

(1) Number of pages.....

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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 2886.	Press
328-329.	~~Mrs.~~
Dated 13. Seph. 1867.	

Not to be folded or roughly handled

No. 328. Read the following letter from Lieutenant F. S. SHEPHERD, R. E., to the Secretary to Government, Department Public Works, dated Ootacamund, 3rd September 1867 :—

1. I have the honor to acknowledge the receipt of the Proceedings of the Madras Government, Public Works Department, dated August 3rd 1867.

2. It is evident, from the tone of his letter, that the Special Executive Engineer in charge of Wynaad has entirely mistaken the motives which compelled my sudden departure from Wynaad ; and it is much to be regretted that Captain Kennedy, if he considered the medical certificate insufficient, did not call upon me for further explanation, which, I feel confident, would have obviated the necessity of a reference to Government, and of the unprecedented measure of a refusal to pay any attention to a medical certificate.

3. I cannot but consider the charge of having left my Range without urgent necessity as a very grave accusation, against which I am most anxious to defend myself to the utmost of my ability. I now proceed to state the facts of the case.

4. During a severe illness in the month of March last, I was attended by Dr. Pearse, Zillah Surgeon, Calicut, who stated, as his positive opinion, that it would cost me my life to remain in Wynaad during the monsoon ; and Captain Kennedy then joined with him in urging the necessity of my departure, without waiting for any preparation or examination of my accounts. I mention this to show that Captain Kennedy was fully aware of Dr. Pearse's opinion, and I did not consider it necessary to remind him of it when forwarding the medical certificate, though I did so shortly after in a private letter. I was, however, unwilling to accept a medical certificate at that time, and only applied for one when I found that continued ill-health prevented me from doing justice to the work under my charge. Dr. Pearse further stated that if I felt any return of the attack during the monsoon, I should not delay my departure an hour. Before Captain Kennedy left Luckady I called his attention to the state of my health, which I pointed out as threatening a return of the attack in March, and stated how impossible it was for me to attend to any of my out-of-door duties. I did not, however, ask to be relieved at once, as I was in hopes of being able to await that Officer's return, and I was most anxious to complete my accounts as far as possible before leaving.

5. I left Wynaad under the full impression that I had furnished all the information respecting the works that required my presence on the spot, and not until my accounts had been examined from the date of my taking charge of the Range up to the date of my departure, and the cash balance counted by the Manager of Captain Kennedy's office, according to directions given to me by the Special Executive Engineer himself.

6. At the time of forwarding the medical certificate to Captain Kennedy, I enclosed a private note, stating that I had delivered over every thing with the exception of certain measurements, of which the totals are included in my reports ; but which Captain Kennedy wished me to furnish in such detail that it would have necessitated fresh measurements taken on the works. This I was unable to attend to on account of the state of my health.

7. I have received no communication whatever from Captain Kennedy since the receipt by him of the medical certificate ; and although he expresses himself as quite at a loss to account for my proceedings, he did not consider it necessary to demand an explanation, which I would have furnished immediately, had I known

*Proceedings of the Madras Government, Public Works Department,
13th September 1867.*

that Captain Kennedy considered I was not in every way justified in the course I pursued.

8. I would respectfully submit that Captain Kennedy has not treated me fairly, in preventing my defending myself in any way previously to forwarding his statement, and in thus bringing before Government such an entirely one-sided view of the case.

9. When I left Luckady I intended to have remained at Calicut to explain matters personally to Captain Kennedy, but was compelled to push forward at once, owing to indisposition which might have prevented my proceeding further had I delayed, and it was only with the greatest difficulty that I completed my journey.

10. I regret to be compelled to enclose a medical certificate of my inability to proceed to Calicut, and I do so in the hope that I may be granted sufficient leave to enable me to recover strength to return to Wynaad, and explain any matters which require my presence.

11. I will immediately communicate with Captain Kennedy, with the view of affording every explanation in my power, both as regards my conduct in the matter and any matters connected with the accounts and works which may require more detailed information than I have already furnished.

12. I fear that serious indisposition has prevented my stating the case as forcibly as I could have wished; but I trust I have succeeded in showing that nothing but urgent necessity, joined to my impression that I had left nothing incomplete which required my presence, compelled me to leave my Range without the permission of my superior Officer. If I have not succeeded in establishing this fact, I hope that I may be allowed a further opportunity of explaining any thing which requires additional evidence.

No. 329.

ORDER THEREON, 13th September 1867, No. 2,836.

ESTABLISHMENT, No. 45.

1. The Government are glad to receive this explanation from Lieutenant Shepherd, and they readily assent to his remaining at Ootacamund until the state of his health permits of his proceeding to Calicut, which he will do if his written explanations in the interval fail to satisfy Captain Kennedy on all those matters regarding which fuller information is stated to be required.

2. As Lieutenant Shepherd's health will not admit of his returning to his charge in the Wynaad, he will be transferred to the Madura District in the room of Captain Payne who has proceeded on leave to Europe.

(True Extract.)

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

To Captain R. B. Kennedy.
,, Lieutenant F. S. Shepherd.

Ed. S. T. Augustin.

Blue Envelope.

September 1st 1867.

From Lieutenant F. S. Shepherd R.E.

*To the Secretary to Government
Department Public Works, Madras.*

Sir,

I have the honor to acknowledge the receipt of the Memorandum of the Madras Government Public Works Department, dated August 5th 1867.

2. It is evident from the tone of his letter that the Special. Excise Engineer in Charge of Wynaad has entirely mistaken the motives which compelled my sudden departure from Wynaad; and it is much to be regretted that Captain Kennedy if he considered the Medical Certificate insufficient, did not call upon me for further explanations, which I feel confident, would have convinced the necessity of a reference to Government and of the urgent and essential measure of a refusal to

to pay any attention to a medical certificate.

3. I cannot but consider the charge of having left my camp without urgent necessity as a very grave accusation against which I am most anxious to defend myself to the utmost of my ability. I now proceed to state the facts of the case.

4. During a severe illness in the month of March last I was attended by Dr. Pearce, Billah Surgeon, Calicut, who stated as his positive opinion, that it would cost me my life to remain in Mysore during the monsoon; and Captain Kennedy then joined with him in urging the necessity of my departure without waiting for any preparation or examination of my accounts. I mention this to show that Captain Kennedy was fully aware of Dr. Pearce's opinion; and I did not consider it necessary to mention him if it were forwarding the Medical Certificate; though I did so shortly after in a private letter. I was, however, unwilling to accept a

a Medical Certificate at that time, and only applied for one when I found that continued ill health prevented me from doing justice to the work under my charge.

Dr. Pearce further stated that if I felt any return of the attack during the monsoon I should not delay my departure an hour. Before Captain Kennedy left Lucknow I called his attention to the state of my health, which I pointed out as threatening a return of the attack in March; and stated how impracticable it was for me to attend to any of my out-of-door duties. I did not, however, allow to be dictated at once as I was in hopes of being able to await that Officer's return; and I was most anxious to complete my accounts as far as possible before leaving.

5. I left Mysore under the full impression that I had furnished all the information respecting the Works that required my presence on the spot; and not until my accounts had been examined.

from

from the date of my taking charge
 of the range up to the date of my
 departure, and the Park balance
 counted by the Manager of Captain
 Kennedy's office, according to which
 obvious proof to me by the
 Executive. Superior himself.
 6. At the time of forwarding the
 Medical Certificate to Captain
 Kennedy, I enclosed a private note
 stating that I had delivered a set
 of measures with the exception of
 the totals are included in my
 reports; but which I am
 unable to forward in such
 detail that it would have inter-
 fered with the measurements taken
 on the records. This I was unable
 to attend to on account of the
 state of my health.
 7. I have received no communication
 whatever from Captain Kennedy
 since the receipt by him of the
 Medical Certificate; and although
 he expresses himself as quite at
 a loss to account for my pro-
 ceedings.

proceedings. He did not consider it
 necessary to demand an explanation,
 which I would have furnished im-
 mediately had I known that
 Captain Kennedy considered I was
 not in every way justified in the
 course I pursued.
 8. I would respectfully submit that
 Captain Kennedy does not treat me
 fairly in forwarding my defending
 my self in any way previously
 to forwarding his statement; and
 in thus bringing before the Government
 such an entirely one-sided view of
 the case.
 9. When I left Laramie, I intended
 to have remained at Cheyenne to ex-
 plain matters personally to Captain
 Kennedy, but was compelled to
 push forward at once, owing to
 indispositions which might have
 prevented my proceeding further
 had I delayed; and it was only
 with the greatest difficulty that
 I completed my journey.
 10. I regret to be compelled to enclose
 an Medical Certificate of my inability

to proceed to finish, and I do so
 in the hope that I may be
 granted sufficient leave to enable
 me to recover strength to return
 to my usual and regular duty
 matters which require my presence.
 I will immediately communicate
 to the Committee of the House of
 Representatives, and to the Senate
 the results and work which
 they may require more detailed information
 than I have already furnished.
 I feel that serious indisposition
 has prevented my stating the case
 as forcibly as I could have wished;
 but I trust I have succeeded in
 showing that nothing but urgent
 necessity forced to my impression
 that I had left nothing incomplete
 which required my presence, com-
 pelled me to leave my range with-
 out the permission of my Superior
 Officer.

Officer. If I have not succeeded in
 establishing this fact I hope that
 I may be allowed a further op-
 portunity of explaining any thing
 which requires additional evidence.

I have the honor to be

Sir

Your most obedient servant

Chapman

Chief Clerk

no. 2836

Proceedings of the Madras Government

Under date the 13th Sept 1867

Read the following

From Lieut F. S. Shepherd R.R. (P.R. No. 73rd Sept 1867)

The Government are glad to receive the explanation from Lt. Shepherd, and they readily assent to his remaining at that command until the state of his health permits of his proceeding to Calicut, which he will do if his current explanations in the interim fail to satisfy Capt. Kennedy in all those matters regarding which fuller information is stated to be required.

As Lt. Shepherd's health will not admit of his returning to his charge in the Mysore

JP

W.H.

Ch 298

10th 1867
Lieut F. S. Shepherd R.R.
P.R. No. 73rd Sept 1867

Room

Letter of 13th Sept 1867

To the Secy to Govt

10th 1867
P.R. No. 73rd Sept 1867

Printed
x number in the margin

By forwarding the

circumstances under

which he left his

charge in the Mysore

without the sanction

of his superior officer

no. 2836 - 13th Sept 1867

he will be transferred
to the Macedonia at
in the room of Captain
Payne who has proceeded
on leave to Europe

A.B.

2nd Lt Kennedy
in St. Shepherd.

Sept 14/9/67

Pub. Works 1867 Departs

Pro: of Govt. for September
No. 2836

Pro: of the Madras Govt.
Of 13th September 1867

Passing orders on the
explanation of Lieut. A. S.
Shepherd R. E. relative to
his leaving his Range in
Wynnad, without the permis-
sion of his Superior Officer