

(1) Number of pages _____

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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 3592	Press - Mis -
327-28	
Dated 17-11-	1868.

Not to be folded or roughly handled

by

*Proceedings of the Madras Government, Public Works Department,
17th November 1868.*

No. 327. Read the following letter from the Acting Collector of Nellore —

Complaining of the conduct of Major A. D. Clay,
Assistant Engineer, in charge of the Nellore Range } (Here enter 29th October 1868, No. 3,945.)

Referred to the Public Works Department.

FORT ST. GEORGE,
4th November 1868.

(Signed) R. A. DALYELL,
Acting Secretary to Government.

No. 328. ORDER THEREON, 17th November 1868, No. 3,592.

ESTABLISHMENT, No. 35.

Ordered to be recorded.

(True Extract.)

Colonel, R. E.,

Secretary to Government.

Official correspondence.

The 1st fresh in the Pennai river, which came down in the beginning of June, was entirely lost, in consequence of Major Clay having the head sluice closed; 1st because he stated, that the water would have endangered the foundations of a small bridge, then just commenced, and 2nd because he reported, that the bund of the Sarapalli tank was in an unsafe state, and unable to receive a supply.

I considered the foundation of a small bridge very insignificant, in comparison with the water supply of the Delta, and reported the matter to the Suptd. Engineer, who entirely agreed with me, and considered that Major Clay had been guilty of a grave error of judgment. In this Major Clay retaliated by charging me with

Govt. of 1868 Madras.

PUBLIC WORKS.

THE REVENUE DEPARTMENT

Dated November 1, 1868

Recd

G.O. 1711

1868, No 3,592

1868 3945

Collector's Office Nellore
29th October 1868

From J. A. C. Rowell Esq.
Acting Collector Nellore.

To R. A. Balyell Esq.
Acty Secy to Govt

Sir. It is with much regret and after much forbearance, that I have to bring to the notice of Government, the conduct of Major R. B. Clay, Asst Engineer, in charge of the Nellore Range, and the disrespectful and unbecoming language that he continually adopts in official correspondence.

The 1st fresh in the Penna river, which came down in the beginning of June, was entirely lost, in consequence of Major Clay having the head sluice closed; 7th because he stated, that the water would have endangered the foundations of a small bridge, then just commenced, and 2nd because he reported, that the bind of the Sanoapalli tank was in an unsafe state, and unable to receive a supply.

I considered the foundation of a small bridge very insignificant, in comparison with the water supply of the Delta, and reported the matter to the Suptd Engineer, who entirely agreed with me, and considered that Major Clay had been guilty of a grave error of judgment. On this Major Clay retaliated by charging me with

with a view to take a proper interest in public works,
I left this charge to the Deputy Engineer to rebut, who
did so by stating, that he had found me more ready
than any collector he had yet met during his service
in India, to help the Public Works Department.

Major Clay then fell back on the unsafe state of the Sanapalli Tank stating that until it was put in thorough repair, he could not send water down. If this was the case the work should have been commenced before June when the tank might be expected to fill, but as soon as I was informed of it I called out labor under Act I of 1858. In his letter No 46 dated 29 June 1888 Colonel Minessono wrote to me that until, within the last month, he had

never heard of the dangerous state of the Sarapallo Tank either from Major Lelay or any one else, that he was not a little astonished, when the Executive Officer mentioned that he had requested the Collector, to call out. labour under the Act, and that he agreed with me that if the tank, was in the state reported, Major Lelay should have turned his attention to it sooner. Colonel Muscove added, "I beg to say, that I have always found you take an active interest, in furthering by all legal means the action of the Public Works Department and

I beg to express my thanks, to you for frequent aid, you have
given, and the courtesy which has characterized your inter-
-course with myself, and as far as I am aware, with all my
subordinates.

On receipt of this letter I asked Mr. R. Smith, Executive Engineer, to accompany me for the sake of his professional opinion and went down to examine the state of the Sarvapalli Tank myself. We found 478 unprepared coolies at work but these instead of being employed to strengthen the bund, were engaged in cutting the old bund and raising a new one, to shorten a curve. The only danger we found, was that the Balingulab was being closed, that so late in the year one of the sluices had just been commenced for repairs and the Engineer informed us, that Major Blay, had directed 4 other sluices to be similarly repaired. On the whole Mr. Smith agreed with me, that the Sarvapalli tank bund was not anywhere in such a dangerous state, as to justify the employment of labor. The only danger were self-created ones. There was scarcely any water in this moribund tank. It appeared to me, as I reported to the Suptdg. Engineer, that Major Blay, had resorted to the means of raising forced labor to make up for his delinquency in not having the works in connection with the tank undertaken long before, and I directed that as soon as the coolies had finished the short piece of new bund, the employment of labor should cease.

On our return to Belore Mr. Smith and I found that in addition to the Head Sluice the Auxiliary sluice (just built) and which had no shutters yet provided had all been opened, so that if a high flood came down the Pennair, the whole works in this Delta, would have been seriously imperilled. The Amhat Superintendent stated that he had opened the sluice in accordance with Major Blay's express directions. It seemed to me that Major Blay could only have given such a reckless order that water might be supplied to the Delta in such a way, as purposely to risk everything, and I reported the whole matter again to the Superintending Engineer.

Meantime I received an indignant remonstrance from Major Blay, for having presumed to visit the Sawapalle Works in company with Mr. Smith who designed them, without giving him previous notice. To this I replied that I considered myself at liberty to inspect the Public Works of the District when I pleased and that I felt myself in no way bound, to give previous intimation of my intentions, to the Range Officer.

The Suptdg. Engineer now called upon Major Blay, for his explanations, and his letter succeeded, in convincing Colonel Musson, that his subordinates had acted in everything, in contravention of his orders by mistaking them, and that he was in no way to blame, that in fact this had been only a

Chapter

chapter of accidents. I should at this time have brought the matter to the notice of Government, but as the Suptdg. Engineer particularly requested me, I allowed the matter to drop. In his letter No 9 dated 25 August 1868 he wrote "This matter now rests with me, and I beg to assure you, that I feel my responsibility, and have well weighed the matter. I am very much obliged to you for having shown such interest in the works, and I believe that I have taken the means to prevent such irregularities and mistakes recurring, without being able indubitably to fix the blame on the offender."

Major Blay is continually complaining, that the Province authorities do not afford him, the assistance he needs, and on this he throws, the fault of all delays in his Department. The facts of the case are these. I have frequently requested Major Blay to send me periodical statements, of the number of coolies employed on the different works, and the number required at different places, both to enable me to give him every assistance I can in preparing on the work, and 2^{ndly} also as a means of affording profitable labor, for the lower classes. Major Blay sent me such a statement I think twice. On these occasions I had the Notices published in the District Gazette, inviting coolies, and had the want of coolies also sometimes

from

from village to village. All this was not sufficient
to satisfy Major Lelay, who considers that the Collector
should impress coolies for doing work at his request.
I distinctly pointed out to him, that I had no
power to impress except in cases of emergent danger,
and the Suptd. Engineer also wrote to him as
follows, in a letter dated 11 July 1858 p. 325 "I have
to point out to you, that Mr. Boswell has no power
to impress coolies, excepting you report to him
that public works are in danger, and a large
loss of revenue, or property likely to ensue.

vide Act I of 1850 Under these circumstances,
I consider that you are not justified, in laying
any blame on the Revenue Department, and
I much regret that you did so. As I said in a
former letter, I have found no Collector so
willing to assist by all legal means, this
Department as Mr. Boswell."

On making full inquiries, I found that
the real difficulty Major Lelay experienced in
getting coolies was, 1st because they were not
regularly paid at short intervals, 2nd that
huts were not provided for them. Not long
since

since he requested us to try and furnish 50 additional
coolies for opening out the Behnuid channel. I sent
orders to the Sahibdar to use every effort to procure
the coolies short of impressment; Major Lelay again
wrote to complain that the coolies were not forthcoming.
I determined to go myself to the spot, and find out the
cause. As Major Lelay was going to head-quarters he said
he could not accompany me, but sent Mr. Lyon his
Assistant. When I reached the channel, I found
a large number of coolies at work, who had been
supplied by the Sahibdar, but they were not
engaged as I was led to infer would be the case,
in cutting the channel, to bring water to the
Behnuid Tank, at as early a date as possible,
but simply in detaching the superfluous of
earth thrown up. I was informed that the
portion of the channel which still remained to
be dug was rock, which would require blasting,
or at any rate to be worked by Widders, and
that village labourers could not do the work.
The coolies came to me and complained that
their pay was held back for work which they
had done long ago, and therefore they were
unwilling to work longer. Mr. Lyon who had
been

man in charge of the channel, for some months
was not in a position to deny their statements,
or explain the matter. Major Clary writes now
that the coolies wanted to be paid for work
not done. At any rate I suggested, that the
coolies should be paid daily, or every few days.
Mr Lyon in a letter, which Major Clary forwarded
to me, states that they cannot even be paid
every eight days. I have informed Major Clary,
that it is impossible, that the Revenue Depart-
ment can assist him in procuring coolies,
unless they are to be paid at short intervals.

Upon my bringing to his notice the complaints
of the Chinner coolies, that they had not been
paid, and which Mr Lyon could not explain,
he writes to me in this impudent style, in a
letter dated 25th October 1868 No 536 "I conclude you
hardly suggest, that I should pay for work not
done, or that you or the Tahsildar of Guduru,
should arbitrate in the matter? Under these
circumstances, I consider the concluding
paragraph of your letter, totally irrelevant
and uncalled for." I submit that this is
not a proper style, for an Assistant Engineer

in charge of a Range, to address the collector of the
District.

On the occasion of my visit to the Chinner
Channel, I took occasion to inspect the Road
between Guduru and Nihata giri, Rs 3000 have
been allotted for this road, this year, and the
Rajah has been very anxious to have it pushed on
quickly. I found that the work on the road
had scarcely been commenced, and nothing was
being done. On reference to the Progress report I
found that only Rs 374.12.9 had been spent on the
work up to 30th September. Thereupon I wrote Major Clary,
to ask the cause, why this work was not being pushed
on. As usual his reply was that he could not get
coolies, whereas had he only complied with my
requestion to inform me, periodically of what number
of coolies he wanted I could have applied to the
Rajah as I have done now, to assist him in
obtaining them, and the coolies would have
been furnished in a very short time, for this
is calculated to be a very useful road, and the
people are anxious to open it out. The Rajah's
Dewan, complained to me of the delayance of
the H.E.M. remarking, "our children may live to

to see the road completed but at the present rate of progress we must wait.

The Government are aware that the Executive Engineer is ex officio a member of the Municipal Commission, but in spite of my repeated requests Major Lelay habitually absents himself from the meeting and refuses to give us his assistance as a professional adviser. Beyond furnishing us with a plan for a slaughter house, he has done nothing I may say for the Municipality. He first complained that the dates of the meetings did not suit him. They were altered to the 1st and 3rd Monday of each month, expressly at his suggestion but he never attends any more now than before. I am aware ^{that} he is in Nelson. I have reason to know that he considers that receiving no remuneration for duties in connection with the Municipality, he is at liberty to shirk them. By the appointment of ex officio members as Commissioners, I presume it was the intention of the Legislature that those officers should give their services gratis and that it is not optional with them to undertake these duties or not.

I have now to proceed further to complain of the offensive and most ill-considered language Major Lelay chooses to adopt in his official correspondence. I had occasion to refer to him a report of the Tahsildar of Gudnur complaining that certain Government villages were suffering seriously for want of water, and that the cause of this was that the B.P.W. Subordinates were giving water to the Shrotraw village of Maindasipudi which was entitled to receive none, unless there was an excess in the Government Tanks when it might be supplied, and water cess charged. I received back the Tahsildar's report from Major Lelay with the following endorsement in red pencil, "In Report I believe it is all a lie. let me know A.C." This was Major Lelay's endorsement to his superior, tantamount to ordering him to prove the Tahsildar a liar, and assuring him that he would be supported in doing so. In keeping with this endorsement, Major Lelay's reply to me was to the effect that he was perfectly satisfied with the manner in which his subordinates distribute water.

water, that the information I obtained from
the Sahildar, was quite incorrect, and that
the Shetranu received no more than its
proper share of water. To this I replied,
that as the Shetranu was not entitled to
receive any water from the Aunkah, being
supplied whole Government villages were
suffering, was an injury to the Government
ryots, who were entitled to it. In his confidential
style Major Blay wrote back that he would stop
the Shetranu's water, but he trusted as Mr. [?]
was shortly about to join, that he would take a
just view of the case. No fact was then pointed
out to Major Blay, that in 1867 the Shetranu
signed an agreement, admitting that their tank
was entitled to receive no water from any Government
source, and that if there was any such any year
and they were supplied with water from the
Aunkah they would pay water exp. It is no
wonder that the subordinates in the Public Works
Department do not in this Range, get on with
those of the Revenue Department, when the
Officer in charge of the Range teaches them with
him to disrespect the head of the Sahar, and
officially calls upon them to prove his statements to

to be lies. Such a course of proceeding I submit is
not the most likely means of arriving at the truth, etc.
if Major Blay really wished to do so. Colonel Munn
has very properly characterized Major Blay's conduct
as undignified and impolitic and well meriting
censure.

But not satisfied with this Major Blay has
proceeded to accuse the European Junior Magistrates
with incompetency. In a letter dated 8th October
1868 p. 449 complaining that in several cases tanks
or channel bunds had been breached by villagers
without permission, he wrote "It is useless to prosecute
in these cases in the first place because the
Departmental Subordinates, are kept kicking
their heels for days together, about the Court,
and in the 2nd the Junior Magistrates who
try these cases, were corrupt. In two cases
recently tried before Mr. Knox and Mr. Boyle,
both cases were dismissed although evidence
could not well have been stronger, and the
guilt of the parties notorious. If therefore you
are unable to afford us redress, these outrages must
be allowed to run their course." Of course I
into the cases alluded to by Major Blay, I find

Major Clay has now explained that he alluded to a
case of theft. The charges were simplified because the
suspects could not be identified. - July 31. 1868.

found that no such case had been tried by Mr. Kuse
since his return from 2 months' privilege leave, in
July the case had been tried by Mr. Keyler. I
carefully went through the record and found
that there had been no unnecessary delay in
disposing of the case, that the Public Works
Subordinate Sub to promote, could only prove
that the bond of a certain claimant was breached,
by whom he was unable to say. Justice inter-
posed to the same effect. The whole evidence
against the accused rested on the statement
of 2^d, 3^d and 4th witnesses of whom it came out
that two were formerly convicted and sentenced
for perjury in a Court of Justice. There were also
discrepancies in their statements. The accused called
witnesses to prove that the bond was in a weak state
and likely to break of itself. The Assistant
Magistrate visited the spot and satisfied himself
that such was not impossible, the break having
occurred at the time of heavy rain. Under those
circumstances he was bound to acquit the
accused.

I do not understand what Major Clay
means by wishing of the strictness of the guilt of
persons

persons who have been tried and
guilt was so notorious, the Subordinate Sub to promote,
there should have produced the best evidence that
was available. In a subsequent communication
Major Clay admits that three officers (if convicted
at all) are "of course, committed at night, therefore legal
proof must be difficult if not impossible". He would
apparently have the Magistrate inflict punishment
on his report, and whether a bond has been
breached through mistake or by accident, hold
the Head man responsible. In this case
Major Clay's strictness in the action of the
Junior Magistrate are perfectly unjustifiable.
Still for another instance of the
manner in which Major Clay treats petitions
referred to him by me for report. I have referred
a number of petitions from time to time to him
to report as to whether certain lands applied
for cultivation might be safely granted or
whether they properly came within the watershed
of tanks and should be reserved. On his recommenda-
tion certain lands have been given out which
now as the tanks rise are found to be completely
submerged. The villagers of Chinnur Chinnur
presented

presented a petition to me, complaining that the
D.P.M. subordinates, in order to prove their
right, that certain lands which were recommended
to be given for cultivation, were not liable to be
submerged, were preventing the tank, receiving
more than $\frac{1}{2}$ supply, I referred the petition
to Wagon May, who returned it to me with a
report from his overseer stating that the tank
was in bad repair, and could not hold water.
If so why was it not repaired before. Wagon May's
remarks in returning me the petition were -
"Vexations and frivolous complaints are frequently
made, which require to be checked, rather than
encouraged, as they cause much loss of time"
I replied objecting to this off-hand way of
disposing of complaints, as most unsatisfactory,
and stated that I considered that the village
had a genuine cause of complaint, if on his
recommendation lands which properly formed
part of the tank bed, had been given out for
cultivation, and if to support his original
opinion that the lands were not properly within
the water spread, the overseer had sunk up the
sources that supplied the tank, and kept it
at $\frac{1}{2}$, as the ryots say at $\frac{3}{4}$, full as he admitted.

I thus in his letter dated 24 October 1868/540 he replies
"Your remarks on the offhand way in which complaints
are treated by us, appear formed, without sufficient
attention to facts, I regret to have had to make the
same observations more than once." He then goes on
to admit that he first laid down for his own guidance
a minimum depth, beyond which land should
not be given for cultivation, but he adds that he has
since seen reason to modify his views and that he now
thinks that no lands that are liable to be submerged
at all when a touch is at full flood except in cases
where, like the Spanish Colonies, the touch
is a small one, and one of those likely to be
abandoned as the Delta system gradually
develops itself. ^{should be given just for cultivation} Meanwhile I received another
petition from the ryots of the same village, who
came in bringing bundles of their withered crops,
to show how they were suffering from want of
water. I again referred this petition to the
Assistant Engineer for report, who replied "The
distribution has been very carefully carried out by the
Canals, and the villagers have no grounds for complaint.
Your opinion to the contrary notwithstanding - I
submit that the Petitioners may have exaggerated
their case, but according to Major Collyer's own
admission

admission they were not allowed to receive a full supply -
and his style of addressing the Collecta was most
objectionable.

Having now recommended that much of the
proper water spread of certain tanks should be given up
for cultivation, Major Selay writes to the Suptg. Engineer
to suggest, that the Collecta should issue a notice, that
no Pattadars, should hinder the coolies employed by the
B.P.W. from digging earth or turf in their Patta waste
lands, adjoining tanks or channels, as he very naturally
finds that Pattadars object to have their lands dug up
and injured by coolies without their permission
being sought and without being first remunerated
for their loss. I have pointed this out to the
Superintending Engineer and informed him
that owners of lands must always be compensated
in such cases. Colonel Museum has issued a circular
prohibiting coolies employed by the B.P.W. from cutting
turf or digging earth in any Patta lands without
permission.

Since Major Selay has found himself
continually put in the wrong, and finds also
that he cannot look for the support of the Suptg.
Engineer to back him up when wrong, the style
of

of his official correspondence with me has become
most offensive, of which however I need not mention other
instances than those already quoted. In the
Madrass Times of 26 October last, there appeared
a letter headed "Notice from Bellare" which I have
not the smallest doubt in my mind, emanated
from him only. The author of this letter writing
under a pseudonym himself, has adopted the
contemptible course of attacking me personally by
name, because he is aware that under the robes of
Government, I am prohibited from replying, and
his invectives must remain uncontradicted,
as far as the public are concerned.

I can confidently appeal to Government as
to whether or not I was an alarmant in regard to
the prospect of famine, in the Bellare District, that
my Report stated was, that there was some scarcity
in one section, but that there was no immediate
prospect of serious distress, and when the Suptg.
Engineer recommended a large famine grant,
I gave it as my opinion that there was no necessity
for such steps and Government adopted this recom-
mendation (vide G.O. Dated 12 March 1882 No 643 Res Deptt.).
All that I did was to keep myself thoroughly
informed of the condition of the whole district
and

and submit the weekly reports, that Government had called for.

The next insinuation, thrown out by the author of that letter, is that I am in the habit of issuing orders and cancelling them, influenced by the fact who has my ear. This is a very serious imputation, on the character of a public servant, but I am not aware of any instance, that any one can cite, in support of the allegation, though most certainly true, to find that I had issued an order, on insufficient information. I should not hesitate for a moment to correct the matter by cancelling it. This is simply a groundless and malicious attempt to injure my character.

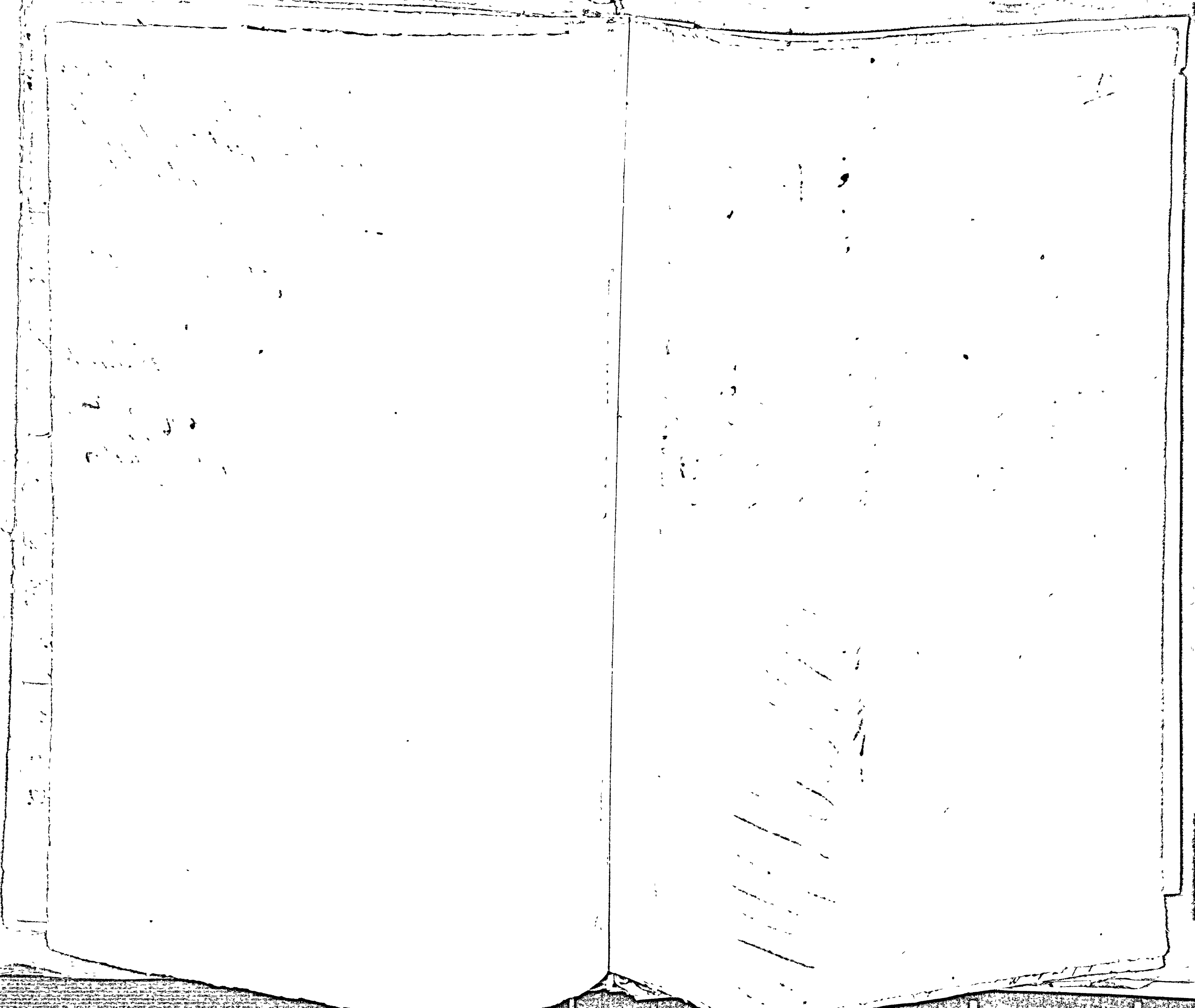
With regard to certain remarks about a protect manual, the Board of Revenue requested me to collect the materials for a manual of the hillore District, but not to send it up to be printed, till Government had passed orders on the two models of manuals at present before them. The information regarding hillore has accordingly been mostly collected and put together awaiting the further orders of the Board.

I trust I may be pardoned for having trespassed, at such length on the time and patience

patience of Government, but consider it right that Government should have before them the whole facts of the case, as between Major Blay and myself, and pronounce their opinion upon his conduct.

I have the honor to be
Sir
Your most Obedt Servant
Jas M Brooke
Acting Collector

Compd
17/11/82



133

S GOVERNMENT.
Under date the 17: Nov/68
Read the following letter

Referred to the Public Works

Department -

Wm. A. Salysell
Acting Secretary to Govt.

Fort St George.
21th November 1868

Order thereon November 1868. N^o
Ordered to be recorded.

029.8

Recy to Govt. P. M. D.
Department - 2
Recd 18/11/18

20

1868
The office of the
Commissioner of
the General Land
Office
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23. Singing to the notes of
 Love the conduct of Anger
 M. D. Days have to Anger
 in changes of the hills no danger
 & the birds of the air & the
 language the continually
 as of the in official correspondence
 repeated.

1000

Wm. Lloyd Garrison

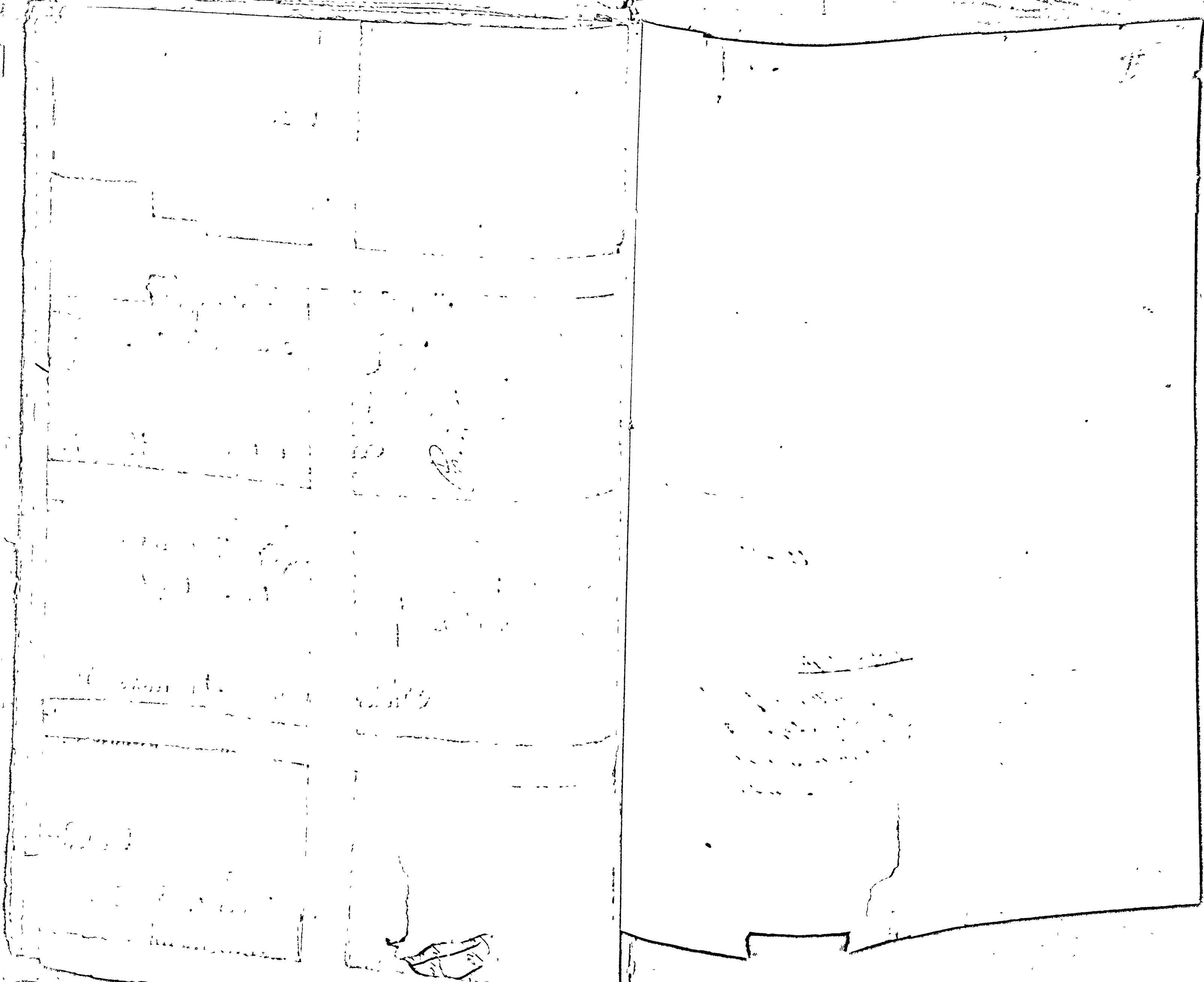
Dearest -

Wm. D. Orr

Secretary to Govt. &c.

~~Not for publication~~
 1922-23

John A. Brown.



327-328

Cuo 4335

Court of 1868 Madras.

PUBLIC WORKS.

To *The Public Works*

Re. Re. Re.

Dated *17th Nov*

Recd

G O, 17th Nov 1868, No 3592

Nos. 327-328

May - A. D. Major. Letter from the
Collector of Madras complaining against
the conduct of Major May, Esq.
-tent. Engineer in charge of the
Madras Range. Recorded.