M.R.O. 1—77,005—8-6-31.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

# MADRAS RECORD OFFICE.

## Government of Madras.

**DEPARTMENT.**

| | |
|---|---|
| G.O. No. | Press / Mis. |
| Dated | 18 . |

***Not to be folded or roughly handled***

No. 274. Read the following Petition from Mr. T. SPURR, late Overseer in the Department Public Works in the Coimbatore District, in continuation of his Petition to Government, dated Caroor, 10th June 1867 ; to the Secretary to Government, Department Public Works, dated Caroor, 27th June 1867 :—

I. That your petitioner having received, on the 17th June 1867, a copy of the Proceedings of Government, in the Public Works Department, dated 8th June 1867, No. 165, begs leave to respectfully lay before Government the following reply to the several charges specified in the Superintending Engineer's letter, No. 42, therewith published :—

1. In stating, paragraph 3 of his letter, that the Joint Magistrate of Coimbatore altered the decision arrived at by him in Court without taking fresh evidence in the case, the Superintending Engineer represents inaccurately the proceedings of the Joint Magistrate, who only altered his decision after fresh evidence had been taken in the case.

2. The charges alluded to in paragraph 4, of your petitioner falsifying his cash-book, made by the Range Officer, but not insisted on by the Superintending Engineer, are entirely groundless, your petitioner having made no entry in his cash-book of any sum not actually paid. The circumstance that led the Range Officer to make such allegation, your petitioner explained to the Superintending Engineer, but that letter was refused, because your petitioner failed to send it through the Range Officer. That explanation your petitioner forwarded to Government with his petition dated 10th June 1867.

3. If in asserting, paragraph 4, that your petitioner had private dealings with a Contractor, the Superintending Engineer intends only to affirm that your petitioner advanced money to a Contractor, at his own risk, for the purpose of expediting Government work, your petitioner pleads guilty to the charge; but if he means that your petitioner had such dealings with the Contractor in any measure for his own advantage, your petitioner humbly denies the charge; he never having had any dealings with the said Contractor, but for the purpose of hastening on the public work.

4. In assuming, paragraph 4, that your petitioner did demand and receive per-centage, the Superintending Engineer does so, not only despite the decision of the Joint Magistrate of Coimbatore, but altogether without proof. The Magistrate's decision may not, at first sight, appear so decided as might be wished, but it will appear more so if it be borne in mind the decision was arrived at without any effort on the part of your petitioner to rebut by cross-examination prosecutor's witnesses, or adducing his own; your petitioner solicited the Joint Magistrate to postpone the hearing of the case, so as to enable him to obtain legal advice and bring forward his witnesses, who were then unable to attend; this adjournment your petitioner was denied, and finding the evidence for the prosecution so uniform that it was evident there was conspiracy, your petitioner therefore reserved his defence, till he should be tried in the High Court, that he might then avail himself of legal advice. The Superintending Engineer has, therefore, no grounds to affirm that it was to cover his offence, that your petitioner asserted that he made an advance to the Contractor at his own risk.

5. With reference to his writing to the Superintending Engineer disrespectfully of his Range Officer. Your petitioner acknowledges the impropriety of his conduct, and regrets it ; but throwing himself on the mercy of Government, your petitioner humbly trusts the following facts will be deemed very materially to mitigate his offence : 1.—Your petitioner was suspended for carrying out (as he is prepared to swear) the Range Officer's express orders. 2.—The Range Officer accused your petitioner of not presenting his cash accounts in time, although your petitioner (as he can prove by eye-witnesses) had on the same day presented his accounts punctually to the time appointed. 3.—Although the Range Officer had received, as he alleges, frequent complaints of corruption against your petitioner, he did not even take departmental notice of them, by way of warning to your petitioner. 4.—That your petitioner was required by his Range Officer to prepare his reply to the charges laid against him within a very limited time ; your petitioner would certainly have avoided all impropriety in his reply, if he had been allowed sufficient time to overcome the irritation caused by the conduct of the Range Officer.

6. For refusing to afford directly the information called for by the Range Officer, your petitioner pleads that being under suspension, and therefore a prisoner, he did not consider himself bound to afford such information, and seeing the Range Officer was guilty, if not knowingly and maliciously, yet inexcusably of untruthfulness, your petitioner could not intrust him with the means he had for self-defence. But that your petitioner was contumacious in refusing this information, he trusts the Government will take as proved, since he furnished the same to the Superintending Engineer, as stated in his petition dated 10th June 1867.

7. In paragraph 5 your petitioner is said to have failed to exculpate himself from the charge of peculation to the Superintending Engineer's satisfaction. In reference to this statement your petitioner begs respectfully to lay the following facts before the Government : 1.—The Superintending Engineer never intimated to your petitioner, either orally or in writing, his dissatisfaction. 2.—The Superintending Engineer placed your petitioner within (4) four months after his trial for peculation, in acting charge of Collegal Range for (3) three months. 3.—The Superintending Engineer contemplated, if he did no more, the promotion of your petitioner to a higher grade, as is proved by his letter dated 27th October 1866, forwarded to Government with the petition before mentioned.

8. In paragraph 5 the Superintending Engineer observes : "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." If by this clause the Superintending Engineer means your petitioner escaped dismissal for peculation because his Range Officers were young and often changed, your petitioner begs respectfully to submit that neither youth nor frequent change could disqualify educated gentlemen, such as Lieutenants Morris and Smith, for attesting the evidence adduced in this case ; but if it meant that your petitioner would have been dismissed upon other charges, he prays the Government will protect him from being punished on the ground of such surmises.



9. The charge of persistence in evil courses, made in the same paragraph, your petitioner humbly hopes that the Government will not consider him called upon to rebut, since he trusts he has sufficiently done so in the foregoing paragraphs.

10. In the last clause of paragraph 5, "Against the danger of falling into "his present position, I most seriously and plainly warned him just two months "before the date of his suspension." If by his present position, the Superintending Engineer intends your petitioner's dismissal, he begs respectfully to state the Superintending Engineer never gave him any warning. The only warning the Superintending Engineer gave your petitioner two months before his suspension was, as far as he can remember, in the following words: "You *must* agree with Mr. "Wiffen, or you will come off worst, for I am bound under any circumstances to "support my Range Officers. It rests with you to humble yourself." This warning was given your petitioner on requesting not to be sent to the Caroor Range.

11. With reference to the charges alluded to in paragraph 6 of the Superintending Engineer's letter under notice, your petitioner begs to state the following facts, to enable the Government to determine whether the Superintending Engineer has given a fair representation of the character of your petitioner, in reference to these charges : 1.—The charges were brought against your petitioner by a man whom he had fined and dismissed with the sanction of his Range Officer. 2.—Your petitioner made the admission, which the Superintending Engineer quotes in the paragraph under reference, immediately upon being called upon for explanation, and prior to any trial taking place. 3.—Lieutenant Morris, notwithstanding ill-health, and Lieutenant Smith, both of whom spent between three and four hours each day for three days examining more than forty witnesses, and, not till then, acquitted your petitioner of the charges to which they asserted there was not the slightest shadow of foundation.

12. With reference to paragraph 7, your petitioner begs respectfully to state : 1.—The stamped paper therein referred to is signed, not by your petitioner, but by his brother. 2.—That your petitioner never did, neither does he now, admit having purchased any land. 3.—The piece of land in question was purchased *bona fide* at a fair price by your petitioner's brother. 4.—It does *not* adjoin the channel which was under your petitioner's charge, but is more than half a mile away from it. 5.—Your petitioner's brother did not purchase the land from another of your petitioner's subordinates, for the owner of it had been dismissed more than five months from a temporary appointment, through the reduction by Government of the channel establishment, and was never re-employed by your pettitioner, neither was he an inhabitant of the same talook. 6.—If your petitioner's brother sold the land at a profit, the profit was small, and was realized because it had, at considerable outlay, been improved by your petitioner's brother, who sold it because business called him elsewhere. 7.—Your petitioner, therefore, having committed no offence which needed cloaking, cannot be said to have by anything he has advanced cloaked any proceeding which he has taken. Neither has your petitioner ever seen the petition referred to in the paragraph now under notice.

II. Your petitioner most humbly and earnestly prays the Government will allow him to rejoin his Regiment at his own request, and thus remove the stain of

dismissal, so that other departments of the service may be open to him, and thus prevent his future prospects being entirely destroyed.

No. 275. ORDER THEREON, 11th July 1867, No. 2,075.

ESTABLISHMENT, No. 24.

On re-consideration of all the circumstances connected with the charges on which Serjeant T. Spurr has been ordered to be removed from the Public Works Department, and giving full weight to all he has adduced in denial of those charges, the Government, as an act of compassion, and with a view to giving him an opportunity to retrieve his character, resolve to cancel so much of their previous Order of the date noted in the margin, as directed his dismissal, and are now pleased to permit him to rejoin his Regiment, with effect from the date named in that Order.

No. 1,714, dated 8th June 1867.

(True Extract.)

Colonel, R. E.,
*Secretary to Government.*

To the Superintending Engineer, 7th Division.
,, Military Department.
To Mr. T. Spurr.

Exd. S. T. Augustin.

37

To

The Secretary to Government
Dept Public Works
Madras

The humble petition of Thomas Spurr late Overseer in the Department of Public Works in the Coimbatore District, in continuation of his petition to Government dated, Coonor, 10th June 1867.—

Respectfully sheweth,

1 That your petitioner having received on the 17th June 1867, a copy of the Proceedings of Government in the Public Works Department dated 8th June 1867, No. 765; begs leave to respectfully lay before Government the following reply to the several charges specified in the Superintending Engineer's letter No. 42 therewith published.—

1 In stating para 3 of his letter that the Joint Magistrate of Coimbatore altered the decision arrived at by him in Court without taking fresh evidence in the case; the Superintending Engineer represents inaccurately the proceedings of the Joint Magistrate, who only altered his decision after fresh evidence had been taken in the case.—

2 The charges alluded to in para 4 of your petitioner falsifying his Cash book, made by the Range Officer, but not instituted on by the Superintending Engineer are entirely groundless

much of their previous order of the date

groundless, your Petitioner having made no entry in his Cash book, of any sum not actually paid. The circumstance that led the Range Officer to make such allegation, your Petitioner explained to the Superintending Engineer, but that letter was refused because your Petitioner failed to send it through the Range Officer. That explanation your Petitioner forwarded to Government with his petition dated 16th June 1864.

3 In asserting para 3, that your Petitioner had private dealings with a Contractor, the Superintending Engineer intends only to affirm, that your Petitioner advanced money to a Contractor, at his own risk, for the purpose of expediting Government Work; your Petitioner pleads guilty to the charge, but if he means that your Petitioner had such dealings with the Contractor in any measure for his own advantage, your Petitioner humbly denies the charge; he never having had any dealings with the said Contractor, but for the purpose of hastening on the Public Work.—

4 In assuming para 4 that your Petitioner did demand and receive per-centage the Superintending Engineer does so not only despite the decision of the Joint Magistrate of Coimbatore, but altogether without proof.— The Magistrates decision may not at first sight appear so decided as might be wished; But it will appear more so if it be borne in mind the decision was arrived at without any effort on the part of your Petitioner to rebut by cross-examination Prosecutor's Witnesses or adducing his own: your Petitioner solicited the Joint Magistrate to postpone the hearing of the case, so as to enable him to obtain legal advice, and bring forward his Witnesses; who were then unable to attend.— This adjournment your Petitioner was denied, and finding the evidence for the Prosecution so uniform that it was evident there was Conspiracy, Your Petitioner therefore reserved his defence, till he should be tried in the High Court that he might then avail himself of legal advice. The Superintending Engineer has therefore no grounds to affirm that it was to cover his offence, that your Petitioner asserted that he made an advance to the Contractor at his own risk.—

5 With reference to his writing to the Superintending Engineer disrespectfully of his Range Officer, Your Petitioner acknowledges the impropriety of his conduct, and regrets it but throwing himself on the mercy of Government your Petitioner humbly trusts the following facts will be deemed very materially to mitigate his offence.— 1 Your Petitioner was suspended for carrying out (as he is prepared to swear) the Range Officers express orders.— 2 The Range Officer accused your Petitioner of not presenting his Cash accounts in time although your Petitioner (as he can prove by eye witnesses) had on the same day presented his accounts punctually to the time appointed by the

much of their previous order of the date.

groundless, your Petitioner having made no entry in his Cash book, of any sum not actually paid. The circumstance that led the Range Officer to make such allegation, your Petitioner explained to the Superintending Engineer, but that letter was refused because your Petitioner failed to send it through the Range Officer. That explanation your Petitioner forwarded to Government with his petition dated 10 June 1869.

3 In asserting para 4; that your Petitioner had private dealings with a Contractor, the Superintending Engineer intends only to affirm, that your Petitioner advanced money to a Contractor, at his own risk, for the purpose of expediting Government Work; Your Petitioner pleads guilty to the charge, but if he means that your Petitioner had such dealings with the Contractor in any measure for his own advantage, your Petitioner humbly denies the charge; he never having had any dealings with the said Contractor, but for the purpose of hastening on the Public Work.—

4 In assuming para 4 that your Petitioner did demand and receive per-centage the Superintending Engineer does so not only despite the decision of the Joint Magistrate of Coimbatore, but altogether without proof.— The Magistrates decision may not at first sight appear so decided as might be wished. But it will appear more so if it be borne in mind the decision was arrived at without any effort on the part of your Petitioner to rebut by cross-examination Prosecutors Witnesses or advancing his own: Your Petitioner solicited the Joint Magistrate to postpone the hearing of the case, so as to enable him to obtain legal advice and bring forward his Witnesses; who were then unable to attend.— This adjournment your Petitioner was denied, and finding the evidence for the Prosecution so uniform that it was evident there was conspiracy; Your Petitioner therefore reserved his defence, till he should be tried in the High Court that he might then avail himself of legal advice. The Superintending Engineer has therefore no grounds to affirm that it was to cover his offence, that your Petitioner asserted that he made an advance to the Contractor at his own risk.—

5 With reference to his writing to the Superintending Engineer disrespectfully of his Range Officer; Your Petitioner acknowledges the impropriety of his Conduct, and regrets it but throwing himself on the mercy of Government Your Petitioner humbly trusts the following facts will be deemed very materially to mitigate his offence.— 1 Your Petitioner was suspended for carrying out (as he is prepared to swear) the Range Officers express orders.— 2 The Range Officer accused your Petitioner of not presenting his Cash Accounts in time although your Petitioner (as he can prove by eyewitnesses) had on the same day presented his accounts punctually to the time appointed; 3 altho'

much of their previous

order of the date.

Although the Range Officer had received, as he alleges, frequent complaints of corruption against your Petitioner, he did not even take departmental notice of them by way of warning to your Petitioner. 4 That your Petitioner was required by his Range Officer to prepare his reply to the charges laid against him, within a very limited time. Your Petitioner would certainly have avoided all impropriety in his reply, if he had been allowed sufficient time to overcome the irritation caused by the conduct of the Range Officer.

6 For refusing to afford directly the information called for by the Range Officer Your Petitioner pleads that being under suspension, and therefore a prisoner he did not consider himself bound to afford such information, and seeing the Range Officer was guilty if not knowingly and maliciously yet inexcusably of untruthfulness, your Petitioner could not intrust him with the means he had for self defence But that your Petitioner was contumacious in refusing this information he trusts the Government will take as proved, since he furnished the same to the Superintending Engineer as stated in his petition dated 16th June 1864.

7 In para 5, your Petitioner is said to have failed to exculpate himself from the charge of speculation to the Superintending Engineers satisfaction. In reference to this statement your Petitioner begs respectfully to say the following facts before the Government. 1 The Superintending Engineer never intimated to your Petitioner either orally, or in writing his dissatisfaction. 2 The Superintending Engineer placed your Petitioner within (4) four months months after his trial for speculation in acting charge of a Collegal Range for (3) three months, 3 The Superintending Engineer contemplated if he did no more the promotion of your Petitioner to a higher grade as is proved by his letter dated 21st October 1864 forwarded to Government with the petition before mentioned.

8 In para 5 the Superintending Engineer observes;- 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. If by this clause the Superintending Engineer means your Petitioner escaped dismissal for speculation because his Range Officers were young & often changed; Your Petitioner begs respectfully to submit that neither youth or frequent change could disqualify educated Gentlemen such as Lieutenants Revis and Smith for attesting the evidence adduced in this case; but if it meant that your Petitioner would have been dismissed upon other charges he prays the Government will protect him from being punished on the grounds of such surmises.- 9

much of their previous
order of the date.

9 The charge of persistence in evil courses made in the same para your Petitioner humbly hopes that the Govt will not consider him called upon to rebut since he trusts he has sufficiently done so in the foregoing paras.—

10 In the last clause of para 5, "Against the danger of falling into his present position I most seriously and plainly warned him just two months before the date of his suspension" If by his present position the Superintending Engineer intends your Petitioners dismissal he begs respectfully to state the Superintending Engineer never gave him any warning. The only warning the Superintending Engr gave your Petitioner, two months before his suspension, was as far as he can remember in the following words "You must agree with Mr Hussey or you will come off worst, for I am bound under any circumstances to support my Range Officers: It rests with you to humble yourself" This warning was given your Petitioner on requesting not to be sent to the Carron Range.

11 With reference to the charges alluded to in para 6, of the Superintending Engineers Letter under notice, your Petitioner begs to state the following facts to enable the Government to determine whether the Superintending Engineer has given a fair representation of the character of your Petitioner, in reference to these charges. The charges were brought against your Petitioner by a man who he had fined, and dismissed, with the sanction of his Range Officer. 2 Your Petitioner made the admission which the Superintending Engineer quotes in the para under reference namely upon being called upon for explanation prior to any trial taking place. 3 Lieut Morris notwithstanding ill-health and Sickness both of which spent between 3 & 4 hours each day for 3 days examining three Men & Witnesses and put the whole acquitted your Petitioner of the charges & which they asserted there was not the slightest shadow of foundation.—

12 With reference to para 7 your Petitioner begs respectfully to state, 1 The stamped Paper therein referred to was signed not by your Petitioner but by his brother. 2 That Your Petitioner never did, neither does he now admit having purchased any land. 3 The piece of land in question was purchased bona fide at a fair price by your Petitioners brother. 4 It does not adjoin the channel which was under your Petitioners charge but is more than half a mile away from it. 5 Your Petitioners brother did not purchase the land from another of your Petitioners subordinates, for the owner of it had been dismissed more than 5 months from a Temporary Appointment, through the the reduction by Government of the Channel Establishment; and was never re-employed by your Petitioner neither was he an inhabitant of the same Talook 6 Your Petitioner

much of their previous
order of the date

Petitioner's brother sold the land at a profit the profit was small and was realized because it had at considerable outlay been improved by your Petitioner's brother, who sold it because business called him elsewhere. / Your Petitioner therefore having committed no offence which needed cloaking cannot be said to have by anything he has advanced cloaked any proceeding which he has taken. / Neither has your Petitioner ever seen the petition referred to in the paper now under notice. /

II Your Petitioner most humbly and earnestly prays the Government will allow him to rejoin his Regiment at his own request, and thus remove the stain of dismissal, & that thereby Depart^t of the service may be open to him and thus prevent his future prospects being entirely destroyed

Carrow
27th June 1867

Thos Lynn

97

Ext.

P.W. 1867 Sept.
Pro. of Govt. for Leave
No 2449
From
Mr T. Spurr
Late Overseer PWD

Dated 27 June
Rec'd 2nd July 67

Praying that
he may be allowed
to rejoin his Regt.
at his own request

William Arden
ENo 2075 - 11th July 1867

Recorded, under reference
to the order of the
1888
25 Ultimo, Ed
& Ln 1 Spurr.

No 2714
6th July 1867. R. Sd

Public Works Department.

No 2075

# PROCEEDINGS of the MADRAS GOVERNMENT.

*Under date the 11th July 1867*

Read the following

From Mr T. Spurr Late Overseer
D.P.W.

(Here enter No. dated 27th June 1867)

On reconsideration of
all the circumstances
connected with the charges
on which Sergeant T.
Spurr has been ordered
to be removed from the
Public Works Department,
and giving full weight
to all he has adduced
in denial of those
charges, the Government
are [illegible] act of compassion
and with a view to giving
him an opportunity to
retrieve his character,
resolve to cancel so
much of their previous
order of the date

noted in the margin, No. 1714 of 8th June 1867
as directed by his dis-
missal, and are now
pleased to permit him
to rejoin his Regiment,
with effect from the
date named in that
order

W.O.

To
The Superintg Engr &c.
" Military Deptt
" Mr T. Ellwood

Despd 12/7/67

(1)

P. W. 1867. Department.

Pro: of Govt: for July

No. 2075

PROCEEDINGS OF GOVERNMENT of Madras

Dated 11th July 1867

Re. Permitting Sergeant T. Spurr late a Patrol Overseer in the Coimbatore District, to rejoin his Regiment.

No. 274 - 275

c. 6th July 1867 R.S.