

(1) Number of pages _____

(2) Date of repair _____

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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 2462	Press
556-555	Mis.
Dated 26-8-	18 64.

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
26th August 1864.*

No. 554. Read the following Memorandum from the Deputy Adjutant General, to the Secretary to Government, Military Department, Fort Saint George, dated Ootacamund, 6th August 1864, No. 233 :—

1. The Commander-in-Chief has the honor to submit to Government the enclosed letter from the Officer Commanding Sappers and Miners, in which the question is raised as to the legality of the Officer of the Public Works Department exercising the Command of the Detachment of that Corps, serving at Paumbum.

2. The report of the Judge Advocate General on the question is also forwarded.

3. If small parties of this Corps are to be employed in the way that the Detachment at Paumbum now is, it seems necessary that the Military Officers under whom they are employed, without reference to the branch of the service to which they may belong, should be allowed to exercise command over the men, *in virtue of their Commission.*

4. The Commander-in-Chief fully concurs with Lieutenant-Colonel Hill in the inexpediency of detaching small parties of the Sappers and Miners for employment on Public Works, and therefore solicits His Excellency the Governor in Council will be good enough to take into consideration, the withdrawal altogether of the Detachment of the Corps from Paumbum;

(By Order.)

(Signed) C. COOKE, Lieut.-Colonel,
Deputy Adjutant General.

From Lieutenant-Colonel C. E. D. HILL, R. E., Commandant Sappers and Miners, to the Adjutant General of the Army, Ootacamund, dated Coimbatore, 23rd July 1864, No. 397A.

SIR,

1. It has lately come to my notice that the Executive Engineer superintending the operations at Paumbum, has sent in charges for insubordination against the Non-Commissioned Officer (Havildar) in command of the Detachment of Sappers at that place.

2. The Engineer, as the only European Officer on the spot, has always considered *himself* as commanding the Detachment, and has signed, in that capacity, in submitting the summary of evidence against the Havildar.

3. A question at once arises as to whether he can legally prosecute the Havildar on such a charge? Whether he, or the senior Non-Commissioned Officer of Sappers really commands the Detachment? In fine, whether it is possible for the Havildar to be insubordinate to one who has no Military control over him, and who is for the time a Civilian in the Department of Public Works.

4. As the Engineer is in no way under my authority, and is not bound to carry out any orders emanating from me, it appears to me more than doubtful whether he can be held to command my men. In the present instance, it is true, the Officer holds a Military Commission. At the same time he is not, I believe, under the orders of the Commander-in-Chief, and he is moreover, liable to be replaced, at any moment, by a Warrant Officer or a Civilian (Sub-Engineer) neither of whom could possibly assume the command.

5. I have hitherto personally had no objection to Major Syme considering himself as in charge of the Detachment, but a matter of principle is involved, which may affect other cases. If Major Syme does not legally command the Detachment, and in his present Civil charge, I apprehend he cannot do so, any charges sent in by him must of necessity fall to the ground.

6. In soliciting the orders of His Excellency the Commander-in-Chief on the subject, I would respectfully point out, that these small isolated Detachments are highly prejudicial to the discipline of the Corps. The section of the "B" Company, now at Paumbum, has been detached from all Military control ever since the Company returned from the Central India campaign.

*Proceedings of the Madras Government, Public Works Department,
26th August 1864.*

7. In 1859 the Detachment was, at my recommendation, increased from 15 men to the strength of a complete section in order that it might have the advantage of a Havildar to command, and at the same time, I also strongly urged that the section should be relieved occasionally (the Head Quarters of the Company being then at Wellington). It has however been left from that year to the present time without having been visited even by the Officer Commanding the Company.

8. It was for this reason, and with a view to satisfying myself whether the Detachment is really necessary at Paumbum, that I was most anxious to proceed to that place, but was unable to carry out my intention, as stated in my letter No. 398 of this day's date.

9. I would, however, urgently request that the Superintending Engineer, 8th Division, be called on to report whether the presence of Sappers is absolutely indispensable, and if not, I would respectfully suggest their immediate recall. If the work cannot possibly be carried on without Sapper aid, I would recommend that this particular section be relieved as soon as practicable; the charge against the Havildar referred to above is not the only instance of misconduct which has come to my notice as having occurred at Paumbum.

Memorandum from Colonel H. PRITCHARD, Judge Advocate General, to the Adjutant General, dated Ootacamund, 29th July 1864, No. 467.

1. The Judge Advocate General has the honor to return the papers received with the Adjutant General's Memorandum No. 200, of 28th instant, in the case of a charge preferred by the Executive Engineer Paumbum, against a Havildar, Commanding Detachment Sappers and Miners, at that place.

2. The Code for the Department of Public Works, Chapter XXV, distinctly lays down that Officers while employed in that Department *cannot exercise any command by virtue of their commissions*, their orders, on matters of departmental duty, are not Military commands; so that *disobedience of those orders* on the part of *their subordinates* is not punishable under the Articles of War, but *disrespect to a superior*, or senior Officer employed in the Department, is a Military offence.

3. Major Syme, as Assistant Engineer in that Department, in charge of the Works at Paumbum, cannot therefore exercise Military command over the Detachment of Sappers and Miners engaged on those works: nor can he sign any charge, or prosecute any Soldier of that Detachment before a Court Martial himself. Any complaint he has to make against a Soldier must be preferred by him to the Assistant Adjutant General of the Division, for the Officer Commanding the Division to deal with, who will determine if the offence can be disposed of under the Articles of War.

4. For want of the summary of evidence in the case, it is impossible to determine what the offence is, styled "*insubordination*," but any disrespectful bearing on the part of the Havildar towards Major Syme, or wilful neglect of his orders, renders him liable to trial by Court Martial, as a Sapper employed on those works.

5. With reference to paragraph 4 of Lieutenant-Colonel Hill's letter, Chapter XXIII of Code for Department Public Works, specifies, that Officers of that Department "although Military men, shall not be under the direct Military authority of the Commander-in-Chief, or of Officers Commanding Divisions and Stations." But if Sappers and Miners are placed on works under their charge, they must observe their directions and show no disrespect to them, though the Officer can exercise no Military command over them by virtue of his Commission.

Referred to the Public Works Department with advertence to page 1, Chapter 25 of the sanctioned Chapters of the Public Works Code, and also with a view to the question of the necessity for the retention of the Detachment of Sappers and Miners at Paumbum being there considered.

FORT SAINT GEORGE,
16th August 1864.

(Signed) R. HAMILTON, Lieut.-Colonel,
Deputy Secretary to Government.

*Proceedings of the Madras Government, Public Works Department,
26th August 1864.*

No. 555.

ORDER THEREON, 26th August 1864, No. 2,462.

No. 371, 7th March 1862.
,, 3,410, 21st November 1863.

Ordered that the Superintending Engineer, 8th Division, be called on to state with reference to the Orders [marginally noted,

whether the retention of the Detachment of Sappers at Paumbum is indispensably necessary to the prosecution of the work.

(True Extract.)

(Signed) J. H. M. SHAW STEWART, Major, R. E.,
Deputy Secretary to Government.

To the Superintending Engineer, 8th Division.

Exd. S. T, Augustin.

5
No. 467 of 1861.

Memorandum.

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2. The Code for the Department of Public Works, Chapter XXV distinctly lays down that Officers while employed in that Department cannot exercise any Command by virtue of their Commissions, their orders, on matters of Departmental duty, are not Military Commands; so that disobedience of those orders on the part of their subordinates is not punishable under the articles of War, but disrespect to a superior, or Senior Officer employed in the Department, is a Military offence.

Major

3 Major Syme as Assistant Engineer in that Department, in charge of the Works at Pambem, cannot therefore exercise Military Command over the Detachment of Sappers and Miners engaged on those Works: nor can he sign any Charge, or Prosecute any Soldier of that Detachment before a Court Martial himself - Any Complaint he has to make against a Soldier must be preferred by him to the Assistant Adjutant General of the Division for the officer Commanding the Division to deal with, who will determine if the offence can be disposed of under the articles of War.

4 For want of the summary of evidence in the case, it is impossible

11 to determine what the offence is; - styled "insubordination"; - but any disrespectful bearing on the part of the Havildar towards Major Syme, or wilful neglect of his orders, renders him liable to trial by Court Martial, as a Sapper employed on those works.

5 With reference to para 4 of Lieutenant Colonel Mills letter, Chapter XXIII of Code for Department Public Works specifies, that officers of that Department "although Military Men, shall not be under the direct Military authority of the Commander in Chief, or of

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and Stations. But if Sappers
and Miners are placed in Ports
under their charge, they must
observe their directions and show no
disrespect to them, though the
officer can exercise no Military
Command over them by virtue of
his Commission.

Judge Advocate Genl's office,
Cotacumand,
29 July 1864.

Sydney H. Pritchard Col.
Judge Advocate Genl.

To

The Adjutant General.

No. 397

From Sydney H. Pritchard Col.
Judge Advocate Genl's office,
Cotacumand, Sappers and Miners

To The Adjutant General, of the
Cotacumand, Sappers and Miners

1. It has lately come to my notice
that the Executive Engineer superintending
the operations at Pamban has sent in
charges for misbehaviour against the
Non commissioned Officer (Havildar)
in command of the Detachment of
Sappers at that place.

2. The Engineer, as the only European
Officer on the spot, has always con-
sidered himself as commanding
the Detachment, and has replied in
that capacity, in submitting the sum-
mary of evidence against the
Havildar.

3. A question at once arises as
to whether he can legally prosecute
the Havildar on such a charge -
whether

whether he, or the Senior Non Comm.
-missioned Officer, is
really commands the Detachment,
in fine, whether it is possible for
the Navildar to be subordinate
to one who has no military control
over him, and who is, for the time
a Civilian in the Report of P.W.

4. As the Engineer is in no way
under my authority, and is not bound
to carry out any orders emanating
from me, it appears to me more than
doubtful whether he can be held
to command my men. In the present
instance, it is true, the Officer
holds a Military Commission.
At the same time he is not, I believe,
under the orders of the Commander
in Chief, and he is, moreover, liable

to be replaced, at any moment, by
a warrant Officer or a Civilian,
(Sub Engineer) neither of whom could
possibly assume the command.

5. I have hitherto personally had
no objection to Major Syme con-
sidering himself as in charge of
the Detachment, but a matter of
principle is involved, which may
affect other cases. If Major
Syme does not legally command
the Detachment, and in his present
Civil charge, I apprehend he can-
not do so, any charges sent in by
him must, of necessity, fall to the
ground.

6. In soliciting the orders of
His Excellency the Commander in
Chief on the subject, I would re-
spectfully point out, that these
small isolated detachments are

highly prejudicial to the discipline
of the Corps. The section of the "B"
Company, now at Poonah, has
been detached from all military con-
-trol since the Company re-
-turned from the Central India Cam-
-paign.

On 17th Dec 1889 the detachment
was at my recommendation, increased
from 15 men to the strength of a
complete section and as it
might have the advantage of a
Havildar to command, and at the
same time, I also strongly urged
that the section should be relieved
occasionally (the Head Quarters
of the Company being then at
Wellington). It has however been
left from that year to the present
time without having been visited
even by the Officer Commanding

the Company.

8. It was for this reason, and
with a view to satisfying myself
whether the detachment is really
necessary at Poonah that I was
most anxious to proceed to that
place, but was unable to carry out
my intention, as stated in my letter
No 898 of this day's date.

9. I should however respectfully re-
-quest that the Supergr 8 B.
be called on to report whether the
presence of Super is absolutely in-
-dispensable, and if not, should
respectfully suggest that immediate
recall of the work cannot possibly
be carried on without super aid,
I would recommend that this por-
-tion section be relieved as soon as
practicable - the charge against
the Havildar referred to above is not
the only instance of misconduct

which has come to my notice
as having occurred at Bumburn.

Thence the honor
/ signed / Will L. Coll (R).
Commodore }
23 July 1866 } Commandant S. M.

1675
No 233.

Memorandum

The Commander in Chief
has the honor to submit to Government
the enclosed letter from the Officer commanding
Suppers and Minors in which the
question is raised as to the legality of the
Officers of the Public Works Department
exercising the command of the Detachment
of that Corps, serving at Bumburn.

2 The report of the Judge Advocate
General on the question is also forwarded.

3 If small parties of this Corps
are to be employed in the way that the
Detachment at Bumburn now is, it
seems necessary that the Military
Officers under whom they are employed,
without reference to the Branch of the
Service to which they may belong,
should be allowed to exercise command
over the men, in virtue of their
commission.

The

4 The Commander in Chief
fully concurs with Lieutenant Colonel
Hill in the inexpediency of detaching
small parties of the Sappers and
Miners for employment on Public
Works, and therefore solicits His Excellency
the Governor in Council, will be good
enough to take into consideration, the
withdrawal altogether of the Detach-
ment of the Corps from Kumbur.

By Order /
Head Qrs } / Signed / C. Cooke Lt. Colonel
Col Command }
6 Aug 1864. } Deputy Assistant Genl.

To
The Secretary to Government
Military Department.

Referred to the P.W. Dept
with advertisement to Page 1 Chap 25 of the
sanctioned Chapters of the P.W. Code,
and also with a view to the
question of the necessity for the retention
of the Detachment of Sappers and
Miners

Miners at Kumbur being there
considered.

Fort St. George }
16 August 1864 }

(Signed) R. Hamilton Lt
Jy Secy to Govt.

No. 2462 Pub. Works. Sept 16th
 The following is very much
 under date the 26th Aug 1864 -
 Read the following
 from the S. J. to the
 July 1864

Referring for consideration
 certain papers from the
 Adjutant Genl. relative to the
 necessity for the retention of the
 detachment of S. J. at
 Paimbun

H. J. 16th Aug 1864

371 - 7 March 1862
 3410 - 21 November 1863

Ordered that the Sup. Engineer
 8th Division be called on to
 state whether the retention of
 the Detachment of S. J.
 at Paimbun is really
 possibly necessary to the
 prosecution of the work.

J. M.

To the S. J. 800

Sept 29th August.

The 1864 Sept 16th
 From the S. J. to the
 Govt. July 1864
 Referring for consideration
 certain papers from the
 Adjutant Genl. relative to the
 necessity for the retention of the
 detachment of S. J. at
 Paimbun

Date 16th Aug 1864
 Ref 16th Aug 1864

No. 2462 Pub. Works. Sept 16th

Referring for
 consideration certain
 papers from the
 Adjutant Genl.
 relative to the
 necessity for the retention
 of the detachment of
 S. J. at Paimbun

22/7/1884, Dept
Office of Secretary
Adm

No 2462

Office of the Secretary

26 Aug 8/85

Supy. Aug 8/85
I beg to report to you
whether the intention
of the Secretary of
the Admiralty is
to be carried out
in accordance with
the provisions of the
Act of 1884.

No 534 535