

(1) Number of pages 45(2) Date of repair 28-1-38

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.**Government of Madras.***Public Works* **DEPARTMENT.**

G.O. No. 1679	Press
635-639	~~Mis.~~
Dated 28. 5. 1866.	

Not to be folded or roughly handled

Read the following papers:—

No. 635. From Mr. M. A. CABRAL, Late Store-keeper 7th Division.

Complains of his suspension from office and re-requests that, under the circumstances represented, he may be re-instated. (Here enter 7th February 1866.)

No. 636. From do. do.

Represents his distressed circumstances, and prays that an early decision may be passed on his Petition, dated 7th February 1866. (Here enter 12th March 1866.)

No. 637. From do. do.

Referring to his two previous Petitions and the distress he is suffering from, requests that, after the perusal of the papers connected with his case, justice may be done to him. (Here enter 10th April 1866.)

No. 638. From the Superintending Engineer, 7th Division, to the Secretary to Government, Department Public Works, dated Camp, Coonoor, 30th April 1866, No. 355.

5 Endorsements and Petitions.

1 Memorandum.

2 Letters of Mr. Cabral to Superintending Engineer.

1. I have the honor to return herewith your endorsements No. 442 of 16th February, No. 735 of 26th March, and No. 1,069 of 24th April, together with

the papers to which they relate; on which I have to note as follows:—

2. Mr. Cabral was found by me holding the appointment of Store-keeper of the Coimbatore District when I took up my present appointment in May 1863, and was kept on as Superintending Engineer's Store-keeper when my own establishment was formed. I soon found out that however efficient he might have been as a Mess Writer prior to 1857, or even as a Store-keeper in the Public Works Department for some years after that time, he was past any work but that of a mere Copyist. And I have not the slightest doubt but that my former Manager, Mr. Nordmann, to whom he has referred in his correspondence, and my present Manager, Mr. Pereira, long in the same Office with him, will corroborate my own opinion. He seems also to have been touchy and proud in his intercourse with other Clerks, younger men, by whom he considered himself superseded, so that it was only in consideration of his respectable character and large family that I allowed him to retain his nominal appointment, the real work of which however fell upon others.

3. At last after a year of trial he was remanded to an Accountantship on Rupees 40, the same rate of pay as that which I found him in the enjoyment of; but in order that his personal knowledge of the stores might be utilized, his services were always at the disposal of the new Store-keeper. It is false that this arrangement was brought about in the slightest degree by the Acting Manager, as stated in the 4th paragraph of the Memorial; my order No. 58 of 12th July 1864, was elicited solely by my own sense of the impossibility of getting the Store returns sent in by Mr. Cabral in any form but one which he had been long accustomed to, whereas new ones had to be introduced.

4. By October 1864, Mr. Cabral's intractability rose to such a pitch that I had to issue the Memorandum of 8th October, referred to in paragraph 6 of the

† No. 1.

Memorial, original of which is herewith forwarded.† But by an endorsement

of the 10th October, (not 8th as shown in the list Appendix), on Mr. Cabral's letter

to me of 6th idem, that order was commuted into permission to the Manager to employ Mr. Cabral as a Copyist, on condition that his connection with the stores should entirely cease. An impertinent Memorandum of Mr. Cabral's, dated 19th October, accepting the office of Copyist "provided there was no reduction of pay," bears my endorsement "the best thing Mr. Cabral can do is to apply for pension before he is turned out of the office altogether." As it happened, however, he was never reduced below the status of Accountant with Rupees 40 salary.

5. My decisive dealing with him (tempered, as I believe it to have been, with much consideration) seems to have kept Mr. Cabral quiet in office, though I have proof by me of his continued contumacy towards the Manager. At Christmas 1864 I took three months' privilege leave, the senior Executive Engineer, Major Farewell, acting for me, and by correspondence extending from the 9th to the 25th January 1865 I find that that Officer having felt himself under the necessity of exercising his full powers of fining to the extent of one-eighth of salary, proposed to remit the same on its being certified that Mr. Cabral had apologised to the Manager for his conduct towards him, which alternative was not adopted.

6. On the 4th March 1865 Major Farewell addressed me for advice how to deal further with Mr. Cabral, proofs of whose incapacity and insubordination were placed before him by the Manager; and he acted on my endorsement of the 10th March, which was to the following effect, viz. :—

"I really see no alternative but to suspend Mr. Cabral, until he show cause why he should not be dismissed. His conduct is as that of a man out of his mind. He must be forbidden to enter the office until further orders."

7. Mr. Cabral is correct in stating that his letter of the 17th March was not endorsed by me, as stated in my endorsement on his reminder of 28th March. The fact being that he had been called on to show cause why his suspension should

No. 2.

not be turned into dismissal, and his original letter herewith appended (No. 2) is certainly not to that purpose, for which

reason it was unnoticed. Moreover, in quoting my endorsement on his reminder he has omitted the following words, which will show that I felt some concern at seeing him adopt the course he was taking: (Extract omitted, all the rest being quoted; "and he is not consulting his own interests in delaying to comply with the order," viz., to show cause why he should not be dismissed.) No further communication having been received by me from Mr. Cabral up to the commencement of the new official year, on 1st May the sentence of suspension was altered into that of dismissal from the same date, 16th March.

8. Mr. Cabral's registered letters of 28th August and 11th September 1865 were not replied to, as the endorsement on that of 26th August, quoted in letter of 20th September, applied to both. That letter however bore a second endorsement addressed to the Manager as follows, viz. :—

"Lieutenant-Colonel Walker has referred to Mr. Fernandez several previous communications on this subject, which the latter has never disposed of up to this date. If not returned, with what notes they may require, within the current week, severe notice will be taken of the continued neglect."

The result of this was the production by the Manager, for the first time, of Mr. Cabral's letter of the 24th April, tendering his resignation. Replete as it is with irrelevant matter, and not at all creditable to himself, it was not a paper adapted to replace Mr. Cabral in his situation; and I must own that I was so nauseated with its 34 paragraphs that, until my present taking up of the case for report to Government, I had never remarked that it wound up with a tender of resignation. The original is forwarded as my only excuse for such oversight. I can only say that I should have been rejoiced to accept Mr. Cabral's resignation as the alternative of dismissal; and that I should not have been satisfied with forcing upon Mr. Fernandez his retirement from the post of Manager on Rupees 200 a month to that of Range Accountant on Rupees 60 but would have inflicted on him the punishment which his concealment of Mr. Cabral's letter brought on the latter.

9. On full consideration of Mr. Cabral's case I have to report, that there is no objection to his resignation being accepted. And I have further to recommend that subsistence at one-fourth of his salary be allowed him from 17th March 1865 till 17th May 1866 in addition to his undrawn pay from 1st to 16th March 1865; the former sum of Rupees 140 (14 months at Rupees 10) being recovered from Mr. Fernandez's present salary of Rupees 60 by monthly instalments of Rupees 15.

No. 639.

ORDER THEREON, 28th May 1866, No. 1,679.

ESTABLISHMENT, No. 60.

1. From an attentive perusal of the above papers the Government find too much reason to believe that Mr.

Cabral has been harshly dealt with, and that Colonel Walker, misled by the representations of his Acting Manager, Mr. Fernandez, failed to afford a careful and impartial hearing to Petitioner's defence. They perceive that the Standing Orders regarding the employment of a number of individuals belonging to the same family in one Office have been disregarded by the Manager being permitted to introduce three of his own near relations into appointments in the Superintending Engineer's Office Establishment. If the difficulty of procuring other properly qualified candidates rendered this irregularity unavoidable, Colonel Walker should have been all the more careful to prevent any of the other members of the Office being made, as Mr. Cabral appears to have been, a victim to a family combination. Instead of this, however, Colonel Walker is shown not only to have punished Mr. Cabral on the *ex parte* statement of the Manager, but also to have subsequently forwarded without perusal all Petitioner's explanations and appeals for mercy to the same person, who, it is very evident, was doing his utmost to work Mr. Cabral's ruin.

2. The Government are naturally reluctant to order the continued employment of any one in a post where he must, under the circumstances, always feel uncomfortable, and they are similarly unwilling to force the employment of a Subordinate upon any Officer against his wishes, but His Lordship in Council cannot in justice do otherwise in this case than give Mr. Cabral the option of returning to his former post from the date of his dismissal should he desire to withdraw his resignation, leaving it to the Superintending Engineer, if he retain any objection to Mr. Cabral, to make arrangements for transferring him to an appointment of equal emolument in one of the Range Offices of the 7th Division.

Proceedings of the Madras Government, Public Works Department.
28th May 1866.

3. Should such a transfer within the limits of that Division be found impracticable, Colonel Walker will place himself in communication with the other Superintending Engineers with a view to one of them providing for Mr. Cabral in a similar situation, and a copy of this paragraph of these Proceedings will be communicated to all other Superintending Engineers, with a request that they will take the first opportunity of complying with Colonel Walker's requisition if he find it necessary to make one.

(True Extract.)

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

To the Superintending Engineer, 7th Division.

To all other Superintending Engineers, with abstracts of the Petitions

and the letter from the Superintending Engineer, and paragraph 3 of the Order.

To the Controller of Public Works Accounts.

Exd. S. T. Augustin.

Proceedings of the Madras Government, Public Works Department,
28th May 1866.

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No. 638. From the Superintending Engineer 7th Division.

Report on Mr. Cabral's case. (Here enter 30th April 1866, No. 355.)

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TO

HIS EXCELLENCY THE RIGHT HONORABLE
SIR WILLIAM T. DENISON, K. C. B.,
Governor in Council,
Fort Saint George.

The Respectful Memorial of MICHAEL
ANTHONY CABRAL, *Store-keeper of the*
Superintending Engineer's Office, 7th
Division.

SHREWETH,

1. That your Memorialist entered the Public Service as a Regimental Mess Writer in 1835, and continued as such up to 1857, extending over a period of 20 years, and one of the enclosures* will testify to the uniform and steady character he maintained throughout that long service "for sobriety, earnestness and applicability to work, respectful and honest conduct," and, generally, a satisfactory career.

2. That in May 1857, finding the Uncovenanted Civil Service held out better prospects, your Memorialist sought for, and obtained, employment as a Store-keeper in the late District Engineer's Office at Coimbatore, on a salary of Rupees 40 per mensem; that Captain Francis, Mr. Fraser, Captain Goddard and Colonel Faber, your Memorialist's former superiors, have testified that your Memorialist was a respectable, honest man, who understood and discharged his duties satisfactorily; that the office Register in which the character, conduct, &c., of the servants employed in the establishment are entered, will confirm this testimony; and moreover in Appendix A will be found copy of a testimonial recently granted to your Memorialist by Captain Goddard, who was one of his former superiors in Office, which will, he trusts, satisfactorily show the estimation in which he was held both by that Officer and his predecessors.

3. That on the reorganization of the Public Works Department, in May 1863, the Coimbatore District Engineer's Office, (of which your Memorialist was the Store-keeper,) together with other District Offices, became merged into one single Office, viz: the Superintending Engineer's Office, 7th Division, and your Memorialist was, in virtue of his seniority in standing and experience as Storekeeper, appointed as such in the revised Establishment of the newly created Office, on a salary of Rupees 50 a month;—and he accordingly discharged the duties of this Office.

4. That in July 1864, the Controller of Public Works Accounts called upon the Superintending Engineer to submit a list of articles in a revised form or a form other than that in which it had been previously prepared and the Superintending Engineer, upon the recommendation of the Manager Mr. Fernandez, and without having any communication with your Memorialist, issued the Memorandum dated 12th July 1864, which impeached your Memorialist's competency to discharge a simple duty, and, entrusting it to an under-employé (Mr. *Lobo), degraded your Memorialist to an Accountantship on Rs. 40 per mensem;—That your Memorialist was not asked to prepare the list in this new form, and he is at a loss to account for this sudden supercession except on the supposition that the Manager wished to provide for his Uncle at your Memorialist's expense. Your Memorialist would here add that, although so degraded by a writing on paper, it was, in effect, a mere transposition of official designation in the Pay List, your Memorialist having actually performed all the work of Storekeeper himself,—a fact which will be borne out by the records of the office themselves, by the several returns and other papers transmitted from time to time to the Controller's Office and by other papers in your Memorialist's possession. The justice or otherwise of this supercession, is the first point in your Memorialist's case, which he humbly submits, calls for your Excellency's consideration.

5. That Mr. Lobo, the Storekeeper in name, appears to have made a representation against your Memorialist to the Manager, his uncle, who based a report* upon it to the Superintending Engineer, containing statements which are not true, and that in order to meet, as far as possible, the general and sweeping nature of the said statements against him, your Memorialist addressed Colonel Walker on the subject.

6. That Colonel Walker, then, without furnishing your Memorialist with a copy of the Manager's report and taking a written explanation, with reference thereto, passed an order, dated 8th October 1864, calling upon him to resign! Your Memorialist would here

* Copy not furnished to Memorialist.

* Uncle of the Manager.

respectfully solicit your Excellency's attention to the reflection made in the said order on his competency for his work, a point upon which he had given "uninterrupted satisfaction to all his former Superiors," for a period of 8 years, and upon which point Colonel Walker now for the first time, within his limited experience of him of only as many months, raises a question. Your Memorialist, therefore, devoutly trusts that this fact will not be lost sight of in disposing of any question of incompetency or unwillingness to work that may now be allowed to stand against him.

7. That Colonel Walker soon after he had, as above, ordered him to resign, which, at the time, your Memorialist did not deem it prudent to do, passed another order directing him to do the duties of a Copyist, and that "his connection with the stores must cease."

8. That your Memorialist, in obedience to that order at once agreed to work as a Copyist, provided he was not subjected to any further reduction of salary.

9. That, again, before the lapse of another week, upon some other representation Colonel Walker (being all the time absent from the Coimbatore station and your Memorialist, therefore, not having means of access to him), issued another order, on the 24th October 1864, that your Memorialist should "apply for pension before he is turned out of the office altogether!"

10. That your Memorialist, however, conscious of no wrong or defect, and placing implicit faith upon the assurance of Government that the interests and prospects of its servants will be protected, plodded on with redoubled energy and attention, discharging not only the duties of a Copyist but also, whenever called upon to do so, those of the Stores and other Departments, as the records of the Office and other papers in his possession will testify.

11. That during this interval, when, as already stated, Colonel Walker was absent from Coimbatore, the Manager Mr. Fernandez, who had charge of the office, had, on two occasions, when having the Pay Abstract prepared, ordered stoppages of the pay of your Memorialist and his pay was accordingly stopped, on the ground of absence; that your Memorialist begs to assure your Excellency, in the most respectful terms, that he never forgot the duty of reporting his absence whenever that absence was unavoidable, or of applying previously for leave whenever leave was required; that your Memorialist, therefore, on the above occasions, respectfully appealed to the Manager, against such stoppages of salary, and he (Memorialist) felt the hardship the more keenly, because it was a matter of fact, that several, if not all the other employes, were in the habit of absenting themselves with impunity, as will be seen by a detailed Statement* of attendance, in which your Memorialist was in the habit of regularly making his entries after he found himself so severely dealt with.

Appendix B.

From the comparative Abstract Statement entered at the foot of the said Detailed Statement, the inequity of your Memorialist being singled out as an absentee will at once be perceived.

12. That on the 9th January 1865, the Manager Mr. Fernandez sent to him a Memorandum, to the effect that he had reported him to the Superintending Engineer (at Coonoor) for "very irregular attendance," and recommended the imposition of a fine equal to one-eighth of his salary for "absence without leave or permission" on one day. Your Memorialist thereupon transmitted a letter to the Officer then in charge of the 7th Division (who was on the

Neilgherries), explanatory of the absence which called for the above report of the Manager. Alive as your Memorialist was to the more formal and regular practice of sending in a written report (instead of a verbal one), the circumstances under which he sent a verbal message, through an Office-mate,* [viz. the serious turn which the illness of a ward of his took on the morning of the day in question, and which necessitated his leaving home in all possible haste for a distance of 5 miles, on foot, to bring over, as sharp as he could, the Native Practitioner who was treating the young patient] should be held excusable.

* Mr. Brito.

13. Your Memorialist deems it well to add here that he felt it an hardship to be dealt with as he was, especially under the circumstance which he begs, with every deference, to repeat in solemn and emphatic terms, viz. that whereas he seldom absented himself, or never did so without just and sufficient cause and without either reporting his absence or previously obtaining leave, several other employes were in the habit of absenting themselves frequently, whether with or without leave or just and sufficient cause, it is not for your Memorialist to say, and doing so with impunity. Hence, your Memorialist humbly trusts that all the facts submitted in previous paras. of the Memorial will be considered in reference to the general and unfounded charge of "irregular attendance brought against him.

14. That your Memorialist regrets to submit that since Mr. Fernandez's accession to office as Manager, he was constantly annoyed and exposed to indignities by him and his relatives* at the office by indirect and sometimes direct and offensive remarks, independent of the annoyance he was subjected to out of the office precincts and thus his feelings were, on various occasions, much outraged by the Manager and his relatives; that it was on one of these occasions that your Memorialist remonstrated with the Manager

* Mr. Lobo, Store-keeper.
D'Cruz, Clerk.
Pinto, "

(whom he had reason to believe to be his antagonist) and the others on the impropriety of their behaviour and treatment towards him, especially in a public Office. Taking fire at this, the Manager would appear to have at once made some Report (of which however your Memorialist was not furnished with a copy), and, on the 16th March 1865, your Memorialist, much to his regret and surprise, received a Memo from the Manager, under order from Colonel Walker, at Coonoor, suspending him from Office and allowances on grounds of a vague, general and sweeping a character. Here your Memorialist cannot refrain from submitting that your Excellency will hardly fail to see that the Manager must have been at some pains in framing a Report of the nature he must have done, so as to impress the Superintending Engineer with the conviction that your Memorialist's mental faculties were impaired, and that officer, absent as he was at Coonoor and not having had the advantages of personal observation of the circumstances complained of or of hearing both sides of the question, passed the said order, upon an *ex parte* statement of the Manager. In regard to the sanity of your Memorialist's mind, a new disqualifying cause just discovered, he can only express the hope that if his case be thoroughly sifted, the complexion of affairs in that respect will be found quite altered, for the Manager himself, your Memorialist now learns, has been advised to seek a change of appointment, by exchanging his appointment as Manager on 200 Rs. for a clerkship in another district on 60 Rs.!! That your Memorialist is fully prepared to establish that his mental faculties are unimpaired and that he is well-known as a prudent, business like, quiet and peaceful man.

15. That your Memorialist upon receiving the order "suspending him from office and allowances until he shall shew cause why he should not be dismissed," to use the words of the order, or, on the 17th March 1865, addressed Colonel Walker at Coonoor, submitting that he was not aware, and is yet so, upon what specific charge or charges, and the instance or instances of such charge or charges, he was so dealt with, and applying to that officer for information in reference thereto; that your Memorialist not having received any reply to the said communication, repeated the application on the 28th March 1865, whereon Colonel Walker, under date the 3rd April 1865, recorded the following endorsement:—"Mr. Cabral will be informed that all communications between him and the Superintending Engineer must pass through the Manager.—He has been suspended until he shews cause why he should not be dismissed, and he is not consulting his own interests in delaying to comply with the order.—His former letter was duly endorsed and passed on by the undersigned," i.e. (by Colonel Walker).

16. That your Memorialist, unprovided as he was with the specific instance or instances of the charge or charges upon which he was suspended, and finding himself at a loss how to act, did, on the 24th April 1865, address a representation to Colonel Walker, and sent it for transmission "through the Manager," wherein, under the circumstances, he tendered his resignation; and your Memorialist has reason to apprehend that that representation never reached Colonel Walker.

17. That your Memorialist, again, on the 10th May 1865 brought the subject of the above representation to the notice of Colonel Walker, and this too was sent by Memorialist "through the Manager," but this too seems not to have reached Colonel Walker.

18. That not having, therefore, received any reply to both the above communications, your Memorialist, under date the 17th May 1865, addressed Colonel Walker a third time on the subject, and, on this occasion, instead of transmitting it "through the Manager," saw reason to do so by another channel, viz. directly by the Post, under a registered cover.

19. That your Memorialist was now at a loss to understand why his applications were not acknowledged and disposed of, especially the last one, a copy of which is given below.*

* "Respected Sir.

"Subsequent to my suspension on the 16th March last, I submitted an address to you, dated 24th April following "through the Manager," but regret to observe that no reply has been received, and a second letter, through the same channel, was therefore sent to your address, but it also met with similar result. In both the above letters, my resignation was tendered, but as I have not heard of this having been accepted, I am subjected to great loss and prevented from accepting the situation I have been offered. The non receipt of a reply to the above mentioned communications, induces me to send this under a "registered" cover, in hopes of receiving a reply; and being a man with large family, it is very necessary that I should exert to maintain ourselves."

Coimbatore.
17th May 1865.

20. That your Memorialist need hardly here depict to your Excellency in Council the suspense and anguish of mind under which he was suffering, and the difficulties into which, in a pecuniary point of view, he and his large family were involved by the suspension of his allowances; that his affliction was embittered the more by the consciousness that "honesty, innocence and unswerving rectitude of purpose and conduct" were suffering under the weight of the Manager's influence and indeed, by the uncertainty of the period for which this state of affairs was to last.

* Vide Appendix A.

21. That during the interval, or rather after your Memorialist's suspension, he

* Appendix A. (Ramjee Nussurwanjee & Co.'s letter).

was offered* an appointment, which would have relieved him of his difficulties and, indeed, comparatively speaking, placed him above want, to say the least of it, but, in the position in which he was placed, under suspension, and his case undisposed of, he could not help declining to accept the kind offer of a well-known Firm and thus he was virtually denied an opportunity of recovering himself—a point upon which your Memorialist earnestly craves your Excellency's particular attention in disposing of his case.

22. To proceed on with his case, your Memorialist, after the lapse of another month, or on the 15th June 1865, under the pressure of want, addressed Colonel Walker, for the fourth time, upon the subject of his suspension, the tender of his resignation and his claim to salary, &c. transmitting the letter by post. This address also does not seem to have been attended to.

23. That your Memorialist, then, after the lapse of another period of 2 months or thereabouts, for the fifth time, addressed* the above Officer, under date the 26th August 1865, transmitting the communication under a registered cover. To this communication your Memorialist would solicit your Excellency's attention, especially to paras: 2 and 3 thereof, from which your Excellency in Council will perceive what he himself had long felt, viz. a certain strangeness of proceeding or unaccountable silence, in reference to all his communications, and now, especially, as regards the above one (Appendix C).

24. That your Memorialist, after having again unsuccessfully waited for a reply even to the above communication, had made up his mind to address Colonel Walker for the sixth and last time, and this he (Memorialist) did by his communication,* dated 11th September 1865, which also he dispatched under a registered cover.—Your Memorialist will here beg your Excellency's attention to paras: 3 to 5 of that letter.

25. To the above communication your Memorialist was favored with an endorsement to the effect that "his case cannot be again taken up; that he himself neglected to take advantage of the opportunities given him previous to the 1st May; and that no more letters will be attended to." Here, the case having arrived at this point, and your Memorialist finding the above endorsement to be equivocal and unintelligible, did, on the 20th September 1865, address* Colonel Walker on the subject notwithstanding that officer's observation that "no more letters will be attended to," as otherwise your Memorialist might have been considered as passively acquiescing in what, he repeats, was unintelligible to him. A careful perusal of that communication, to which, of all others, your Memorialist must earnestly invite the special consideration of your Excellency in Council as the pivot upon which the whole case now turns, must, he humbly and devoutly trusts, satisfy the Government as to the peculiar hardship of his case.

26. That your Memorialist cannot help submitting that he is deeply impressed with the conviction that he and others* have been thus summarily dealt with to meet certain conveniences of the Manager Mr. Fernandez, who had the charge of the entire Office during the absence of Colonel Walker at Coonoor, when all that has happened did take place and when his (the Manager's) dictum and report carried all before him. For, indeed, it must appear to your Excellency in Council as an inexplicable or strange fact that those who, for years, gave every possible satisfaction in their official conduct to all their official superiors, and bore a high reputation, as the testimonials evidence, should, within the limited period of a few months be suddenly found fault with, and thus summarily dealt with.

27. That the fact of Mr. Fernandez's hostility towards the Memorialist and others who formerly belonged to the District Engineer's Office at Coimbatore and were afterwards brought on the strength of the Superintending Engineer's Establishment, may, perhaps, be explained away by the fact that he (Mr. Fernandez), finding himself clothed with a little authority, had at first his uncle Mr. Lobo ushered into the Department, then had him skip over the head of your Memorialist, then introduced his (Mr. Fernandez) brother-in-law Mr. D'Cruz into the Department, and then acted the part he did towards your Memorialist as he did towards others, possibly to pave the way for some other unprovided for relative, thus attempting to create as it were, a monopoly of the whole of the appointments in the Department in favor of one family; an attempt in which, as your Excellency in Council will see, he partially succeeded. That this monopoly of appointments

* Extract: Min. Con. is the cause of much mischief has been found to be a fact. It was Judicial Dept. No. 965, specially condemned* as "a cause eminently calculated to be prolific of evil; that the fact of a ramification of family relationship must operate as an hindrance to justice does not admit of question." The order even went further to declare that the rule prohibiting such official patronage should be applied not only as regards "one family" but also as regards "one class"; thus much did the Government, upon experience, find the necessity of checking a practice prolific of so much

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* Min. of Con. 14th December 1854 No. 1644 to Revenue Board—C. O. Revenue Board 15th Mar. 1865.—C. O. S. U. 31st January 1855 and 18th April 1853.

evil, as has been now exemplified in the case of your Memorialist. Indeed, the Government positively ruled in the order above quoted that "the subject is one of so much importance" and so evidently pregnant with possible evil that the Government cannot allow it (viz: the order against such monopoly of appointments) "to remain in abeyance." If further orders in analogous cases, or cases in which similar principles are involved, were wanting, they will be found elsewhere.†

28. That after your Memorialist had left Coimbatore for Madras to submit his whole case before Government and especially after he had addressed the 3 last communications* to Colonel Walker and sent copies thereof to the said Manager, who was in charge of the Office at Coimbatore as before, Colonel Walker being at Coonoor, the Manager would appear to have obtained† a month's leave and left Coimbatore for his native place, South Canara, where he, for obvious reasons, resigns or is compelled to resign the Coimbatore Managership of 200 Rs. for a mere South Canara Clerkship on 60 Rs.!! Whatever specious or plausible plea may now be urged in favour of this extraordinary step, the fact remains, and it indicates something, and, indeed, a pregnant something, especially when it be considered that the individual had only a few months previously left South Canara with his family and established himself at Coimbatore for the purpose of bettering his prospects in life.

29. That your Memorialist having been so severely and, he humbly submits, unjustly dealt with in a service in which he had for 9 years worked energetically and filled an Office of trust and responsibility with credit to himself and benefit to the Public Service, begs, with all deference, and in all possible earnestness, to appeal to your Excellency in Council, fully persuaded that in the exercise of the control vested in your Excellency over the acts and proceedings of your officers, your Memorialist's case will not fail to receive that patient and just consideration which has been guaranteed to every honest, faithful and deserving servant of Her Majesty's Government.

30. That your Memorialist therefore solicits that your Excellency in Council will, after reviewing the whole case, be pleased to order,

1st. The removal of his suspension and his restoration to office with his allowances from 1st to 16th March 1865, the date on which he was suspended, which allowance has not yet been paid to him; or that his resignation may be accepted, so that he may be free to enter into the service of Government again without being under a cloud.

2nd. The payment of his full allowance or subsistence allowance from the 17th March 1865, if his case be considered such as to warrant its disbursement, under the 2nd Rule* of the Government of India, dated 26th September 1865, No. 2528, page 530. Official Gazette 10th October 1865; or if this be not allowed, the payment at least of the subsistence allowance conceded under the provisions of the 1st Rule†

and

3rd. The payment of the difference of salary between that which he was allowed to draw, viz: Rs. 40, and that to which he was entitled under the circumstances set forth in para: 6, being Rs. 103-0-10.

For which your Memorialist shall

Ever Pray.

M. A. Cabral

MADRAS,
8th DECEMBER 1865.

* "2nd Should the Officer be reinstated, he may, at the discretion of the Local Government or of the Head of Department to whom the Local Government may delegate such authority, be allowed full salary, if he shall have been fully acquitted or a portion of his salary, if the result of the enquiry should be censure or admonition."

† "1st.—Subsistence to an Uncovenanted Servant who is suspended pending an enquiry into his conduct, should be limited before the result of the enquiry is known, to one-fourth of his salary."

TESTIMONIALS OF MR. M. A. CABRAL.

The bearer was the Mess Writer in the 32nd Regt. upwards of four years. I consider him a sober, *honest* and *very attentive* man. He gave general satisfaction to the Officers. He has requested leave to quit his situation to proceed to visit his family.

Hurryhur, 26th December 1839. J. F. PALMER, Major,
32nd Regt. N. I.

This is to certify that the bearer of this, Mr. Cabral, has been Writer to the Mess of the 32nd Regt. N. I. for eight years, during which time he gave every satisfaction. He is a *most trustworthy, hardworking person*, and thoroughly acquainted with his business.

Secunderabad, 22nd April 1842. W. C. WESTERN, Lieut.,
Mess Secy. 32nd Regt. N. I.

The Bearer Mr. Cabral was our Mess Writer for 8 years. I have known him 3 years and I consider him a first-rate Writer, *very willing, honest*, and sober and *very respectful*.

Camp Kurkapully, 23rd April 1842. E. BAKER, Captain,
Mess President, 32nd Regt. N. I.

The Bearer of this, Mr. Cabral, accompanied the 94th Regiment from Cannanore to Trichinopoly as a Writer, and gave much satisfaction.

Trichinopoly, 23rd May 1843. J. W. RANDOLPH, Major,
94th Regiment.

The Bearer, Mr. Cabral, accompanied H. M. 94th Regiment under my command from Cannanore to Trichinopoly in the capacity of Mess Writer and gave every satisfaction.

Trichinopoly, 25th May 1843. H. R. MILNER, Lieut.-Col.,
Commanding H. M. 94th Regt.

Cannanore, 23rd February 1848.

This is to certify that Mr. M. A. Cabral was Mess Writer to the Officers Mess H. M. 25th Regt. for a period of two years and a quarter. From my knowledge of him during the whole of that period, I can confidently recommend him to any Mess or Individual requiring a Writer. I consider him to be a *good, honest and hardworking man*, and I shall always be glad to hear that he holds a good situation.

(Confirmed) W. H. TYLDEN PATTENSON,
C. CHAMBERS, Col. Mess Secy. H. M. 25th K. O. B.
Comdg. H. M. 25th Regt. K. O. B.

Bangalore, 10th January 1851.

I have a high opinion of Mr. M. A. Cabral, at present Wine Writer to the Officers Mess H. M. 25th Regiment. During the two years I was President of the Mess Committee I found him *very attentive to his business and correct in his accounts*. I consider him to be a *very respectable, trustworthy man*.

S. WELLS, Captain,
25th Regt. K. O. B.

The Bearer Mr. Michael A. Cabral, was Mess Writer to the Officers of the 25th Regiment from October 1844 until October 1851. He followed the Regiment from Cannanore to Madras and afterwards to Bangalore. He has shown himself to be *diligent, honest, sober and attentive, and has gained the good will of those with whom he had to do*—He leaves the Regiment at his own request, to return to his friends at Cannanore.

Bangalore, 1st November 1851. E. PRIESTLY, Captain,
25th Regt. K. O. B. P. M. C.

I have much pleasure in adding my name, at the request of the Mess Writer, to the foregoing certificate, as I have been acquainted with him during the whole time he was with the Regiment.

W. H. TYLDEN PATTENSON, Lieut.
M. M. C. 25th K. O. B.

The Bearer Mr. M. A. Cabral has been employed as Writer in the Officers Mess 74th Highlanders for upwards of three years, during which time he has conducted himself *most satisfactorily in every respect*. He is an *excellent accountant, and a steady, respectable, sober, and honest man*. He leaves the Mess at his own request.

Jackatalla, 15th May 1857. J. W. McLEOD, Captain,
74th Highlanders. P. M. Committee.

[The following Testimonial was granted by Captain J. Goddard, R. E., the former superior of Mr. M. A. Cabral at Coimbatore.]

Fort St. George, Madras, October 2nd 1865.

MR. CABRAL,

I have just received your letter. I am indeed very sorry to hear all you have to tell me in your letter about yourself and the other old Office Servants.

I can conscientiously say that, while you* were under my orders, your conduct was always unexceptionable and you gave me uninterrupted satisfaction. You were steady, sober, honest and willing, and you bore a similar character with your former Masters.

I shall be very glad to see you.

I am,

Faithfully your's,

JNO. GODDARD.

[The following Testimonial was spontaneously granted by the Very Revd. J. B. Pierron, Pro-Vicar Apostolic of Coimbatore, who is the Spiritual Director of Mr. Cabral for years.]

MY DEAR MR. CABRAL,

I am indeed very sorry to hear of all that has happened to you. Having known you for several years, I can conscientiously declare that I acknowledge you as one of the most honest and respectable members of my community; one whose good moral principles and rectitude of purpose and conduct are above question. I hope, therefore, that you will obtain that redress and justice to which, I think, you are deservedly entitled.

Believe me,

My dear Mr. Cabral,

Your's very sincerely,

J. B. PIERRON,

Pro-Vicar Apostolic.

Coimbatore, 15th August 1865.

[The following letter was addressed to Mr. Cabral by a well-known and respectable Firm, having business on the Neilgherries and other stations.]

MR. M. A. CABRAL,
Coimbatore.

Calicut, 22nd March 1865.

DEAR SIR,—We are sorry to hear that you have been suspended from your situation, and that poor Mr. Jacques too has been compelled to resign his appointment. From our knowledge of you for several years as an honest, faithful and hard-working man, we shall be glad to take you into our service as Clerk to our Establishment at Ootacamund or elsewhere, where we want a person like yourself to attend to business. We, therefore, offer you that appointment on a salary of 60 Rupees per month with free quarters. We shall wait for your reply.

We are, Dear Sir,

Your's faithfully,

FRAMJEE NASSERWANJEE & Co.

Detailed Statement of attendance of the Office Establishment from 24th January to 16th April 1865.

OFFICE HOURS 10 A. M. TO 5 P. M.

Year, Month and Date.	NAMES.	Office.	"At." for "Attended Office." "Ab." for "Absent from Office." "L." for "Left Office."	REMARKS.
1865				
Jany. 24th	Mr. Cabral	Writer	Ab. sickunder Medical treatment	Medical Certificate (in my possession) granted by the Zillah Surgeon and submitted to the Manager, who returned after inspection.
25th	do	do	do do do	
26th	do	do	do do do	
27th	do	do	do do do	
28th	do	do	do do do	
30th	Mr. Fernandez	Manager	At. after 12 p. m.	
31st	do	do	do do L. at 2 p. m.	
Febry. 4th	do	do	do do L. at 1 p. m. At. after 3 p. m.	
	Iyaloo	Writer	Ab.	
	Ruthnom Moodelly	do	Ab.	
	Soobooroya Moodelly	do	Ab.	
	Kristna Chetty	do	L. after 2 and At. after 4 p. m.	
	Kustoory	Moochee	L. after 3 and At. after 4 p. m.	
6th	Mr. Fernandez	Manager	Ab.	
	Ruthnom Moodelly	Writer	Ab.	
	Soobooroya Moodelly	do	Ab.	
	Kustoory	Moochee	Ab.	
	Mr. Lobo	Writer	At. after 12 m.	
7th	" Lobo	do	do	
	" Fernandez	Manager	Ab.	
	Kustoory	Moochee	Ab.	
	Soobooroya Moodelly	Writer	Ab.	
8th	Mr. Lobo	do	Ab.	
	" Fernandez	Manager	Ab.	
	Kustoory	Moochee	Ab.	
	Soobooroya Moodelly	Writer	Ab.	
9th	Kustoory	Moochee	Ab.	
	Mr. Fernandez	Manager	Ab.	
	Soobooroya Moodelly	Writer	Ab.	
10th	do do	do	Ab.	
	Mr. Fernandez	Manager	Ab.	
	Kustoory	Moochee	At. after 1 p. m.	
11th	Iyaloo	Writer	At. after 12 m.	
	Vencatasawmy Naidoo	do	At. do	
	Soobooroya Moodelly	do	Ab.	
	Mr. D'Cruz	do	At. after 1, L. after 2, & At. at 5 p. m.	
	" Brito	do	L. after 2 p. m.	
	" Fernandez	Manager	Ab.	
13th	" Lobo	Writer	At. after 12 m.	
	Ruthnom Moodelly	do	At. after 3 p. m.	
	Soobooroya Moodelly	do	At. after 1 p. m.	
	Iyaloo	do	Ab.	
	Mr. Fernandez	Manager	Ab.	
	Vencatasawmy Naidoo	Writer	Ab.	
14th	Iyaloo	do	Ab.	
	Ruthnom Moodelly	do	Ab.	
	Mr. Fernandez	Manager	Ab.	
15th	Iyaloo	Writer	Ab.	
	Mr. Fernandez	Manager	Ab.	
16th	Iyaloo	Writer	At. after 1 p. m.	
	Kristna Chetty	do	L. after 1 p. m.	
	Mr. Fernandez	Manager	Ab.	
18th	" Brito	Writer	Ab.	
	Kristna Chetty	do	Ab.	
	Iyaloo	do	L. after 11 a. m. At. after 2 p. m.	
	Vencatasawmy Naidoo	do	L. after 11 a. m.	
	Ruthnom Moodelly	do	L. after 3 p. m.	
	Mr. Fernandez	Manager	L. do	
20th	" Fernandez	do	L. after 1 p. m.	
	" Brito	Writer	L. do	
21st	" Fernandez	Manager	At. after 12 m.	
	Iyaloo	Writer	L. after 12 and At. after 2 p. m.	
	Kustoory	Moochee	L. after 12 p. m.	
22nd	Mr. Fernandez	Manager	At. after 12, L. after 1, & At. after 4 p. m.	
	" D'Cruz	Writer	At. after 11 a. m. and soon Left.	
	" Brito	do	L. after 1 and At. after 4 p. m.	
25th	Kustoory	Moochee	Ab.	
	Kristna Chetty	Writer	L. after 1 p. m.	
March 1st	Mr. D'Cruz	do	At. after 11 a. m.	
	Ruthnom Moodelly	do	At. do	
	Mr. Fernandez	Manager	At. after 12 m.	
	Kustoory	Moochee	At. do	

Year, Month and Date.	NAMES.	Office.	"At." for "Attended Office." "Ab." for "Absent from Office." "L." for "Left Office."	REMARKS.
1865				
March 1st	Mr. Lobo	Writer	At. after 1 p. m.	
	„ Brito	do	At. do	
	Vencatasawmy Naidoo	do	At. after 12 m.	
2nd	Mr. Lobo	do	At. after 11 a. m. and soon L.	
3rd	do	do	Ab.	} gone to Calicut.
4th	do	do	Ab.	
6th	do	do	Ab.	
7th	Mr. Fernandez	Manager	At. about 12 m.	
	„ Brito	Writer	Ab.	
8th	„ Fernandez	Manager	At. after 12 m.	
9th	Kristna Chetty	Writer	Ab.	
	Mr. D'Cruz	do	L. after 2 p. m.	
10th	„ Fernandez	Manager	At. after 12 m.	
11th	„ Pinto	Writer	L. after 1 p. m.	
	Kristna Chetty	do	L. after 1 p. m.	
	Vencatasawmy Naidoo	do	L. do	
	Iyaloo	do	L. do	
	Mr. Fernandez	Manager	L. after 3 p. m.	
	„ D'Cruz	Writer	L. do	
	Kustooroy	Moochee	L. do	
13th	Mr. Pinto	Writer	Ab.	
	Vencatasawmy Naidoo	do	Ab.	
	Iyaloo	do	Ab.	
	Kustooroy	Moochee	Ab.	
	Mr. Fernandez	Manager	At. after 12 m.	
14th	„ Pinto	Writer	Ab.	
	Vencatasawmy Naidoo	do	Ab.	
	Kustooroy	Moochee	Ab.	
	Mr. Fernandez	Manager	At. 4 p. m.	
15th	„ Pinto	Writer	Ab.	
	Vencatasawmy Naidoo	do	Ab.	
	Kustooroy	Moochee	Ab.	
	Mr. Fernandez	Manager	At. after 12 m.	
16th	„ Pinto	Writer	Ab.	
	„ Lobo	do	At. after 11 a. m. & L. immediately	

P. S.—Mr. Fernandez went to Calicut on the 22nd July and returned on the 25th idem.
Mr. Fernandez and Mr. Pinto went to Calicut on the 2nd and returned on the 4th August.
Mr. Fernandez went to Calicut on the 12th and returned on the 14th August.
And on all these occasions, apparently, without leave.—M. A. C.

Abstract Comparative Statement of the above Detailed Statement.

NAMES.	Office.	Absence.	Late Attendance.	Irregular attendance i. e. late attendance and early departure.
Mr. Fernandez	Manager	† 10	‡ 9	† 6
„ Lobo	Writer	4	4	2
„ D'Cruz	do	0	1	4
„ Pinto	do	4	0	1
„ Brito	do	2	1	3
Kristna Chetty	do	2	0	4
Vencatasawmy Naidoo	do	4	2	2
Iyaloo	do	† 5	2	3
Ruthnom Moodelly	do	3	2	1
Moobooroya Moodelly	do	† 7	1	0
Kustooroy	Moochy	† 8	2	3
Mr. Cabral	Writer	* 5	0	0

* On Sick Leave.—M. A. C.

† In one case, absence of an equal number of days. In the 3 remaining cases, in excess of my absence.—M. A. C.

‡ Note the irregularities and contrast them with my regular attendance.—M. A. C.

APPENDIX C.

To Lieut. Col. G. W. WALKER, R. E., Supg. Engineer 7th Division, Coonoor.

SIR,—With due respect and submission I beg to state, that, to enable me, in a systematic and satisfactory form, to "shew cause why I should not be dismissed" from the service, as kindly required by your orders of the 10th March and 4th April last, respectively, or, in other words, to submit a clean defence of any exceptionable conduct imputed to me, I must, with every deference, apply to you for a copy of the Acting Manager, Mr. Fernandez's Report or Reports, or other papers which have obviously led to the issue of the above orders.

2. The absence, from my possession, of any such document or documents, or the omission to have furnished me with a clear specification of the misconduct or other disqualifying cause or causes imputed to me, renders it, I trust you will admit, hardly possible for me to afford you the explanation called for, at all events of any satisfactory nature. This, in fact, seems to have been anticipated by the Government itself, as will be seen from para: 3 of its revised Rules in such cases, dated the 2nd March 1859, which clearly provides that "in order to enable Government to maintain the rules without injustice or hardship to complaining parties, all heads of Offices will understand that a party affected by an order, is entitled to have, on application, a copy of the order, which should contain full details of the grounds of the decision."

3. As material also, and, indeed, indispensable, to a line of defence in an analogous case, I beg further to apply for an extract from the Register, kept in the office, of the conduct, character, &c., of the Servants on its Establishment, in so far as I am concerned. I should add that the entries in such Register, as regards myself, were, respectively, made by Captain P. M. Francis, W. Fraser, Esq. C. E., Captain J. Goddard, and Colonel C. E. Faber, the successive District Engineers of the Division.

4. To obviate delay in the final disposal of this case, of so much damage to my personal interests and reputation, I have this day forwarded a copy of this application to Mr. Fernandez, the Acting Manager of Coimbatore, that he might be prepared with the necessary papers for transmission to me, pending your kind orders to him to that effect.

5. To cover the postage expenses I beg to enclose stamps of the value of 8 Annas.

With submission and respect, I beg leave, &c.

Madras, 26th August 1865.

(Signed) M. A. CABRAL.

To Lieut. Colonel G. W. WALKER, R. E., Supg. Engr. 7th Division, Coonoor.

SIR,—I beg to submit that I addressed you on the 26th ultimo and 28th idem respectively, on the subject of my suspension from office and allowances, and applying for a copy of the Acting Manager's Report or Reports upon which I have been so suspended for such a length of time and am yet, apparently, to remain so for an indefinite period; as also for a copy of the Office Register of my services, character, &c., in order that I may satisfactorily vindicate or exonerate myself from any imputation cast on my conduct, and get back my appointment with the allowances,* to which I am entitled and which I have been so long kept out of.

2. I beg to state that more than a fortnight has elapsed since the said application was made, and I have not yet been favored with a reply. Here I beg to be permitted to observe that, altho' I had, on several previous occasions, applied to you for the final disposal of my case, nothing was done towards securing that result. I, then, with all respect and earnestness, for the last time, beg to repeat my application.

3. My reputation, interests and prospects in life have, as a matter of course, already suffered to an extent for which I trust I cannot be held responsible, and this has clearly been caused by my protracted and, I may submit, unparalleled suspension from offices and allowances for the last 6 months and, yet, perhaps, for an indefinite period, without affording me all that opportunity to which, by the rules of Government, I am fairly entitled, to satisfactorily vindicate or exonerate myself.

4. I beg to submit that the paternal Government, by their Proceedings of the 1st June 1850, No. 346, with the view of preventing the infliction of similar "injustice or hardship" upon their Public Servants, expressly ruled, that, in similar cases, to prevent misapprehension upon the subject it was "deemed proper to state explicitly that it is incumbent upon Heads of Departments to receive first from the accused a full explanation of his proceedings and then to sanction either his dismissal or suspension, on good ground being shown for the measure."

5. With every deference, therefore, I beg to add that circumstances, over which I can possibly have no further control, will, unless I am favored with a reply, at your earliest convenience, reluctantly compel me, under the discretion or indulgence allowed by a

kind and paternal Government to Petitioners like myself, to submit the whole case before Government, which will possibly involve a strict and searching enquiry into this matter, and there procure the meting out of that justice which has been hitherto, manifestly and virtually, denied to me a Public Servant who has, for the last 9 years of his Public Service maintained a high character, whose previous antecedents for a series of years in other service, as has been certified by gentlemen of standing and repute, were alike creditable; and one who, I cannot but add, has, apparently, been unwittingly made an innocent victim.

With submission, I beg leave, &c.,

Madras, 11th September 1865,

(Signed) M. A. CABRAL.

P. S.—Taking for granted that this letter may miss you at the Head Quarter station, and, therefore, to guard, as far as possible, against any further delay, I have this day transmitted a copy thereof to the Acting Manager at Coimbatore.

(Signed) M. A. C.

To Lieut. Colonel G. WALKER, Supg. Engr., 7th Division, Coimbatore.

*“Endorsement on Mr. M. A. Cabral's letter dated 26th August 1865.

“The Manager will return the stamps, and inform Mr. Cabral that the Superintending Engineer cannot again take up his case; Mr. Cabral himself having neglected to take advantage of the opportunities given him previous to the 1st May. No more letters will be attended to.”

(Signed) G. W. WALKER, Lt. Col. R. E.,
Supg. Engineer, 7th Division.

Coimbatore, 14th Sept. 1865.

(True Copy.)
(Signed) M. C. FERNANDEZ,
Manager.

“1 Stamp attached to this letter and 7 one anna stamps returned herewith.”

2. Although, in the concluding part of the said endorsement, it is set forth that “no more letters will be attended to,” I feel myself bound to write to you and submit that, to me, the whole endorsement is equivocal, if not positively unintelligible. To state that you “cannot AGAIN take up my case,” of course implies that my case was once taken up and disposed of. I must here be permitted to express my perfect surprise at it and that I know of nothing of the kind having been done, or, at all events, communicated to me, as I shall hereinafter proceed to show, and I hope, satisfy you. Then, the subsequent sentence that I myself “neglected to take advantage of the opportunities given me previous to the 1st May,” is, again, the more equivocal, and, indeed, to me, perfectly unintelligible; for I fail to understand what that circumstance of the 1st of May may be, or mean, as my communications to you of subsequent dates must clearly shew; or what those “opportunities” were that I had failed to take advantage of, when, in my opinion, no opportunities of any kind were offered or given to me to shew or do any thing of a tangible or satisfactory nature, as all my communications bearing dates both antecedent and subsequent to the said, now significant, 1st of May, will infallibly shew.

3. The point, then, suggests itself to me that, perhaps, all, or, at all events, the most part of my communications, and, perchance, some of your orders too, have not been brought to light, if not actually suppressed; and indeed, from all circumstances, I see reason now to believe that your order or endorsement, dated the 3rd April, on my letter of the 28th March last, to the effect that “all communications between me and you must pass through the Manager,” might have afforded a premium for such irregularities.

4. I deem it, therefore, expedient, with a view to render the whole matter clear to you, to submit a *precis* of all the communications that I addressed to you *ab initio usque ad finem*, to enable you to judge whether I am or am not right in the inference I have drawn in paras. 2 and 3 of this address.

Date of Communications.	Precis of the subject matter.	How dispatched.	How disposed of.
6th October 1864.	Submitting explanation in reference to the Manager's order to me, dated 5th October 1864, directing me to deliver charge of the Stores to Mr. Brito, and remarking about my conduct in office.	By post.	By Supg. Engineer's memo. dated 8th Oct. 1864.
17th March 1865.	Stating that I received a memo. from the Manager, dated, 16th March 1865, suspending me from office and allowances, under the orders of the Superintending Engineer; and applying for information in reference to the Manager's Report which led to the suspension.	By post.	No reply, or result not known.

Date of Communications.	Precis of the subject matter.	How dispatched.	How disposed of.
28th March 1865.	Reminder of my letter of the 17th Mar. 1865.	By post and REGISTERED.	Supg. Engineer's answer of the 3rd April 1865, orders all my communications to be sent through the Manager; and that “I have been suspended until I shew cause why I should not be dismissed. My former letter was duly endorsed and passed on by the Supg. Engineer.” N. B.—This last mentioned endorsement never reached me.
24th April 1865.	Submitting certain circumstances which must have shaken your confidence on any Report that the Manager might have made against me, and vindicated my character. In this I also tendered my resignation.	This communication was, under your orders of the 3rd April 1865, dispatched through the Manager.	Not known as yet.
10th May 1865.	Applying for my salary from 1st to 16th March 1865.	Do. do.	Ditto.
17th May 1865.	Ditto ditto.	By post & REGISTERED.	Ditto.
15th June 1865.	Applying for payment of the difference of pay &c. (Rs. 117 2-10) to which I was entitled under the circumstances set forth in the letter;—and referring to previous communications as yet unanswered.	By post.	Ditto.
26th Aug. 1865.	Applying, with reference to your orders, for a copy of the Acting Manager's Report upon which I was suspended and find myself still suspended for an indefinite period, as also for a copy of the Office Register, as regards my conduct character &c., enclosing also 8 Annas stamps for postage charges.	By post and REGISTERED.	Ditto.
29th Aug. 1865.	Asking that the cover containing the papers that may be sent to me, under my application of the 26th August 1865, may be registered, and enclosing 4 Annas for registration charge.	By post and REGISTERED.	Ditto.
11th Sept. 1865.	Reminder of the application of the 26th Aug. 1865; and stating that “unless I am favored with a reply at your early convenience,” the whole case will be submitted to Government, the delay being prejudicial to my interests.	By post and REGISTERED.	Ditto.

5. Keeping now your Memo: under acknowledgment, and the above tabulated Statement steadily in view, and specially inviting your attention to my above communications, and particularly those subsequent to the 1st May, you cannot but clearly see that that which purports to be your endorsement of the 14th Instant cannot be otherwise than, to me at all events, equivocal, if not unintelligible.

6. As regards the “opportunities” which, it is alleged, I have not taken advantage of, I must, in justice to myself, solemnly aver that, far from this being the case, the above tabulated Statement itself shews that I did what I could, tho' that was imperfect for no fault of mine, and that I could not do anything more than that, because the “opportunities” which I had so often applied for to be afforded to me were not so given. And, in deed, for argument sake, I may add that had I not even asked, so repeatedly as I had done, for a clear specification of my charges, or, in other words, applied for a copy of the Manager's Report, upon which it appears I have been suspended, I fail, however to see how any official act of yours, towards severing my connection with the service, can be reconciled with the express Rules of the Service upon the point. The Rules so laid down, in plain and unmitigated terms, prescribe that “in every such case the specific grounds upon which it is proposed to dismiss any servant, is required to be reduced to writing and furnished to him and the answer, or defence, or explanation of the party taken in writing and the final decision of the superior recorded in writing.”

Here, I beg to submit whether anything can be clearer than that I must be furnished with a clear, written specification of the charges against me; that my written defence on those charges should be taken; and that your written decision should be communicated to me. None of these measures, however, has been adopted in my case, at least within my knowledge.

* Vide order of Madras Govt. 14th July 1857, and Notification, page 72. Vide also Appendix No. 5 of the Unconvenanted Civil Service Vide Mecum, page 27.

7. I have also, in my application of the 26th August 1865, asked for a copy of the Office Register, in reference to my conduct, character &c., which also has not been furnished to me. To this I am entitled, under any circumstances, as Para: X of the Rules itself will shew. It declares that "every Public Servant, on leaving an Office, from whatever cause, shall be entitled, on application, to an authenticated copy of his Register."

I still advance my right to be furnished with a copy of the said Register.

8. Before concluding what I repeat I have felt it to be my duty to submit, notwithstanding the observation in the copy of the endorsement under acknowledgment, that "no more letters will be attended to," (for I might otherwise be considered by yourself and the Government as acquiescing in what I know nothing about), I must beg to urge, with that earnestness which language can pourtray, that I feel that, from the very beginning, I have not been fairly dealt with, in the due submission, before you, of all my communications which passed thro' the Manager, for reasons best known to himself. Indeed, I have strong grounds to believe that several of my communications, have been purposely kept from your notice; and that such proceedings may have unfortunately misled you in passing any order that you may have done, on the 1st May last, of which, however, I repeat solemnly I know nothing.

9. Having so far discharged my obligations in, I hope, a regular, consistent and satisfactory manner, I feel I have now no alternative but to submit the whole case before Government, incomplete as it is for no fault of mine, together with a copy of this letter, and there to appeal for that consideration and justice which, as an honest and conscientious Public Servant of 9 years' standing, I can honestly and conscientiously declare, has been, by you, perhaps unwittingly, denied to me.

10. If, however, you may, as I think you will, reconsider the matter, with reference to the above facts, which perhaps were not hitherto within your knowledge and be disposed to afford me yet an opportunity of vindicating or exonerating myself from any unjust and unfair imputation of my conduct, I shall be prepared to postpone, for a few days, the submission of my case to Government.

With submission I beg leave to remain, &c.,

(Signed) M. A. CABRAL.

Madras, 20th September 1865.

5174-2-28-98-1/100
in 1855.

Inc No 442 of 1866

1865

7357/66
12/3

2

12

To The Honorable A. J. Sebastian.
Chief Secretary to Government.

Fort Saint George

The respectful Memorial of Michael
Anthony Cabral, Storekeeper of the
Superintending Engineer's Office, 7th Division

Sheweth,

That your Memorialist, under date the 7th 11th 1865
submitted a Memorial, this year, to His Excellency the
Governor Council, to which he has not yet been favored
with any reply, that his present peculiar situation, as set
forth in the said Memorial, distressed and deprived of income
for such a length of time, Compels him to submit this Pre-
morial with the earnest prayer that his case may receive
an early Consideration. For which he will

Madras.

Ever Pray.

12th March 1866.

Mt. Cabral.

touching and proud merits in reward

4427/66

3rd
10/2

To The Honorable A. J. Arbuthnot,
Chief Secretary to Government.
Fort Saint George

Honorable Sir,

As a special case I pray that you will
be pleased to lay the accompanying Memorial, which
I submit in triplicate, for the favorable consideration
and orders of His Excellency the Governor in Council.

2. Pending the issue of the case I propose remain-
ing at Madras, my address being, "Case of M. Tyrrell,
Apothecary - Penitentiary."

Soliciting your kind support to my case.

I beg leave to remain,

Honorable Sir,

Your most Obedient humble servant.

M. H. Cabral.

Madras

7th February 1866.

22 Sept 1861

5-11-28-28 May 1861
L. 4. 635.

66
3' 9" 5'

28 Sept 1861.

Remained to the system.
Tendency Engineer's Bureau
with reference to instrument
from this office No. 442
dated 13 February 1861.
Transmitted page 25 March 1861.

By Order =

W B Sample Captain R. B.

As Engineer 25 Sept 1861.

26 Sept

Dec 11 Aug 1861 R. 1861
C. 10 Aug 1861 11 Aug 1861

Dec 1861 Dec 1861
13 1861 1861
13 1861 1861
13 1861 1861
13 1861 1861

These papers of the
supplementing the
series of exhibits on
the subject of the
R. B. Sample
Transmitted 1861.

Referring to the former
petition of W. B. Sample
states that no reply has
as yet been received.
Referring to the
circumstances of the
that the case may end
the series.

12, 1679-28 May 1861.

touchy and proud in his interests

559 of 1866

P.O. 1866
No. 442 of 1866
From P.O. 1866
From P.O. 1866

Storekeeper of the
Superintending Engi-
neer's office. 7 Division

Dated 7 July 1866
Recd. 10 July 1866
Recd. 10 July 1866

Prays that the accon-
panying Memorial
may be laid before
the Governor complain-
ing of his suspension from
office & requesting for
his reinstatement may
be laid before the

Governor.

No. 559

P.O. 1866
No. 442 of 1866
From P.O. 1866
From P.O. 1866

19th July 1866

No. 442 of 1866

One copy of the
Memorial will be signed
to the Superintending Engi-
neer of the 7 Division
for report.

Fort Saint George 16 July 1866

By order

W. Hughes Esq.

At Madras 16 July 1866

Superintending Engineer's Office

To His Excellency The Right Honorable Lord Napier &c.
Governor in Council.
Fort Saint George

The Respectful Memorial of Michael Anthony
Storekeeper of the Superintending Engineer's Office 7 Division

Sheweth,

That your Lordship's Memorialist, so far back as
dated 8. Dec. 1865. 7 February 1866, submitted a Memorial to your Lordship's predecessor
William Denison, a copy of which Memorial is herewith submitted, that no
orders have yet been passed on the said Memorial, At this your Lordship's
Memorialist, under date the 12. Ullin submitted another address, earnestly
praying for orders on his case, that your Lordship's Memorialist is
now without pay for upwards of a year and having had no other re-
sources but the bare pay to support himself and his large family,
your Lordship's Memorialist need hardly submit that the miseries and
wants of himself and his poor family have been and are such as no
language can sufficiently describe, that your Lordship's Memorialist
has been here at Madras, away from his starving family in pre-
paring to submit his papers and awaiting the orders of Government
for upwards of 6 months, that your Lordship's Memorialist feeling confi-
dent that the cause of the poor and distressed will find ready sympathy
at your Lordship's hands, he respectfully begs to wait personally
upon your Lordship with this address and earnestly to implore that your
Lordship will be pleased to devote one moment to a careful personal
of

Office with him, will corroborate my
own opinion - He seems also to have been
touchy and proud in his intercourse with

1866.
of the
deputy
my eyes
incum
of the
copy
out of the

His Case and render justice to him for which your Lord-
ship's Memorialist shall

Madras }
7th April 1866 }
Ever Pray
M. Cabral.

P.S.
The address of your Lordship's Memorialist is
care of M. Spruell, Apothecary Pontentuary.
Madras.

1069
4 enclosures
H-4-66
J

150
To His Excellency The Right Honorable Lord Napier &c.
Governor in Council.
Fort Saint George

The Respectful Memorial of Michael Anthony Cabral
Store-keeper of the Superintending Engineer's Division

Sheweth,

That the Annexed Memorial and its Enclosures
were personally taken to the Government House by your
Lordship's Memorialist in the afternoon of Saturday the
7th Instant but the people about the place prevented your
Lordship's Memorialist from remaining there and handing
them over to your Lordship; that your Lordship's Memorialist
therefore has no alternative but to post the Cover now and
once more earnestly implores that your Lordship will be
graciously pleased to bestow one moment's attention to his
really hard case, for which he shall

Madras: }
10th April 1866 }
Ever Pray
M. Cabral.

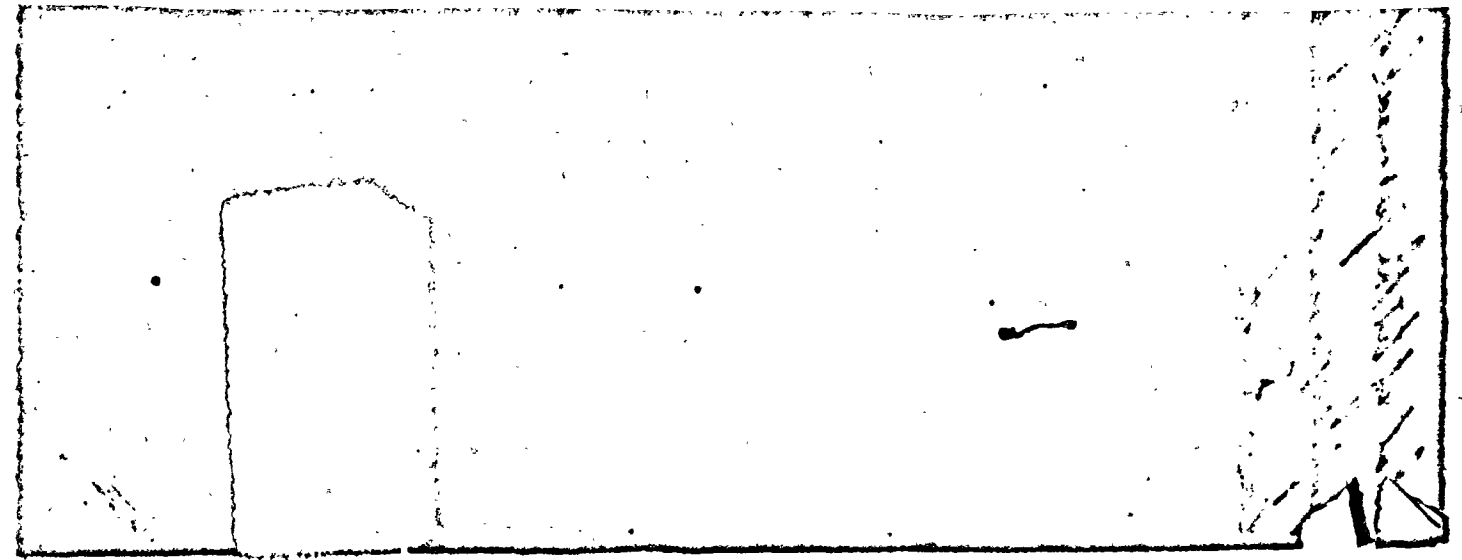
the
lyan
Eyer
sum

W. H. H.

[Faint, mostly illegible handwritten text, possibly a letter or report.]

Pls 1947/68

No 690/566.
Referred to the Superintendent Engineer
for Division with request that he will see-
ure the despatch of the report called for in
enclosurement No 442 dated 16th Feb, 87 35 dated
11th 12th March, 86.
By order,
W. H. H. Capt. R. E.
24th April 86.
H. H. H. Key to Capt. R. E.



18.	the	signed	Engel	now	by post.	1870	1870
-----	-----	--------	-------	-----	----------	------	------

10. 1947/68



I soon found out that however efficient he might have been as a Mess. Writer prior to 1857, or even as a Storekeeper in the Public Works Department for some years after that time, he was past any work but that of a mere Copyist. And I have not the slightest doubt but that my former colleagues, Mr. Nordmann, to whom he has referred in his Correspondence, and my present Manager, Mr. Servia, long in the same Office with him, will corroborate my own opinion. He seems also to have been touchy and proud in his intercourse with

other Clerks, younger men by whom he considered himself superseded; so that it was only in consideration of his respectable character and large family, that I allowed him to retain his nominal appointment, the real work of which however fell upon others -

3. At last after a year of trial, he was re-manded to an Accountantship on R. 40, the same rate of pay as that which I found him in the enjoyment of; but in order that his personal knowledge of the Stores might be utilized, his services were always at the disposal of the new Storekeeper - It is false that this arrangement was brought about in the slightest degree by the Acting Manager, as stated in the 4th para of the Memorial; my order No. 50 of 12th July 1864 was dictated solely by my own sense of the impossibility of getting the Store Returns sent in by Mr. Cabral in any form but one which he had been long accustomed to, whereas new ones had to be introduced.

4. By October 1864 Mr. Cabral's intractability rose to such a pitch that I had to issue the Mems. of 8th October referred to in para 6 of the Memorial, original of which is herewith forwarded. But by an endorsement of the 10th October (not 8th as shown in the List in Appendix) on Mr. Cabral's letter to me of 6th Idem that order was commuted into permission to the Manager to employ Mr. Cabral as a Copyist, on condition that his connection with the Stores should immediately cease. - An important Mems. of Mr. Cabral's dated 19th October, accepting the office of Copyist provided there was no reduction

of pay," bears my endorsement the best thing Mr. Cabral can do is to apply for Pension before he is turned out of the Office altogether. As it happened however, he was never reduced below the status of Accountant with R. 40 Salary.

5. My decisive dealing with him, (tempered, as I believe it to have been, with much Consideration) seems to have kept Mr. Cabral quiet in Office, though I have proof by me of his continued Contumacy towards the Manager. - At Lima 1864 I took 3 months Privilege Leave, the Senior Executive Engineer, Major Farewell, acting for me, and by correspondence extending from the 9th to the 25th January 1865 I find that that Officer having felt himself under the necessity of exercising his full powers of fining to the extent of One Eighth of Salary, proposed to remit the same on its being certified that Mr. Cabral had apologized to the Manager for his conduct towards him, which alternative was not adopted.

6. On the 4th March 1865 Major Farewell addressed me for advice how to deal further with Mr. Cabral proofs of whose incapacity and insubordination were placed before him by the Manager; and he acted on my endorsement of the 10th March, which was to the following effect, viz.

"I really see no alternative but to suspend Mr. Cabral until he shew Cause why he should not be dismissed. His conduct

"is as that of a man out of his mind -
"He must be forbidden to enter the Office
"until further orders."

7. Mr. Cabral is correct in stating that his letter of the 17th March was that endorsed by me, as stated in my endorsement on his reminder of 28th March - The fact being that he had been called on to show cause why his suspension should not be returned into dismissal, and his original letter herewith appended (N:2) is certainly not to that purpose, for which reason it was mentioned - Moreover in quoting my endorsement on his reminder he has written the following words, which will shew that I felt some concern at seeing him adopt the course he was taking. (Extract omitted, all the rest being quoted) "and he is not consulting his own interests in delaying to comply with the order," viz. to show cause why he should not be dismissed. No further communication having been received by me from Mr. Cabral up to the commencement of the New Official Year on 1st May the sentence of suspension was altered into that of dismissal from the same date, 16 March -

8. Mr. Cabral's Registered Letters of 28th August and 11th September 1865 were not replied to, as the endorsement on that of 28th August quoted in letter of 20th September applied to both - That letter however bore a 2^d endorsement addressed to the Manager as follows, viz:

"Lieut. Col. Walker has referred to Mr. Fernandez several previous communications

N:2.

"on this subject, which the latter has never
"disposed of up to this date - I must re-
"turn, with what notes they may re-
"quire, within the current week, severe
"notice will be taken of the continued
"neglect."

14W
The result of this was the production by the Manager, for the first time, of Mr. Cabral's letter of the 24th April, tendering his resignation - Replete as it is with irrelevant matter, and not at all credit-able to himself, it was not a paper adapted to replace Mr. Cabral in his situation; and I must own that I was so nauseated with its 34 paragraphs that until my present taking up of the case for report to Government I had never remarked that it wound up with a tender of resignation - The original is forwarded as my only excuse for such oversight - I can only say that I should have been rejoiced to accept Mr. Cabral's resignation as the alternative of dismissal; and that I should not have been satisfied with forcing upon Mr. Fernandez his retirement from the post of Manager on Rs. 200 a month to that of Range Accountant on Rs. 60, but would have inflicted on him the punishment which his concealment of Mr. Cabral's letter brought on the latter -

9. On full consideration of Mr. Cabral's case I have to report that there is no objection to his resignation being accepted. And I have further to recommend that subsistence at one-fourth of his salary

20a
be allowed him from 1st March 1865 till
17th May 1866 in addition to his undrawn
Pay from 1st to 16th March 1865; the
former sum of \$140 (14 months at \$10)
being received from Mr. Fernandez's present
Salary of \$60 by monthly instalments
of \$15.—

I have the honor to be

Sir,

Your most Obedt. Servant

W. Walker Secy. to Col. R.

Sup. Engineer Y. D.

Recd. 14th May 1867. 1867

John P. D.

Recd. 16th May 1867. 1867

Report on Mr. Cabral's Case.

Recd. 8. 11

No. 355

Recd. 9th May 1866

Recd. 10th May 1866
of
from the Hon. Secy. for War
the day of 11th May
to
Messrs. Messrs.
Messrs.

Establishment: Works / Depart
1867

Proceedings of the Madras Government.
under date the 28th May 1866
Read the following.

From Mr. A. Cabral lately Secy. 7th 50.
H. E. 7th February 1866, No. 1111
From do - - - 12th March 1866
From do - - - 10th April 1866
Supg Engr. 7th 50. 30th

From an attentive
perusal of the above pa-
pers the Government
find too much reason
to believe that Mr.
Cabral has been harsh-
ly dealt with, and that
Colonel Walker mis-
led by the representa-
tion of his Acting

Recd. 14th May 1867. 1867

Manager, Mr. Perincher,
failed to a good to
careful and impar-
tial hearing to se-
ditioners of force. They
perceive that the standing
orders regarding the em-
ployment of a number
of individuals belonging
to the same family in one
Office have been disregarded
by the Manager being
permitted to introduce
three of his own near re-
lations into appoint-
ments in the Superintending
Engineer's Office, Etta
Mehmet. If the
difficulty

difficulty of procuring
other properly qualified
candidates rendered this
irregularity unavoidable,
Colonel Walker should
have been all the more
careful to prevent any
of the other Members
of the Office being
made as Mr. Cabral
appears to have been a
victim to a family
combination
~~amongst the family~~
~~clique~~. Instead of
this, however, ^{Col. Walker} is
shown not only to have
punished Mr. Cabral
on the explicit state-
ment of the Manager,
but

Col. Walker

Col. Walker

but to have subsequently
forwarded without perusal
all petitioners' ex-
planations and appeals
for mercy to the same
person, who, it is very
evident was doing his
utmost to work for

Cathal's ruin.
2. The Government
are naturally reluctant
to order the continued
employment of any
one in a post where
he must, under the
circumstances, always
feel uncomfortable,
and they are similarly
unwilling to force
the

the employment of
any subordinate upon
any officer against
his wishes, but His
Lordship in Council
cannot in justice do

otherwise in this case.
~~Since Mr. Cathal has been~~
~~than, under the provisions~~
~~of returning~~
~~him to his former post~~
his former post from

the date of his dis-
missal, leaving it
to the Superintending
Engineer, should he
retain any objection
to the same, to make
arrangements for
transferring him to
an appointment of
equal

But Mr. Cathal had been
employed in the post of
Superintending Engineer
at the end of April 1855 - while
he was in the post of
Superintending Engineer
at the end of April 1855 - while
he was in the post of
Superintending Engineer

Mr. Cathal

equal emolument in
 one of the Range Offices
 of the 7th Division
 3. Should pick a
 transfer within the limits
 of that Division
 practicable, Col. Walker
 will place himself in
 communication with
 the other Superintending
 Engineers with a view to
 one of them providing for
 Mr. Cabral in a similar
 situation, and a copy
 of this paragraph of
 these Proceedings will
 be communicated to
 all other Superintending
 Engineers with a request

that they will take
 the first opportunity
 of complying with
 Col. Walker's request
 if he find it necessary
 to make one

A.B.

7. The 8th Aug 7. With 2 letters and one memo:
 53. All the S. Engrs. With a copy of the Petition and the letter from
 4. The Controller of P. H. A. - ^{the S. Engrs. and para 3 of the Order.}

$$\frac{21}{3}$$

53

Des^d 29th May

1771 1800 Sept
Proc of Court for May

1699

Proc of the Court
of 28 May 1800

23/5/16

The Supg. Eng. of the yd on
instructed to arrange for the re-emp-
loyment of all labour in his
Office or to communicate with the
Supg. Eng. with a view to his ob-
taining a situation similar to
the one formerly held by him.

23/5/16

A 1350 189