

(1) Number of pages.....

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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. <i>1714</i>	Press ~~Mis.~~
<i>1867</i>	
Dated <i>8-6-1867</i>	<i>1867</i>

Not to be folded or roughly handled

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15

Proceedings of the Madras Government, Public Works Department,
8th June 1867.

No. 165. Read the following letter from the Superintending Engineer, 7th Division, to the Secretary to Government, Department Public Works, dated Coonoor, 27th May 1867, No. 42 :—

1. In continuation of my Notes recorded with G. O. No. 1,199 of 17th April,

* Enclosure No. 1.

I have the honour to forward copy* of the Joint Magistrate's proceedings in the case of Overseer Spurr, whose discharge he directed on the grounds of there not being sufficient evidence for committing him to the High Court. I forward also copies of the petition† and depositions‡ on the discrepancy between which is grounded such opinion of the badness of the evidence.

† Enclosure No. 2.

‡ Do. No. 3.

2. The preliminary inquiry took place on the 27th April, at Coimbatore, the Range Officer being present, as prosecutor, by my order. And on the 29th (Monday) Mr. Wiffen reported to me from Pothanoor Station, en route to re-join his range, that Overseer Spurr was committed for trial. In a late letter he states more fully that, after the inquiry was ended, the Magistrate informed him that he should commit the case, and called on Mr. Spurr to furnish bail, in two sureties for Rupees 200 each, and himself for Rupees 400; that he took Mr. Wiffen's personal recognizance to appear when called on to prosecute, and told him he would write and let him know when he should be required, and that meanwhile he could leave.

3. It was not in fact till he came to translate the petition for the record (presumably on the 29th), that the Magistrate's attention was called to the apparent discrepancy. On discovering it he sent down to Pothanoor Station to re-call Mr. Wiffen, but he had gone, and without delaying till the latter could be re-called from his Range, he appears to have revised his record and judgment on the same day, as now submitted for information of Government. I am not aware whether the Magistrate was competent to re-open a criminal case, such as this, on the request and

§ Enclosure No. 4.

explanation of the public prosecutor, as made in his letter of 4th May, copy§ of which is forwarded. But if competent, I take the liberty of questioning the propriety of his declining to do so, only because the precise wording of the petition, on which I ordered the Overseer to be prosecuted, did not appear to agree exactly with the sworn deposition of the complainant. It may be very right and proper for a Magistrate to be most critical in his judgment of evidence which has to go before the High Court, but I cannot think it right that he should entirely alter the decision arrived at by him in Court, without taking fresh evidence in the case.

4. However this may be, I have felt myself called upon to order the dismissal of Overseer Spurr, and to date it from that of his suspension, viz., the 1st April; and I have to request that the same may be communicated to the Military authorities, with a view to his being ordered to join the nearest Battery of Artillery at Trichinopoly. Whatever may be the real facts of the case on which he was suspended, and of the falsifications of his Cash-book alleged by his Range Officer, it is admitted by Overseer Spurr himself that he has had private dealings with a contractor under him, and it is plain that it is under cover of a re-payment of private advance that he has thrown disrepute on the charge of his having demanded and taken per-centage to a precisely similar amount. The disgraceful manner also in which Overseer

Spurr has availed himself of the opportunity of replying to the charge against him, to vilify and abuse his Range Officer as exemplified in the original letter* No. 5.

1 of 2nd April, herewith forwarded, proves him to be so insubordinate and mutinous a character, that I trust his reduction to the ranks will follow his dismissal from the department. For whether considered as used by an Overseer against his Range Officer, or by a Non-Commissioned against a Warrant Officer, his language is indefensible. Overseer Spurr has also been most contumacious in refusing to afford the Range Officer any information as to his accounts and work called for since his suspension, insisting on corresponding direct with me; but the language of some such communications having been as objectionable as that of his official above alluded to, I have been compelled to return the last two packets to him, unopened, through the Range Office, and to intimate that no more would be received.

5. This is not by any means, I am sorry to say, the first time that Mr. Spurr has been accused of peculation, and has failed to exculpate himself to my satisfaction; and it is only to his having been for some years in a Range which has been under the charge of very young Officers, often changed, that I attribute his having escaped dismissal hitherto. To his persistence in evil courses, after transfer to a Range presided over by an active and experienced Executive Officer, he owes his present position; against the danger of falling into which I most seriously and plainly warned him just two months before the date of his suspension.

6. The paper No. 6 of the set herewith forwarded is an original abstract in my handwriting, of specific charges against Mr. Spurr by a man who had been employed under him on the Conservancy Establishment of the Calingaroyen channel; into which I directed Lieutenants Morris and Smith to examine. But the state of health of the former Officer, and the inexperience of the latter, led to such examination being of the most futile nature, except as regards the charge of general malpractice in obtaining supplies without payment through the channel Sebundies. On which the following admission was elicited, which does not show a high standard of principle.

† Enclosure No. 7.

“As regards ‘paragraph 2’ I plead to a certain extent guilty, inasmuch that I do receive straw, grass, and firewood from the ryots who have land under the channel, this was always supplied through the petitioner during his service under me voluntarily without compulsion, this has been the custom for many years past, in fact ever since the channel has been under this department, and is customary on all irrigation works. I have always considered it a privileged right. Although of small value, it is of great assistance to me during the present hard times, and I don’t consider I have infringed any rule by allowing the ryots, through the Sibbundy, to supply these small necessities.”

7. I am also in possession of a stamped paper signed by Mr. Spurr, and another stamped paper which bear out the statement made in a petition, copy† whereof is herewith annexed; and of correspondence connected therewith, wherein the Overseer admits having purchased land adjoining the channel under his charge from another subordinate, and having sold it at a profit, cloaking the same under the

† Enclosure No. 8.

pretence of acting for the benefit of a brother, quite a young man whom he has lately induced to join him from England.

8. All these circumstances taken together will give Government the clue to the course of action taken by me, as reported in the notes alluded to in my first paragraph, which might otherwise have appeared harsh. Indeed, I expect, after consideration of all that I have brought forward, that I shall be thought to have laid myself open to the charge of remissness in the performance of my duty, rather than of over strictness. The result will doubtless be approval and confirmation of my final step, taken in the face of a judicial acquittal.

No. 166.

ORDER THEREON, 8th June 1867, No. 1,714.

ESTABLISHMENT, No. 19.

1. Under the circumstances which are set forth in the papers above recorded, the Government approve of the dismissal of Serjeant T. Spurr, Talook Overseer in the Public Works Department, with effect from the 1st April last.

2. A copy of these Proceedings will be furnished to the Military Department, with a view to the services of Serjeant Spurr being replaced at the disposal of His Excellency the Commander-in-Chief.

(True Extract.)

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

To the Superintending Engineer, 7th Division.
,, Controller of Public Works Accounts.
,, Military Department.

No. 42

Supg. Ceylon's Office 7th Div.
Cooch, 27th May 1887.

From,

Colonel J. W. Walker R.E.
Superintending Engineer 7th Division
To,

Colonel C. A. Lee R.E.
Secretary to Government S. M. Madras.

Sir,

Enclosed herewith

* Encl: n° 1.-

* n° 2.- = n° 3.-

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with G. O. No. 1199 of 17th April, I have
the honor to forward copy of the Joint
Magistrates' Proceedings in the case of
Overseer Spurr, whose discharge was
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Range Officer being present, as Prosecu-
tor by my order. And on the 29th
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his Range that Overceer^{Spurr} was committed
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was ended the Magistrate informed
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and himself for Rs. 400; that he took
Mr. Wiffen's personal recognizance to ap-
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and told him he would ^{write} and let him
know when he should be required -
And that meanwhile he could leave.

3. It was not in fact till he came
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(presumably on the 29th) that the
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now submitted for information of
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-tent to re-open a Criminal Case
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21.4. 1867. Made in his letter of 4th May Copy
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-clining to do so, only because the
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prosecuted, did not appear to agree
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of the Complainant. It may be
very right & proper for a Magistrate
to be most critical in his judgment
of evidence which has to go before
the High Court; but I cannot
think it right that he should re-
-treat after the decision arrived at
by him in Court, without taking
fresh evidence in the case.

4. However this may be, I have
felt myself called upon to order the
dismissal of Overceer Spurr and
to date it from that of his Suspen-
-sion viz. the 1st April; and I have
to request that the same may
be communicated to the Military au-
-thorities with a view to his being
ordered to join the nearest Battery
of Artillery at Trichinopoly. What.

6.12.1867

ever may be the real facts of the
case on which he was suspended,
and of the falsifications of his Cash
Book alleged by his Range Officer,
it is admitted by Overseer Spurr
himself that he has had private
dealings with a Contractor under him,
and it is plain that it is under
cover of a repayment of a private
advance that he has thrown dis-
repute on the charge of his having
demanded and taken percentage to
a precisely similar amount. The
disgraceful manner also in which
Overseer Spurr has availed himself
of the opportunity of replying to the
charge against him, to vilify & abuse
his Range Officer, as exemplified in
the original letter N^o 1 of 2^d April, ^{& Enclosure N^o 1}
herewith forwarded, proves him to be so
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the charge of very young officers,
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having escaped dismissal hitherto. To
his persistence in evil courses after
transfer to a Range presided over
by an active and experienced Executive
Officer he owes his present position,
against the danger of falling into
which I must seriously and plainly
warn ^{him} just two months before the
date of his suspension.

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which I directed Messrs. Morris and
Smith to examine. But the state
of health of the former Officer and
the inexperience of the latter led to
such examination being of the most
futile nature, except as regards the
charge of general malpractice in
obtaining supplies without payment
through the Channel Subsidies. On
which the following admission was
elicited, which does not show a
high standard of principle.

"As regards 'para 2' I plead to
"a certain extent guilty, in so much
"that I do receive straw grass and
"firwood from the Ryots who have
"land under the Channel, this
"was always supplied through the
"Petitioner during his service under
"me voluntarily without compulsion
"this has been the custom for many
"years past in fact ever since the

N^o 7

£ Encls: N^o 8.

"Channel has been under this
"Department and is customary
"on all irrigation works, I have
"always considered it a privileged
"right, although of small value
"it is of great assistance to me
"during the present hard times
"and I don't consider I have en-
"fringed any rule by allowing the
"ryots through the subsidy to
"supply their small necessities."

7. I am also in possession of a Stamp-
ed Paper signed by Mr. Spurr and
another stamped Paper, which bear
out the statement made in a
petition, copy whereof is herewith
annexed; and of correspondence
connected therewith, wherein the
Overseer admits having purchased
land adjoining the Channel under
his charge from another subordinate,
and having sold it at a profit, cloak-
ing the same under the pretence
of acting for the benefit of a brother,
quite a young man whom he has
lately induced to join him from
England.

8. All these circumstances taken together will give Government the clue to the course of action taken by me, as reported in the Notes alluded to in my 1st Para., which might otherwise have appeared harsh. Indeed I expect after consideration of all that I have brought forward that I shall be thought to have laid myself open to the charge of remissness in the performance of my duty, rather than of over strictness. The result will doubtless be approval and confirmation of my final step, taken in the face of a judicial acquittal.

I have the honor to be

Sir,

Your most obed. Servant

Charles Colwell Esq.

Supt. Engineer 7th Regt.

"P.S."

C.B. 1711

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 8th June 1867

Read the following

From The Sup^r Engineer
yth D^o

(Here enter No. 42 dated 27th May 1867)

Under the circum.

stances which are set forth in the papers above recorded, the Government approve of the dismissal of Sergeant T. Spurr, Taken Over in the Public Works Department with effect from the 1st April last.

2. A copy of these Proceedings will be furnished to the Military Department, with a view to the services of Sergeant Spurr being replaced at the disposal of His Excellency the Com^{dr} in Chief.

W.D.

To The P. Eng^r & on the same
Controller
Military Dept.

Recd 20/6/67

To The Sup^r Engineer
yth D^o

To The Secretary to Govt
D.P. Mr
Madras

C.B. 1711-8th June 1867

No 42

Dated 27th May 1867
Received 29th "

Encls: Seven

Report to the circum-
stances Mr. Oversee
Spurr has been dis-
missed the Dept. from
1st April 1867.

No 165

C. J. D. June 1867 R. J. D.

P. W. 1867. Department.

Re of Boulton & Co
No. 17/4

PROCEEDINGS OF GOVERNMENT. *of Madras*

Dated 8th June 1867

The dismissal of
Sergeant J. Spurr, Talook
Overseer in the Coimbatore
District approved, and
his services re-placed at
the disposal of the Commanding
in-Chief.

1867-1868