer the following remarks.

1st. It is indispensable that the subordinates of the Department should be protected from vexatious charges to defend themselves against which necessitates absence from their duties, a transfer of accounts and an explanation of the circumstances under which the works may at the time be to the locum tenens: and which consequently produces much loss of time and inconvenience, moreover if a subordinate in charge of a Talook is thus exposed to be called upon by the Tahsildar to defend himself against frivolous and vexatious charges he loses position among

* Copy inclosed.

Mr Pigou's Letters Rec'd

among the people, and the successful conduct of the works of the Labour is dependent on the will of the Sahibdar, it being notorious that officials of that class can at pleasure get up a case against a man who may unfortunately incur their displeasure.

2nd A charge brought against a subordinate for any act committed by him bonâ fide in the execution of his duty should, I am of opinion, be communicated in every case to the Head of the P.W.D. of the District by the Head of Police for that District: the former would then at discretion either accept the acct of the defendants who would in that case defend as the representatives of the Department or repudiate his act in which case he would defend himself as a private individual.

6. In the particular instance under notice the charge appears to have been frivolous and unsupported by evidence of any value. I therefore, until I receive further information from the Collector as Magistrate, am impressed with the belief that the charge was a vexatious one improperly encouraged by the Sahibdar.

7. Adverting to Mr Bird's letter it will be seen that that Officer lays down the law bearing on the question of compliance with my application with much distinctness but with some want of precision.

8. In the 2nd Para of the letter, my application is refused on the grounds that I am in no way connected with the case: while in the 3rd Para* the course of appeal to the Sessions Judge is laid down as the proper course for me to adopt.

* numbered 4 in original.

9. I need hardly observe that were I on every occasion to plunge into the midst of the delays and depositions and rejoinders of an appeal with perhaps a counter appeal afterwards: I should add

add considerably to the already large amount of work to be done by a District Engineer and perhaps arrive at an unsatisfactory conclusion after all.

10. In the last sentence of this paragraph, Mr. Bird adopts an arbitrary tone which has been too common of late to occasion me surprise but against which I beg to protest through you.

11. With reference to the last para (numbered 5 in original) of this letter I submit that it is the duty of Magistrate (when called upon) to give his opinion as to the conduct of Government Servants when that conduct affects in any way the successful execution of duty by the Officer calling for the opinion.

And if required by the Officers of the Department concerned the record of the whole case should. I am of opinion, see furnished.

19

My application for the copy of the record and for the Magistrate's opinion has however met with a refusal worded strongly and uncourteously.

12. Having now laid before you the circumstances with my remarks, I have the honor to solicit for this case and the principle involved its serious consideration.

I have &c.

(Signed) J. G. Ryves. Lt.

District Engineers.

District Engineer's Office, Camp Sullivaby 6th April 1858.

From,

No. 1613.
57/58

From

Lieutenant J.G. Pynes,
District Engineer of Trichinopoly.

To,

J. Bird Esquire,
Collector of Trichinopoly.

Sir,

With reference to your letter* dated 29th Instant, I have the honor to inform you that Sub Overseer Ponnoosawmy Pillay having left Vuppoor on the 4th Instant and having proceeded to the Attealore Cutcherry, the Tahsildar being not there he followed him to Triconum and Vickramam where having found the Tahsildar the actual enquiry occupied only a few minutes as stated in your letter.

*No. 48.

2. No decision has yet been communicated by the Tahsildar to the Defendant Ponnoosawmy Pillay but I observe in the last paragraph of your letter above referred to, that you have directed the case to be struck off.

3. From the information I possess it appears to me that Sub Overseer Ponnoosawmy Pillay was wrongfully accused, in which case his accusers should in my opinion receive punishment.

4. It also appears to me that the Tahsildar's duty was not to listen to an unsupported charge which, as far as I can understand the proceedings, could not stand against the simple statement of the defendant.

5. In short I am justified in viewing the charge as trivial and vexatious stumped up against the Sub Overseer Ponnoosawmy Pillay by certain parties as yet unknown to me.

6. I have therefore the honor

honor to request that you will furnish me with a copy of the whole proceedings in the case from the first petition or complaint to the Tahsildar till the case was struck off by your orders.

7. I also request that you will favor me with your opinion on the case as Magistrate of the District.

I have &c

(Signed) J.G. Reyues.

District Engineer.

District Engineers office
Trichinopoly, 31st
March 1858.

Trichinopoly District,
Magistrates Circuit Cutcherry
3rd April 1858.

No. 53.

23

From,

J. Bird Esquire,
Magistrate of Trichinopoly,

To,

Lieutenant J.G. Reyues,
District Engineer of
Trichinopoly.

Sir,

I do myself the honor to acknowledge the receipt of your letter No. 1613 of date the 31st Ultimo to my address as Collector of this District offering opinion on the disposal of a Police case by me as Magistrate in which Sub overseer Ponnoosawmy Pillay and another are defendants.

2. As you are not a party to this Case, either as Defendant or otherwise, I must decline compliance with your requisition to furnish you with copy of the record.

Vide Le. C. 7. U. 8th August 1855 No. 207.

4. If you have reason to question, or disapprove, any act, order, or proceedings of mine as Magistrate for this Zillah, Your

your proper course is to stake your objections by appeal before the Session Judge, & can admit of no remonstrance being addressed to me.

5 It is not usual to ask the Magistrate for their opinion on cases.

I have &c

(Signed) J. Bird.

Magistrate.

To,

Lieutenant J.G. Pynes

District Engineer of

Trichinopoly.

/True Copies/

(Signed) J.G. Pynes. Lieut:

District Engineer.

/True Copies/

Superintending Engineer

Southern Circle

in charge of Central

Office P.W.

Cont'd

No. 186.

27

From,

Lieutenant J.G. Raynes
District Engineer Trichinopoly

To,

The Chief Engineer,
in the Department P.W.

Sir,

With reference to your letter No 8968 dated 14th April 1858, I have the honor to forward the Original Tamil Yadast and its translation received by Sub Overseer Ponnoosawmy Pillay in reply to a Memo addressed by him to the Head of Police of Sreyalore applying for copy of the Proceedings and decision in the case of cutting trees in the village of Shoolloor.

District Engineer's Office,
Trichinopoly.
29th May 1858.

I have &c
Signed / J.G. Raynes. Lt.
District Engineer.

/ True Copy /

Supg: Engineer. S.C.
in charge of Central Office
P.W.

Camp Ulls

Enclosure in a letter from the Supg: Engineer Southern Circle in charge of Central Office P.W.D.
To
The Secretary to Govt:
P.W.D.

Dated 25th June 1858.
Recd } 30th June 1858.

Copies of Correspondence & Proceedings taken & Decree brought against Sub Overseer Ponnoosawmy Pillay.

Enclosure in a letter from the Asst. Engineer in charge of the Central Office Public Works to the Secretary to Govt. P.W.D.

Dated 22 June 1858.
Received 25 June 1858.

P.W.D. 391/58. 1341.

Copy of a letter from the District Engineer Trichinopoly forwarding the original Tamil petition received by the overseer Ponnoo: = Sawmy Pillay from Mr Speyers in application for a copy of the decision in a case in the Proceedings & decision in the case setting forth.

No. 254.

29

From,

Lieutenant J.G. Pyues,
District Engineer of Trichinopoly.

To,

The Chief Engineer,
in the Department P.W.

Sir,

With reference to your letter No. 829, dated 4th instant, I have the honor to forward a copy of Mr. Bird's reply to my letter bringing to his notice that Ponnoo Sawmy Pillay had, on application, been refused a copy of the decision in the case in which he was defendant.

I have &c.

(Signed) J.G. Pyues. Lt.
District Engineer of
Trichinopoly.

District Engineer's office,
Trichinopoly, 9th June
1858.

From,

No. 101.

From,

J. Bird Esquire
Magistrate of Trichinopoly.

To,

Lieutenant J.G. Ryves,
District Engineer
Trichinopoly.

Sir,

I have the honor to acknowledge the receipt of your letter No. 242, of the 7th Instant, bringing to my notice, under instructions from the Chief Engineer, that Sub Overseer Ponnoosawmy Pillay had been refused a copy of a decision in the case wherein he was a Defendant charged with cutting trees.

2. The Tahsildar and Head of Police is correct in stating he is not competent to give a copy or copies of any decision passed: No copies of documents or record of cases or of decisions can be given save by the Magistracy to whom parties should make their application either in Person or by constituted Attorney.

I have &c
(Signed) J. Bird.
Magistrate.

Trichinopoly,
Magistrates Office,
9th June 1858.

To,

Lieut: J.G. Ryves,
District Engineer Trichinopoly.

/ True copy /

(Signed) J.G. Ryves, Lieut:
District Engineer.

/ True copies /

Supg: Engineer. S. C.
in charge of the Central Office
P.W.

Camp JJ

No 2

From

Major H. L. Birdwood
District Engineer Tanjore

To

Colonel A.C.G. Faber
Chief Engineer D.P.W.

Sir

I have the honour to forward herewith a letter
received from Sub Overseer Edmund Ebenezer Paul Palmer
regarding an arrear pay charge which he has brought against him
by Mr Cadell the S.E. Collector of Tanjore.

2. I am directed to state that the Sub Overseer
was dismissed the service on the 22nd ultimo
by Mr Cadell the Collector of Tanjore
for misconduct in the Public Office and
directed that he should receive pay and subsistence allowance
to the date of his dismissal only.

3. The Collector, which has in so many instances
condemned the proceedings of the Executive Officers
appointed to try the matter, appears from the
circumstances of the case to have exceeded his powers
in withholding the pay and allowances
from Overseer Palmer after the date of his dismissal
for misconduct in the Public Office.

I have &c.

Fort St. George 16th August 1858.

(Signed) H. L. Birdwood
Major
District Engineer Tanjore

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3

Enclosure in a letter
from the Supg: Engineer
Southern Circle
in charge of Central
Office Public Works
To
The Secretary to Govt
P.W.D.

No 1391/58

Dated 22nd June 1858.
Received

No 1341

Copies of correspondence
relative to the refusal
of the decision in the
case of Sub Overseer
Ponnoosawmy Pillay.

I cannot suppose that Government would permit one Branch of its own services to be treated as this Department & even the Sub Collectorate which is simply as if instead of being supposed to have the same interest at heart and the servants of the same Government and all our measures for the public good we were invaders of an enemy's Country, subjected to annoyance and opposition both personally and officially:- in this instance you will observe no more effectual means could be devised for checking the progress of Works than carrying off our Overseers while engaged in the Superintendence of Work in this discouraged and unnecessary style lowering the Department in the eyes of the natives diminishing its local influence just at the time when it is struggling to establish itself in the confidence of the people. I should be glad to have our position in the Sub Collectorate clearly defined and that some check should be put on this most vexing warfare which furnishes much additional work in a District where it requires all the energies of my assistants and myself to get through our ordinary duties creditably.

I have the honour to be
Sir
Your Most Obedient Servant
Engd W. J. Bedford
Distt Engr Tanjore

From

Mr E. W. Edmonds
Sub Overseer

To

Lieutenant W. C. Palmer
4th Class Executive Engineer

Sir

I respectfully beg to state that on Sunday the 9th Instant a Summons signed by Mr Cadell, the Joint Magistrate, requiring me to appear before him on the following day was delivered to me by a Police Peon who insisted on remaining as Custodian over me till I went before the Magistrate & demanded payment of Batta for so doing as a mammool or custom, after troubling me for an hour and half & finding he could not succeed in getting money he went away on the same day as I rode out in the evening he stopped my Pony saying he would not allow me to go out till I gave bail and threatened to get other peons to assist him, I then got a respectable native who was present to say he would be Security when he allowed me to pass, he however returned on the following morning & urged my going with him at once in terms of great disrespect

and

District Engrs Office
Tranquebar
28th May 1857

From

35

and insult although I had public duties to attend to before I
leaving home yet to secure myself from further indignity and humi-
liation I was already subjected to I went at once to Mr. Cadell's
Office at Mayavaram 7 miles away where I had to remain till three
in the afternoon up to which time I was treated as a close prisoner
not being permitted during my stay there to hold communication with
any person and some writers who came to speak were ordered off
by the Peons acting as they said under Mr. Cadell's orders and the
writers Daniel Pillay & Emma Pillay can prove that they them-
selves on speaking to me in Mr. Cadell's Compound were prevented
by the Peons from doing so saying I was at the time a prisoner
and that it was Mr. Cadell's orders that no one should speak to
me and even Mr. Cadell's Butler openly and loudly scolded
Emma Pillay for speaking to me. When I was called
before Mr. Cadell, several papers were read to me to the
effect that I was charged with having issued a Cuttalay
to certain Meerasidars & Curnums and that the man who
carried the said Cuttalay prevented the Curnums from
collecting rice and I was asked to answer the charge
on my stating that I issued no Cuttalay but
addressed a chit to the Meerassidars in question
inviting them to enter into a contract for executing certain
sanctioned Estimates for their benefit and that I never
authorized any one to trouble the meerassidars my statement
was taken in Writing and having signed the same I was ordered
to go away. In submitting this simple narrative of what took
place for your consideration, I beg you will permit me to
claim your protection from being thus subjected to such unneces-
sary proceedings which I submit is not only a personal
injury to myself in the discharge of my duties, but also detriment-
al to the works of which I may be placed in charge of and
moreover the arrest on a Sunday is I believe illegal. The
humiliation to which I have been subjected to in this instance
may be repeated every day if groundless complaints of this
nature are to be entertained, and the subordinates of this
Department be dragged away as prisoners before the local
authorities on the mere instance of any designing person it
must have one influence at least Viz. that of weakening
the confidence of the people we have to deal with and
lowering our position in the eyes of the natives around us. I
beg therefore you will take such measures as you may think
proper to lay the same before the District Engr.

37

to

to prevent the repitition of such proceedings

Tranquebar
19th May 1838

(Signed) C. W. Edmonds
Sub Overseer

No. 56

From

Major W. J. Birdwood
District Engineer

To

H. D. Phillips Esquire
Collector of Tanjore

Sir

As I feel it would be a great want of due deference to you to forward any matter of complaint to the Chief Engineer without intimating the same to you, I have the honor to lay before you a statement of the arrest of one of my subordinates on frivolous charges without any reference whatever to me.

I do not know whether it is merely an Official Courtesy or that I have a right to be informed where my subordinates are taken away from their duties to appear before a Magistrate but in my experience on such occasions hitherto it has been a mark of Consideration which this charge have accorded me however that is a mere secondary point.

This Department have been subjected of late to so much that is disagreeable in the Sub Division that in this instance I feel it will be unnecessary to make any demand on your time and have laid the matter before the Chief Engineer for the decision of Government a proceeding that I believe to be absolutely necessary to ascertain in what position this Department is to stand in future in Sub Collectorate.

A second instance of arrest by the Sub Collector of another Overseer while in the prosecution of his duties has just been brought before me and decided me in this opinion as there are but manifestations of the spirit which is abroad in the Sub Division evidently emanating from the Sub Collector himself

I have &c.

District Engr's Office
Tranquebar
19th day of May 1838

(Signed) W. Birdwood

"True Copy"

(Signed) W. J. Birdwood
District Engineer Tanjore

"True Copies"

Superintending Engr. Southern Circle
in charge of the Central Office of P.W.

Copy

No 34.

From

Major W. J. Birdwood

District Engineer Tanjore

To

Colonel C. E. Faber

Chief Engineer D. P. W

Sir,

Public

With reference to Extract Proceedings dated 26th May last, No 619, I have the honor to forward the reply I have received from Mr Phillips.

2 I cannot understand what the Collector means by "alleged arrest", as the Sub Overseer in question was taken in custody by the Sub Collector's Peon, and submitted quietly to avoid the shame of having further assistance called for, to overpower his resistance.

I have the honor to be &c.

/Sig/ W. J. Birdwood

District Engineer

Tanjore

Dist.t Eng.r Office

Trangquebar.....

11th June 1858

No 35

From

Conductor Phillips

Officiating Assistant Engineer

To

Major W. J. Birdwood

District Engineer

Tanjore

Trangquebar 9th June 1858.

Received 10th June 1858.

Registered

Sir,

In compliance with the request contained in your Letter No 34 dated 8th instant, I have the honor to report that the Sub Overseer Mr Ramasamy Pillay was not arrested by the Sub Collector's Peon, but was taken in custody by the Peon, and submitted quietly to avoid the shame of having further assistance called for, to overpower his resistance.

I have the honor to be &c.

/Sig/ Conductor Phillips

Officiating Assistant Engineer

Trangquebar 9th June 1858

No 68.—

From

Major W. J. Birdwood

District Engineer Tanjore

To

H. D. Phillips Esquire

Collector of Tanjore &c

Sir,

With reference to my letter of the 19th May last, No 56, regarding the arrest of Sub Overseer Edmonds by the Sub Collector, I have the honor to request, you will be good enough to favor me with your views on the subject, for communication to the Chief Engineer.—

I have &c

/Sig.d/ W. J. Birdwood

District Engineer

Dist.t Eng.rs Office

Nedoubiaur.....

3 June 1858

Point Calimere 7th June 1858.

No 326.—

To

Major W. J. Birdwood

District Engineer of Tanjore

Sir,

Adverting to your letter of date the 3d Instant No 58 and 19th Ultimo No 56 on also

22d May 1858 No 219 also to my communication to you of the marginal date respecting the alleged arrest of Sub Overseer Mr Edmonds.—

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I would beg permission to observe that a direct communication from the Chief Engineer to myself seems to be the proper Official course in the event of an expression of my views being required regarding a subject under consideration by the heads of the Public Works Department.—

I have the honor to be &c

/Sig.d/ H. D. Phillips

Collector

/True Copy/

/Sig.d/ W. J. Birdwood

District Engineer Tanjore

/True Copies/

Supt.g Engineer 2d Circle in ch.

of the Central Office of P.W.

Comp.d WL

Rc 1339 P.W.D.

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Extract from the Minutes of Consultation

Under date the 5th July 1858.

Read the following letter from the Superintending Engineer Southern Circle in charge Central Office Public Works.

Forwards copies of correspondence relative to charges brought against 2 Sub Overseers in Trichinopoly and Tanjore for acts done in the discharge of their duty, and points out the expediency of some course being prescribed for such cases in order to prevent the public service from suffering injury.

/Were enter 22nd June 1858 N 1341/

Before recording an opinion on the cases referred to, the Right Honorable the Governor in Council resolves to forward a copy of Major Lawfords letter and of its enclosures to the Magistrate of Trichinopoly and the Joint Magistrate of Tanjore, with a request that they will submit any

1858 Public Dept. 5th

Consultation in a letter from the Supt. Engr. Cent. Circle in charge of Pub. Works dated 22nd June 1858 No 1341.

To the Secretary to the Govt. P.W.D.

Dated 22 June 1858.

Received 24 " "

Read

Copy of a letter from the Supt. Engineer of Central Circle, forwarding with Enclosures, for the orders of Government, certain Reports from the Assistant and Overseer employed on the Trichinopoly Branch of the Grand Anicut Canal.

any explanation they may respectively have to offer on the allegations made therein. Mess^rs Bird and Cadell will at the same time forward a copy of the charges preferred against the sub Overseers, and of the orders passed thereon.

N^o 5

2)

1 Copy to the Magist^o of Ruchinpoly. Dated 6th
1 — " — South — " — Tanjore 11

Public Works 1858 Dpto to
Pfs. to Cons. 10th Augt.

No. 1539

Extract Mins: of Cons.
D/ 5th Augt. /58

From the Magistrate of Inchinnan
15th 1834 in Cons. 12 Oct.
From the Messrs: Lawson
12 Augt /58 & 15 1858 in Cons. 12 Oct.

Forwarding to the Magistrates
of Inchinnan and Sanjore's correspond-
ence relative to certain Charges brought
against the Sub Overseers Commu-
nipaw Pillay and Edmonds for
neglect of duty in not having re-
ported for inspection the Roads
&c. &c. on the Allegations therein mtd.

No. 25 & 26.