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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

Cons. 15-3-59

G.O. No.	556	Press / Mis.
56-57		
Dated	12. 3.	1859.

Not to be folded or roughly handled

No. 56. Read the following Extract from the Proceedings of the Board of Revenue, dated 24th February 1859, No. 680.

Read letters from the Collector of Cuddapah, dated 30th October and 21st December 1858, Nos. 133 and 155.

(In Con. 28th December 1858, A. after Nos. 4983, and 5822.)

In Con. 13th October 1858.

In the first of the above letters the Collector of Cuddapah Mr. Murray, submits the explanation required by Government in Extract Minutes Consultation, 9th October last, P. W. D. Public, Nos. 2105 regarding his refusal to furnish the District Engineer, Captain Stewart, with a copy of the Board's orders on a certain case, and to inform that Officer of the date of an order issued to the Tahsildar of Chitwail for the supply of Palmyra trees to the Engineer Department.

2. On the first point the Board consider Mr. Murray to have been in error. The reference to the Board related to a Dusvundum Inam, a class of alienations in which the professional Engineer Officer of the District has an interest as well as the Collector. Independent of this the case came before the Board in consequence of Captain Stewart's representations and he was in consequence entitled to be informed of the result. The Board moreover see nothing in their order to render it undesirable or improper that a copy should have been furnished to the District Engineer on his request, even if he had not been interested in the particular case.

3. In the second instance the Board think Mr. Murray equally wrong. The Engineer had asked him to issue a certain order and as the case was urgent, requested when the instructions were sent to be informed of the same.

4. Mr. Murray received the application in the afternoon of Saturday the 20th October and issued his orders on the following Monday, and the Board can see no reason why this fact should have been withheld from Captain Stewart. Mr. Murray considered Captain Stewart's demand one of a series of acts betokening an assumption of authority over the Collector, but there is nothing to shew that Captain Stewart did not require the information in order to check his own subordinates or to guard against delay by them or the Tahsildar in a matter of urgency, and the Board do not consider Mr. Murray warranted in imputing a wrong motive to Captain Stewart.

5. The Board much regret that in two matters of such a trivial character Mr. Murray should have given Captain Stewart just cause of complaint and that he should have addressed that Officer in so curt and objectionable a style.

6. Mr. Murray on his part complains of Captain Stewart's conduct towards him, but it is impossible as he gives no instances for the Board to notice the subject further than to express their concern at the existence of any want of cordial co-operation between the heads of the two Departments.

7. With the second of the letters above recorded Mr. Murray submits a letter addressed to him by Captain Stewart regarding a notice affixed by the Collector in the Bungalows of the Cuddapah District.

In Con. 17th August 1857.

8. In Extract Minutes Consultation 4th August 1857, R. D., No, 781, Government stated that they had received intimation "that the Officers of the Public Works and Telegraph Departments" were "in the habit of using the Public Bungalows to the great inconvenience of Travellers" and requested the Chief Engineer and the Superintendent of Telegraph to prohibit the practice; a copy of the Extract was also forwarded to the Board who were desired to intimate "to all Collectors the desire of Government that the public accommodation within their respective ranges should be reserved for bonâ fide Travellers."

Circular 17th August 1857.

9. The Extract was accordingly communicated by the Board to all Collectors and Mr. Murray affixed a printed copy of it in each Public Bungalow of his district, prior, as he believes, to Captain Stewart's arrival in the district.

10. Captain Stewart has now taken offence at this proceeding and addressed the Collector in certainly very reprehensible terms. The Board see nothing improper in the orders of Govern-

ment being affixed in the Public Bungalows and they believe the course is not unusual. Collectors have little means of enforcing their authority in such matters, and an order of Government is more likely to be obeyed when given in its original form than when issued by Collectors in their own terms. The mention in the order of only the Public Works and Telegraph Departments was the act of Government and the Board consider Captain Stewart's objections on this score to be unfounded, and to proceed with a very bad grace from an Officer who avows that he has made use of these buildings at his own convenience and declares that he will do so in spite of the order of Government.

11. In the correspondence referred to in the former part of these Proceedings, Mr. Murray has been condemned by the Board for discourtesy and a disobliging course of conduct, but it seems to them that Captain Stewart has, in his present letter to the Collector, more seriously exceeded the bounds of official decorum.

12. As respects the Revenue Department to which Captain Stewart alludes, it has not been the practice hitherto absolutely to debar Officers from making occasional and brief use of such buildings, provided they are not required by travellers and also provided the Officer has his full establishment of Tents, &c., with him. The buildings are intended for bonâ fide Travellers and consequently a Public Officer in a Bungalow must vacate at once when a Traveller arrives—on the other hand it would be unnecessarily hard to require a public Officer to live in Tents when an empty public building is available to shelter him.

13. The rule though not definite in terms is practically clear enough and a Public Officer can have no difficulty in acting upon it, so as to prevent inconvenience to Travellers. If a different course is followed in Cuddapah, it must be at once altered or it will be necessary absolutely to preclude Public Officers from this limited indulgence in that district.

14. The case of Railway Officers differs materially. They are not servants of the State and may reasonably be allowed freer use of the Bungalows provided they vacate them when other Travellers arrive. This liberty however should the Board think be only conceded for a time; when the Railway has progressed further and stations and other buildings are erected by the Company, the indulgence should be withdrawn.

(A true Extract.)

(Signed) J. D. SIM,
Secretary.

No. 57. ORDER THEREON, No. 556; dated 12th March 1859.

With these Proceedings the Board lay before Government two letters from the Collector of Cuddapah, relating to disputes between that gentleman and the Acting District Engineer Captain Shaw Stewart; the earlier of these letters is in reply to the order of Government of October 9th 1858, respecting two cases brought before Government by the Chief Engineer, the later one refers to a new dispute.

2. The Right Honorable the Governor in Council fully concurs in the judgment of the Board of Revenue on all three cases. In the two earlier, Mr. Murray is wholly wrong, while nothing culpable appears on the part of Captain Stewart. No instance has come before the Governor in Council of equal wrong-headedness in an Officer of Mr. Murray's standing; even his letter to the Board of the 30th October cannot be read without amazement.

3. In the last case, the District Engineer was as much in the wrong as the Collector in the former ones, and with as little provocation, and if Mr. Murray's conduct in the one instance was the more reprehensible by reason of his long standing, the insulting language used in the other by Captain Stewart, is doubly unbecoming as proceeding from so young an Officer. Nor is his language alone to be condemned; he took umbrage at an order of Government, and openly avowed, twice in a single letter, his determination to break the order whenever it suited his convenience. If the Government believed this to be Captain Stewart's deliberate purpose, they would take effectual means to prevent it. But they prefer to regard it as a mere outbreak of petulance, and to believe that Captain Stewart has too much right feeling really to follow such a course as he speaks of. They would remind him that an Officer in his position is peculiarly on honor to uphold the regulations prescribed by Government to him and his Department, as he

Fort Saint George, Public Works Consultation of 15*th March* 1859.

is out of the reach of actual control; that the infringement of those regulations by such an Officer is proportionably disgraceful.

4. With respect to the general question of Officers of Public Departments finding accommodation in the Traveller's Bungalows, the Government have ever been anxious to permit this use so far as it could be done without inconvenience to that class for whom the Bungalows are designed. But it seems not unlikely that unscrupulous persons will push this privilege nto abuse, and it will then be entirely and effectually withdrawn. The Board will now obtain from all Collectors and lay before Government, reports on the extent to which members of the Public Works, Telegraph, and Railway Departments, use the Public Bungalows, and whether those buildings are in all cases vacated by such persons without delay or difficulty, immediately on the arrival of real Travellers. Adverting to the Board's closing para., the Governor in Council must observe that no difference can be made between the Railway and the other Departments named.

(Signed) J. D. BOURDILLON,
Secretary to Government.

No. 680.

Extract from the Proceedings of the Board of Revenue, dated 24th February 1859.

Read letters from the Collector of Cuddapah, dated 30th October and 21st December 1858, Nos. 133 and 155.

(In Con. 28th December 1858, A. after Nos. 4983 and 5822.)

In the first of the above letters the Collector of Cuddapah Mr. Murray submits the explanation required by Government in Extract Minutes Consultation 9th October last, P. W. D. Public, No. 2105, regarding his refusal to furnish the District Engineer Captain Stewart with a copy of the Board's orders on a certain case, and to inform that officer of the date of an order issued to the Tahsildar of Chitwail for the supply of Palmyra trees to the Engineer Department.

In Con 13th Octr. 1858.

2. On the first point the Board consider Mr. Murray to have been in error. The reference to the Board related to a Dasvundum Inam a class of alienations in which the professional Engineer Officer of the district has an interest as well as the Collector. Independent of this the case came before the Board in consequence of Captain Stewart's representations and he was in consequence entitled to be informed of the result. The Board moreover see nothing in their order to render it undesirable or improper that a copy should have been furnished to the District Engineer on his request, even if he had not been interested in the particular case.

3. In the second instance the Board think Mr. Murray equally wrong. The Engineer had asked him to issue a certain order and as the case was urgent, requested when the instructions were sent to be informed of the same.

4. Mr. Murray received the application in the afternoon of Saturday the 20th October and issued his orders on the following Monday, and the Board can see no reason why this fact should have been withheld from Captain Stewart. Mr. Murray considered Captain Stewart's demand one of a series of acts betokening an assumption of authority over the Collector, but there is nothing to shew that Captain Stewart did not require the information in order to check his own subordinates or to guard against delay by them or the Tahsildar in a matter of urgency, and the Board do not consider Mr. Murray warranted in imputing a wrong motive to Captain Stewart.

5. The Board much regret that in two matters of such a trivial character Mr. Murray should have given Captain Stewart just cause of complaint and that he should have addressed that officer in so curt and objectionable a style.

6. Mr. Murray on his part complains of Captain Stewart's conduct towards him, but it is impossible as he gives no instances for the Board to notice the subject further than to express their concern at the existence of any want of cordial co-operation between the heads of the two Departments.

7. With the second of the letters above recorded Mr. Murray submits a letter addressed to him by Captain Stewart regarding a notice affixed by the Collector in the Bungalows of the Cuddapah District.

In Con. 17th August 1857.

8. In Extract Minutes Consultation 4th August 1857, R. D., No. 781, Government stated that they had received intimation "that the officers of the Public Works and Telegraph Departments" were "in the habit of using the Public Bungalows to the great inconvenience of Travellers" and requested the Chief Engineer and the Superintendent of Telegraph to prohibit the practice; a copy of the Extract was also forwarded to the Board who were desired to intimate "to all Collectors the desire of Government that the public accommodation within their respective ranges should be reserved for bonâ fide travellers."

Circular 17th August 1857.

9. The Extract was accordingly communicated by the Board to all Collectors and Mr. Murray affixed a printed copy of it in each Public Bungalow of his district, prior, as he believes, to Captain Stewart's arrival in the district.

10. Captain Stewart has now taken offence at this proceeding and addressed the Collector in certainly very reprehensible terms. The Board see nothing improper in the orders of Government being affixed in the Public Bungalows and they believe the course is not unusual. Collectors have little means of enforcing their authority in such matters, and an order of Government is more likely to be obeyed when given

in its original form than when issued by Collectors in their own terms. The mention in the order of only the Public Works and Telegraph Departments was the act of Government and the Board consider Captain Stewart's objections on this score to be unfounded, and to proceed with a very bad grace from an officer who avows that he has made use of these buildings at his own convenience and declares that he will do so in spite of the order of Government.

11. In the correspondence referred to in the former part of these Proceedings Mr. Murray has been condemned by the Board for discourtesy and a disobliging course of conduct, but it seems to them that Captain Stewart has, in his present letter to the Collector, more seriously exceeded the bounds of official decorum.

12. As respects the Revenue Department to which Captain Stewart alludes it has not been the practice hitherto absolutely to debar officers from making occasional and brief use of such buildings, provided they are not required by travellers and also provided the officer has his full establishment of tents, &c. with him. The buildings are intended for bonâ fide travellers and consequently a public officer in a Bungalow must vacate at once when a traveller arrives—on the other hand it would be unnecessarily hard to require a public officer to live in tents when an empty public building is available to shelter him.

13. The rule though not definite in terms is practically clear enough and a public officer can have no difficulty in acting upon it, so as to prevent inconvenience to travellers. If a different course is followed in Cuddapah, it must be at once altered or it will be necessary absolutely to preclude public officers from this limited indulgence in that district.

14. The case of Railway officers differs *materially*.—*They are not servants of the State* and may reasonably be allowed freer use of the Bungalows provided they vacate them when other travellers arrive. This liberty however should the Board think be only conceded for a time; when the Railway has progressed further and stations and other buildings are erected by the Company, the indulgence should be withdrawn.

(A true Extract.)

Secretary.

To

J. D. BOURDILLON, Esq., Secretary to Government, R. D.
Copy to Acting Collector of Cuddapah.

Cons: 12th October/58 No 93-94
R— 4th Augt/57— 40

P. W. 1859 Despatch
Dpt & Chief Engineer
No. 450

Extract from the
Proceedings of the
Board of Revenue

Dated 24th February 1859.
Recd 25th Feby 1859.

Enclo: 3 No 680.
Referred
Reviewing the explanations furnished by the Coll.r of Cuddapah regarding his refusal to furnish the Dist.t Engr with a Copy of the B.d Orders on a certain case & to inform him of the date of the order to the Tahsildar of Chittoor for the supply of Palmyra trees to the Engr Departt, as well as with respect to the prohibitory order agst the occupation of Bungalows by officers of the Public Works & Telegraph Departments.

No 56.

9

Extract from the Proceedings of the Board of Revenue dated 24th February 1859.

Reviewing the explanations furnished by the Collr of Cuddapah regarding his refusal to furnish the Dist.t Engr with a Copy of the B.d Orders on a certain case & to inform him of the date of the order to the Tahsildar of Chittoor for the supply of Palmyra trees to the Engr Departt, as well as with respect to the prohibitory order agst the occupation of Bungalows by officers of the Public Works & Telegraph Departments.

9.

Recd 2nd March 1859

Encl. 2 to Memo of 1910.

Appx. C.

nothing such things of
-ficially: it is better to
do not it is better to
take some notice of them -
the U.S. dist. attorney is
certainly not naked:
as certainly them
is no reason to refuse
in mechanical of
things in my hand

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knowledge of work.-

W. H. Kelly 2d

To comply to the order
of Government of October
9th

PWD.

No 556.

Extract from the Minutes of Council dated
Under date the 12th March 1889

Read the following
Extract from the Proceed-
ings of the Board of
Revenue.

Received 24 July/89 No 6095

With these Pro-
ceedings the Board lay
before Government two
letters from the Collect-
of Cuddapah, relating
to disputes between that
gentleman and the Act-
ing District Engineer
Captain Shaw Stewart,
the earlier of these letters
is in reply to the order
of Government of Octobe-
9th

Memo

Acknowledge the receipt of the above mentioned letter from the Board of Revenue and request that the papers may be returned to this office when they have served the purpose for which they are required.

Dated 2nd March 1890.

of 1858 respecting two
cases brought before
Government by the
Chief Engineer, the latter
one referable to a new dispute.

2 The Right Hon.
ble the Governor in
Council concurs in the
judgment of the Board of Rev.
on all three cases. In
the two earlier, Mr. Murray
is wholly wrong, in which
nothing culpable appears
and the part of Captain
Stewart has in no instance
been come before the
Governor in Council
of equally wrong-headed-
ness in an officer of
Mr. Murray's standing,
even his letter to the
Board of the 30th October
cannot be read pertinent
amgement.

3 In the last case
the District Engineer
was as much in the
wrong as the Collector
in the former ones, and
with as little provocation,
and if Mr. Murray's con-
duct in the one instance
was the more reprehensible by reason of
his long standing, the
insulting language used
in the other by Captain
Stewart, is doubly un-
becoming an proceeding
from so young an officer.
Nor is his language
alone to be condemned;
he took umbrage at an
order of Govt., and openly
avowed, twice in a single
letter, his determination
to break the order
whenever it suited his
convenience

convenience. The Govt will not permit such conduct, and they now direct that no travelling allowance shall be passed to Captain Stewart till further orders, without a declaration by him on his word of Honour appended to the Govt declaring that in fact of the time to which the Bill refers has been passed in a Travellers' Bungalow.

With respect to the general question of officers of public Departments finding accommodation in the travellers' Bungalows, the Government have ever been anxious to

If the Government believed this to be Captain Stewart's deliberate purpose they would take effectual means to prevent it. But they prefer to regard it as a mere outbreak of petulance, and to believe that Captain Stewart has too much right feeling really to follow such a course as he speaks of. They would remind him that an officer in his position is peculiarly on honour to uphold the regulations prescribed by Government to him and his Department, as he is out of the reach of actual control. — that the infringement of those regulations by such an officer is peculiarly disgraceful

to permit this use so far as it could be done without inconvenience to that class for whom the Bungalows are designed. But it seems not unlikely that ~~unscrupulous persons~~ ~~Officers like Captain~~ Stewart will push this privilege into abuse, and it will then be entirely and effectually withdrawn. The Board will now obtain from all Collectors and lay before Govt, reports on the extent to which members of the Public Works, Telegraph, and Railway Departments use the public Bungalows, and whether those buildings are in all

all cases vacated by such persons without delay or difficulty immediately on the arrival of next travellers. Adverting to the Board's closing Para, the Governor in Council must observe that no difference can be made between the Railway and the other Departments named. Persons in that Department have on former occasions been very troublesome and ill-disposed in this matter, and in particular the Govt would recall to the Board's recollection the cases contained in

[illegible] Board's recollection of cases in which Govt must be found in the first instance & the returns [illegible] not [illegible] to make - He [illegible] is [illegible]

in the papers quoted in the Margin.

2 Copies to the Board of Revenue from 3 Inst. Dispt. 16 Chief Engineer with reference to Colr Sandfords letter of 25th Sept 58 No 4037 D

[illegible] reference thereon.

Public Works 1859 Dep.t.
D.o to Cons 15.th March.

№ 3556.

Extract Mins of Cons.
D.d 12.th March 59.

From the Sec.y Secretary to the Bd.
of Rev.e D.d 10.th January 59 C. № 277 in

Paying orders on the Board's Proceedings relating to disputes between the Collector of Cuddapah and the exeting Dist.t Engineer Captain Shaw Stewart.

№ 5657.