(1) Number of pages 22

(2) Date of repair 18.5.38

(3) Initials of the Reference

# MADRAS RECORD OFFICE.

## Government of Madras.

Public Works DEPARTMENT.

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| G.O. No. 1139 | Press Mis. |
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| Dated 11—5— | 18 37. |

***Not to be folded or roughly handled***

Read the following papers.

No. 1. Letter from Lieutenant-Colonel J. H. BELL, Cheif Engineer; to J. D. BOURDILLON, Esq., Secretary to Government, dated 26th May 1859, No. 894.

April 29th 1859 No. 997.
May 17th 1859 No. 1180.

The Honorable the Governor has in his Memorandum of the 11th April 1859 directed my attention to the duty of preparing a Code of Regulations for the Department of Public Works, and in two subsequent orders of Government the injunction is so emphatically repeated, that I cannot fail to conclude that the Government is strongly impressed with the necessity of providing a complete practical guide to the duties of the Department. From a brief conversation on the subject with the Governor I judge however that His Excellency is satisfied that a preparation of a Code is a task not very easily accomplished; and as that is my own conviction I shall proceed to state my views in the belief that they will be received with consideration, and that my recommendations will be disposed of on sound principles.

2. When it was determined in 1855 to commence the organization of the new Department of Works the formation of Rules adapted to the great alteration which was about to take place became a matter of necessity; and I was charged with the duty of preparing them. I had been relieved from my office of Secretary to the Board of Revenue, Department Public Works, and for several weeks was able to devote nearly all my time to the work entrusted to me. I had for materials the second Report of the Public Works Commissioners, the Circular Orders of the Ramut Department, the Rules for Military Buildings, the Rules and Accounts of the Road Department, the old Bengal Code, and, it may be, other documents which I do not particularly remember I had also many years experience to guide my estimate of the wants of the new Department. But it must be obvious that all the furniture which I possessed would hardly suffice for more than a skeleton Code, since the Executive system which was about to be established had hardly any precedent in this Presidency. The Code, while thus incomplete, would also be tentative, and open to extensive correction as the new Department came more and more into operation. Yet imperfect as the production was it cost me a great deal of care and labor. Nothing that I could derive from the documents before me suitable to the purpose, or that I could conceive to be necessary was omitted, and every paragraph was revised several times. The Code being laid before Government was returned with considerable alterations of the matter, and still greater of the style. It was only in part introduced into the Department; but it has ever since, with numerous additions embodied in Circulars, formed the practical guide of the Officers and Subordinates.

3. In Bengal far more time and labor have been expended on the Code, though in all the territories to which it was applicable a complete Executive system having long been in force, rendered unnecessary all speculation upon the requisite provisions of the Regulations. An Officer of the Department of Public Works, Captain Dickens of the Artillery, was relieved from his provincial duties, and stationed in the Secretary's Office at Calcutta, where he remained for a very considerable period, and except when assistance was wanted in the office, through the removal of Engineers to serve in the field, was employed, I believe, exclusively in the preparation of the Code in communication with the Secretary. The compilation made by Captain Dickens has been by order of Government, under consideration in the Central Office; but though favorable opinions of its suitability to our circumstances and wants have been exprest, and though it has been discussed in form by the Superintending Engineers, I do not find that the least real progress has been made in the practical matter of applying the rules to our Department; nor I confess do I expect that any amount of discussion would bring us nearer to the desired object. A brief inspection of the Bengal Code would, I think, satisfy any one well acquainted with the Madras Department that the Code contains a very great deal that

we do not want, and omits as much or rather far more, that we already possess in a partially Chaotic state, and can by no means dispense with. It is possible that the Bengal Code would form a good basis. Of that I am more than doubtful; but if it were so there must ensue a very extensive process of demolition and re-construction to complete the work of adaptation. Now as a large part of the Bengal Code is superfluous here, while every one of our Rules and Circulars must be in substance at least incorporated in our Code, the most natural way of proceeding appears to be to make our present Rules the basis, gathering in their scattered elements, and reducing them to a systematic form in combination with all that is useful in the Bengal Code. This will be no light labor; and I do not see how it can be performed except by an Officer employed solely for the purpose. If it were entrusted to any Officer of the Central Office he could not afford to it more than a brief space of each day, and if such a space much would be always lost in re-fixing the thoughts upon the subject in hand. In such a work concentrated and prolonged attention is of great importance; and if the work is worth doing at all it is worth doing as well as possible. The plan of merely reading and considering the Bengal Code hitherto followed is very defective. It necessarily leads to the retention of a large body of superfluous matter, because of the great difficulty of careful revision under such circumstances, and thus the advantage of brevity, which next to perspicuity is of the utmost importance, would be wholly lost.

4. If the expense of employing a selected Officer for the duty of codification is a fatal objection, it seems to me to be equally fatal to the undertaking in any form; and I would rather that we should continue working with our present disjointed Rules till more favorable times, than waste any Officer's labor upon a vicious plan of operations. If an Officer were allowed for the purpose in view, he should be one of considerable experience in the Department, and a competent master of terse and expressive language; for verbiage is destructive of practical utility.

5. After all the Madras Code would probably little resemble its intended type, the production of the wisdom of Bengal; but what then? the principles of all such Cod s are necessarily the same and immutable, but the forms may be widely various, and all that is wanted is such a digest of acknowledged principles as will suffice for a practical and unerring guide.

6. I observe in the Bengal Code a tendency to the introduction of negative rules. These, I think, are a mistake; for it is obvious that if we set about telling people what they are not to do we may exhaust the fertility of invention before we have finished. A Code of Regulations should fully express the duties to be performed, and should be prefaced with a general warning that functions assumed and acts performed without the authority of the Code in letter or spirit would be treated and censured as irregularities.

7. With the foregoing observations I beg leave to recommend that the work of preparing a complete Code for the Department of Public Works be entrusted to an Officer holding a substantive appointment in the Department, in immediate communication with the Chief Engineer, and that another Officer be appointed to act for the first while employed in this way. I think that an able Officer with the large amount of existing materials ready to his hand might accomplish his task in three or four months; but I am unwilling to pledge myself to a particular period, because its length must depend upon ability and deligence yet to be proved in the peculiar work to be performed. And I must conclude with repeating my persuasion that the work of codification cannot be satisfactorily performed upon any plan but one in principle the same as that which I suggest.

8. Since the foregoing letter was written I have seen Captain Impey of the Bengal Engineers, who informs me that it is intended immediately to constitute the Superintending Engineers in Bengal 2nd Class Chief Engineer and the Chief Engineer a Secretary to Government; but Captain Impey does not know whether or no this arrangement is to be made general. It appears to me, however very necessary that the constitution of our Department should be finally determined before any thing is done with regard to the Code.

9. The expense of the plan which I have above proposed would be the amount of half the salary of the Officer employed on the work for the period of its duration, added to some small contingencies.



No. 2. Minute by the Honorable the President, dated 1st June 1859.

I have read this interesting and able report with much satisfaction because it takes what I am confident, from considerable experience of similar work, is the only just view. The Regulations of Her Majesty's Commissariat are one of the few successful instances of an administrative Code, and they were framed by me—

1st. By *digesting* into one point of view the *unrepealed* portion of former Codes and of such parts of several hundred Circulars as were *in actual force.*

2nd. By *re-writing* one Section after another *on the basis of the actual practice* with such improvements as appeared to be required.

3rd. By circulating each Section, as it was prepared in draft, among the experienced and able Officers of the Department for their revision and suggestions.

4th. By enacting and promulgating each Section after considering these suggestions; and

5th. When the Code had been completed in this manner, piecemeal, by re-publishing it in a single volume—every Officer being furnished with two copies, one of which was interleaved in order that he might note opposite to the proper article, any alterations that might be subsequently promulgated from the Central Office.

2. About ten years after this, a new edition was published including the intermediate modifications; and some years after that, when the Financial business was separated from the Supplies in kind, a third revised edition of the Financial portion was published.

3. No Department can be administered up to the maximum of its efficiency without such a Code. Even if no worse consequence happens, there must, in the absence of such Regulations, be endless waste of power in the mistakes made by a constant succession of new men, and in the time and strength required on the part of the experienced Chiefs, to set them right and instruct them.

4. This narrative of a similar successful operation carried through precisely on the plan recommended by Colonel Bell, will show how entirely I agree with him. A more important duty could not be entrusted to any Member of the Department—and to be well and quickly done it must occupy his whole time.

5. I propose that Colonel Bell be authorized to select the Officer of the Department whom he considers best qualified for the duty, and to employ him entirely upon it according to the Plan recommended by him.

(Signed) C. E. TREVELYAN.

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No. 3. ORDER THEREON, 11th June 1859, No. 1439.

1. Ordered that a copy of the Minute recorded above be forwarded to the Chief Engineer for his information and guidance, and that he be authorized to select any Officer of the Department whom he may consider the best qualified, for the duty of preparing a Code for the Public Works Department of this Presidency, and to employ him entirely upon it according to the plan recommended in his letter.

2. Colonel Bell will report the name of the Officer whom he may so select, and the compensation which he may consider it necessary to allow him for the expenses of the Presidency, if he is brought from the interior. He will also propose the measures which he may consider proper to supply the place of the Officer so selected, during his employment on this duty.

3. Adverting to para. 8 of Colonel Bell's letter, the Governor in Council observes that the order of the 8th Instant No. 1387 fixes the position and duties of the Superintending Engineers, now termed Deputy Chief Engineers.

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

C. Minute [illegible]

[illegible]

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1st June 59. /Signed/ C.E. Trevelyan

Copy sent to Admty & C.
of 11th June 1859 No 21

P. M. 1859 Despatch
Recd 16th June
No. 1459.

Minute by the
Honorable the
President

Dated 14th
Rec'd 16th } June 59

Containing certain
observations on the pre-
paration of a Code of
Regulations for the R.M.
by Lt. Col. Bell and authorizing
him to select the Officer
of the Establishment whom
he considers best qualified
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No 2.

to the Board of Revenue 24 Pt, and for several Weeks was able to devote nearly all my time to the work entrusted to me. I had for materials the second Report of the Public Works Commissioners, the Circular Orders of the Maramut Department, the Rules for Military Buildings, the Rules and Accounts of the Road Department, the old Bengal Code, and, it may be, other documents which I do not particularly remember. I had also many years experience to guide my estimate of the wants of the new Department. But it must be obvious that all the furniture which those sources would hardly suffice for more than a skeleton Code. Since the Executive system which was about to be established had hardly any precedent in this Presidency the Code, while thus incomplete, would also be tentative, and open to extensive correction as the new Department came more and more into operation. Yet important as the production was it cost me a great deal of care and labor. Nothing that I could derive from the documents before me suitable to the purpose, or that I could conceive to be necessary was omitted, and every paragraph was revised several times. The Code being laid before Government was returned with considerable alterations of the matter, and still greater of the style. It was only in part introduced into the Department, but it has ever since, with numerous additions embodied in Circulars, formed the practical guide of the Officers and Subordinates.

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17 June 59 -

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P. W. Department

No. 1439

Proceedings of the Madras Government—

Under date the 11th June 1859

Read the following

papers.

Letter from the Chief Engineer (Observation 26th May 1859 No. 894)

Minute by the Honorable the President (Observation 1st June 1859.)

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10 Copies to the Chief Engr. Dist 5-11.

P.W. Con. 12th June 59 Nos 73.
—o—17th Mar—o—109-113-25.
—o—9th April—o—135-136 Ps.

Copy in a Letter to Govt
Dy 29th May 60 No. 33.

From Offg. Civil Audr
Dy 21 Feby. 61 Con. 4/11 in

No. 1 at 3.

Public Works 1859 Dept.
Pro: of Govt. 17th June.

No. 1439.

Pro: of the Madras Govt.
Dy 11th June 59.

From Chief Engr Dy 14th June 59
Cor 1565. Con: 17 Do 92-93.

Chief Engineer to select any best Officer of the dept. for preparing a Code of P.W.D. at Madras, to report the name of the Officer so selected and the Compensation to be allowed to him for expences. Order of the 8th instant No 1387 fixes the positions and duties of the Superintending Engr. now turned to deputy Chief Engineers.