M.R.O. 1—77,006—8-6-57.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 2687 Press ~~Mis.~~

328 – 331

Dated 15 — 9 — 1864.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department,
15th September 1864.

Read the following papers:—

No. 328. From Lieutenant-Colonel G. W. WALKER, R. E., Superintending Engineer, 7th Division, to Colonel C. A. ORR, R. E., Secretary to Government, Department Public Works, dated Coimbatore, 3rd August 1864, No. 74.

SIR,

1. I have the honor to submit a defamatory letter addressed to me, in my official capacity, by a late Contractor on the new Jail works at Coimbatore, and to request the permission of Government to prosecute him criminally on the charge of having wilfully made false imputations on my character, as a public officer.

2. It is not necessary to go into all the circumstances under which I declared Mr. Bake's contract at an end, and his securities forfeited. I shall be quite prepared to do that when he brings his case forward before a Court of Law, to which issue it must come, and the sooner the better, if he continues to ignore all the offers made by this Department for an equitable settlement. The provocation which led to Mr. Bake's out break is my order of the 1st instant prohibiting Lieutenant Smith, the Assistant Executive Engineer in charge of the Jail, from holding any further communication with that individual, and instructing him to refer Mr. Bake to me. My object being to put a stop to the insolent treatment to which that young Officer was subjected by Mr. Bake; and to direct all communications from the latter to my own office, with a view to the more speedy and direct adjustment of the matters in dispute.

3. I am so well advised of the propriety of every step that I have taken with regard to these contracts of Mr. Bake, that if Counsel's opinion be but favorable as to my having grounds for either a Criminal or Civil prosecution, I am ready to undertake the same at my own risk. I consider it necessary for vindication of my public character, affected by a document, which must be placed on the files of my office. And also on public grounds, as the step most likely to bring Mr. Bake to his senses, and induce him to accept the equitable terms that have been offered him.

No. 329. From Lieutenant-Colonel G. W. WALKER, R. E., Superintending Engineer, 7th Division, to Major J. H. M. SHAW STEWART, R. E., Deputy Secretary to Government, Department Public Works, dated Coimbatore, 13th August 1864, No. 85.

SIR,

I have the honor to forward copy of the Order called for in your Memorandum, No. 89 of 6th August. There are no other papers whatsoever bearing on the subject of my complaint against Mr. Bake, regarding which I have requested that legal advice may be taken to justify the Government in permitting me to proceed against him for defamation of character. Mr. Bake's claims are not now in question. I simply request permission to punish a Contractor for insolence, if the Government are advised by competent authority that he has brought himself within reach of the law.

Referred to the Government Solicitor for his opinion as to whether there are sufficient grounds for a Civil or Criminal action being instituted by Lieutenant-Colonel Walker, against Mr. Bake.

CHEPAUK,
19th *August* 1864.

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

No. 330. From J. R. BOYSON, Esq., Government Solicitor, Madras, to Major J. SHAW STEWART, R. E., Deputy Secretary to Government, Department Public Works, dated Madras, 29th August 1864, No. 482.

SIR,

1. I have the honor to acknowledge the Order of Government noted in the margin, (with its enclosures) requesting the Advocate General's opinion upon a charge by the Superintending Engineer, 7th Division, against a Mr. Bake for defamation of character.

Dated 19th August 1864, and made on letter from Superintending Engineer, 7th Division, to Government of 13th idem, No. 85.

which that young officer was subjected by Mr. Bake

Proceedings of the Madras Government, Public Works Department, 15th September 1864.

2. I have submitted them for the consideration of the Advocate General, and

3. I now forward a copy of his opinion and return the Order and enclosures above noted.

COPY OPINION.

I cannot advise any notice being taken of Mr. Bake's letter. It cannot possibly have any injurious effect upon Lieutenant-Colonel Walker's character.

26th August 1864. (Signed) JOHN BRUCE NORTON,
Advocate General.

(True Copy.)
(Signed) H. G. PRICHARD,
For Government Solicitor.

No. 331. ORDER THEREON, 15th September 1864, No. 2,637.

The Advocate General's opinion will be communicated to the Superintending Engineer, 7th Division, with reference to his letters recorded above.

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

To the Superintending Engineer, 7th Division.

Exd. T. O'Connor.

No 714 / Superintending Engineers Office
7th Division
Coimbatore 3d August 1864

From
The Superintending Engineer
7th Division

To
The Secretary to Government
Department Public Works

Sir,

I have the honor to submit a defamatory letter addressed to me, in my official capacity, by a late Contractor on the New Jail works at Coimbatore, and to request the permission of Govt to prosecute him criminally on the charge of having wilfully made false imputations on my character, as a public Officer

2 It is not necessary to go into all the circumstances under which I declared Mr Bake's Contract at an end, and his securities forfeited- I shall be quite prepared to do that when he brings his case forward before a Court of Law, to which issue it must come, and the sooner the better, if he continues to ignore all the offers made by this Department for an equitable settlement- The provocation which led to Mr Bake's out=break is my order of the 1st instant prohibiting Lieutenant Smith, the Assistant Executive Engr in charge of the Jail, from holding any further communication with that individual, and instruc=ting him to refer Mr Bake to me- My object being to put a stop to the insolent treatment to which that young Officer was subjected by Mr Bake

Bake; and to direct all communications from the latter to my own office, with a view to the more speedy and direct adjustment of the matters in dispute.-

3 I am so well advised of the propriety of every step that I have taken with regard to these Contracts of Mr Bake, that if Counsels opinion be but favorable as to my having grounds for either a Criminal or Civil prosecution, I am ready to undertake the same at my own risk- I consider it necessary for vindication of my public character, effected by a document which must be placed on the files of my office- And also on public grounds, as the step most likely to bring Mr Bake to his senses, and induce him to accept the equitable terms that have been offered him.-

I have the honor to be
Sir
Your most Obt Servant
C. Mulcaster Lieut Col RE
Superintending Engineer 7th Div.

Rio 23rd Augt 1864

Rio 23rd Augt 1864
Sir
I have the honor to transmit a despatch addressed to Mr Bake late Contractor for the Public Works and desire you will be pleased to forward the same to its destination.
I am Sir
Your most Obt Servant
C. Mulcaster Lieut Col RE
Superintending Engineer 7th Div.

Brazilian Steamer
Rio 24th Augt 1864

Received 3 Augt 1864
Answered
Entered
No 34

5

Memo

Instructing Lieut. Smith to decline all further communication with Mr. Bake, by order of the undersigned, whom Mr. Bake will be referred -

(Signed) C. Mulcaster Lt Col
Superintg Engr

Rio Janeiro
1st August 1864

(Signed) C. Mulcaster Lt Col
Superintg Engr

Rio Janeiro
1st August 1864

7

Referred to the Government Solicitor for his opinion as to whether there are sufficient grounds for a civil or criminal action being instituted by Lieut.t Walker against our Pilot

Shepstone
19th August 64

J. Shepstone Major R.C.
Dy Secy to Govt.

To The Govt. Solicitor with letter from Supy. Eng.rs 7th Division No 74 of 3rd August 64 and 1 Enclosure. Rec.d 20th entered & returned 29th August 1864 for Govt. Solr.

The papers to be Kindly returned.

Govt. Solr.

Dated
~~Fort W~~ 2nd Sept. 64
~~Inwd~~ No. 3643
The Superintt 9-
y. th. Da

To
The Dy. Asst. Q. Mr.
Genl.
Madras

Dated 13th Augt. 64
Recd 17th
No. 85-
61 P.W. 3835/64

To
Forwards copy of
the order written
to Lieut Smith to decline
further Communica-
-tion with Rajah Bel Da-

No. 2687-15-14 Septr. 64

Withdrawn Order

No 2629.

c. 31st Augt 1864 & 1st Sept 64

11—

No 4

Copy Opinion.

I cannot advise any notice being taken of Mr. Bake's letter. It cannot possibly have any injurious effect upon Lt. Col. Walker's character.—

Signed/ John Bruce Norton
Advr. Genl.

26th Augt 1864.

True Copy
H. Strickland
Yr Govt Solr.—

15—

3

No. 482.

Madras August 29th 1864.

From John Robert Boyson
Government Solicitor - Madras.

To Major J. Shaw Stewart. R.E.
Deputy Secretary to Government. D.P.W.
Madras.

Sir.

1. I have the honor to acknowledge the order of Government noted in the margin (with its enclosures) requesting the Advocate General's opinion upon a charge by the Superintending Engineer 7th Division against a Mr Bathe for defamation of character.— I have submitted them for the consideration of the Advocate General.— and.—

Dated 19th August 1864 and made on Letter from Superintending Engineer 7th Division to Government of 13th Idem No. 85.—

2. I now forward a copy of his opinion and return the order and enclosures above noted.—

3. I have the honor to be.
Sir.
Your most obedient Servant
J. R. Boyson
for Govt Solr.—

Re
Charge by the Superintending Engineer 7th Division against a Mr Bathe for defamation of character.—
(Copy)
Advocate General's opinion.

D.N. 3886/64

Enclo
In letter from Govt Solr to Deputy Secy to Govt dated 29th August 1864.—

Proceedings of Govt. Archives
No 2687 Government
Madras dated 15th Septr 1864

Read the following

Papers.

From the Superintg Engr 7th Divn
Submits a defamatory letter addressed to him in his official capacity by Mr Baker and requesting that the Advocate Genl may be moved to prosecute the Contractor criminally

Dated 13th August 1864 No 85

From - - Do - - Do -

Forwards copy of his letter to Mr Smith declining further communication with Mr Baker

Dated 29th August 1864 No 482

From the Govt Solicitor

Forwards copy of Advocate Genls opinion relative to the charge by Mr Baker against Mr Smith for defamation of character

Dated 20th August 1864 No 4288

Read the Advocate Genls opinion with the communication to which it refers

From Superintending Engr 7th Division

Dated 13th August 1864 No 85

Forwards copy of his letter to Mr Smith declining further communication with Mr Baker

From the Govt Solicitor

Forwards copy Advocate Genls opinion relative to the charge by the Superintending Engineer 7th Division against Mr Baker for defamation of character.

(10 BW 1864 Dept
No 3835
From The Govt &c &c Madras
To The Deputy Secy to Govt D.P.W.
Dated 29th August
Rech 30
No 482
3 Enclosures
No
Forwards Copy Advocate Generals Opinion relative to the charge by the Superintending Engineer 7th Division against a Mr Baker for defamation of character.

No 330.

Ex 31st August/64 No 1 to Sept.

Ex No 2687 - 15th Septr/64 -

with reference to his
letters recorded above

Ans.-

To the Supt Engineer
1/4 Dd " Hatto

1 Letter

16
2

Dated 16th Sept 1880

P. P. V 1864 Dispo
P. Secy. of Govt. for
Supr
No 2687
P. Secy. of the Mil. Govt.
Dy 7th Septr 1864

C. N° 3494/86

The Advocate Genls
opinion upon a charge
for defamatory character
against Mr. Baker, a
late Contractor on the new
Jail works at Coimbatore.

V. 328 @ 331

C. Saturday 17 1864 A. 1st Septr 1864