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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No.	3600	Press Mis.
Dated	19-10-1864.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
19th October 1864.*

No. 327. Read the following Proceedings of the Madras Government in the Military
Department:—

* Communicating to the Commander-in-Chief Proceedings } (Here enter 12th October 1864, No. 3,647.)
Public Works Department regarding the removal of the
Detachment of Sappers at Paumben, Madura District.

No. 328. ORDER THEREON, 19th October 1864, No. 3,000.

Communicated to the Superintending Engineer, 8th Division.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 8th Division.

Exd. S. T. Augustin.

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MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers :—

Memorandum from the Deputy Adjutant General, Head Quarters, Ootacamund, 6th August 1864, No. 233; to the Secretary to Government, Military Department, Fort Saint George.

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 Paumbem.

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 Paumbem 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 Commissions*.

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 Paumbem.

From the Commandant Sapper and Miners, Coimbatore, 23rd July 1864, No. 397A; to the Adjutant General, Ootacamund.

1. It has lately come to my notice that the Executive Engineer superintending the operations at Paumbem 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 re-placed 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 not at Paumbem, has been detached from all Military control ever since the Company returned from the Central India Campaign.

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 Paumbem, 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 Paumbem.

Memorandum from the Adjutant General, Head Quarters, Ootacamund, 28th July 1864, No. 200; to the Judge Advocate General.

Referred for the opinion of the Judge Advocate General on paragraphs 1 to 5. To be returned.

Memorandum from the Judge Advocate General, Ootacamund, 29th July 1864, No. 467; to the Adjutant General.

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, Paumbem, 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 Paumbem, 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 shew 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 Paumbem being there considered.

16th August 1864.

Proceedings of the Madras Government, Public Works Department.

Read the following letter from the Superintending Engineer, 8th Division, Sature, 13th September 1864, No. 1085; to the Secretary to Government, Department Public Works.

1. In reply to G. O., No. 2462, 26th ultimo, I have the honor to report that Captain Payne, at present in charge at Paumbem, does not consider it necessary to retain the Detachment of Sappers at Paumbem, his personal experience gives him an advantage which the Officers at Paumbem, generally young in the Department, do not possess. All his predecessors objected to the removal of the Sappers, who are employed principally in blasting operations.

2. They might possibly not have adhered to their opinions had they been aware of the anomalous position which they would hold, of having subordinates not under their command.

3. Captain Payne urges in any case the return to their Company of the men now at Paumbem, who are in a very unhealthy state of discipline, and I would propose that the new Superintendent at Paumbem be left, for a time at least, to his own devices, before the question be finally settled as to the retention of a Detachment at Paumbem.

ORDER THEREON, 26th September 1864, No. 2786.

1. Communicated to the Military Department, with reference to the endorsement in that Department, dated 16th August 1864.

2. The Government consider that, for the present at least, the Sappers may be removed from Paumbem.

(True Extract.)

(Signed) J. S. STEWART, Major, R. E.,
Deputy Secretary to Government.

ORDER, No. 3647, 12th October 1864.

Ordered that the foregoing Proceedings in the Public Works Department be communicated to the Commander-in-Chief, under whose orders the removal of the Detachment of Sappers at Paumbem, will be effected.

(True Extract.)

M. M. M. M. M.
Deputy Secretary to Government.

To the Adjutant General, with 2 enclosures.

" Public Works Department. *With 2 enclosures*
" Controller of Military Accounts.
" Examiner Pay Department.
" Military Accountant.
" Quarter Master General.

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Communicating
the Commander in - Chief
for the 1st Regt. regarding the
movement of the 1st Regt.
- New, 1st Regt. 1st Regt.

Sept 1864

Sept 1864

Communicated to
the 1st Regt. 1st Division

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