MRO 1—77,006—8-6-37.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 1837 Press ~~Mis.~~

104-05

Dated 5 6 1829.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 5th June 1869.

No 104. Read the following Proceedings of the Board of Revenue, dated 5th April 1869 :—

Read the following letter from the Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated Camp at Kistnapatam, 17th March 1869, No. 595.

In continuation of my letter of the 10th ultimo, No 328, I regret to be obliged to forward to you a letter from Colonel Moberly, of the 3rd instant, from which it would appear that any further information as to the present state of the Kottapatam road is to be obtained from the Public Works Officer in charge, who, Colonel Moberly thinks, "will afford every facility towards ascertaining" the truth of the matter.

2. When Colonel Moberly writes of what I saw after the monsoon, he forgets what had been written regarding this road and the Sub-division roads generally before the monsoon; and when he talks, in the 2nd paragraph, of having sent Mr Sayce my charge regarding the non-employment of coolies, which he, Colonel Moberly, does not believe, he equally forgets that I am the Magistrate as well as the Collector of the District, and when I make a charge the course to be pursued is prescribed in the Code of Criminal Procedure.

3. A copy of this letter shall be forwarded to the Superintending Engineer for his information.

From the Superintending Engineer, 2nd Division, to the Collector of Nellore, dated Camp at Paroll, 3rd March 1869, No 152

I have the honour to acknowledge the receipt, yesterday, of your No 327, 10th February, which I could have better answered if it had reached me before I left the 4th Range, Nellore District

2 I have sent Mr Sayce your charge regarding the non-employment of the two, three, or four coolies per month entered in his Station book. I do not believe the charge, and must decline to press it against an Officer in Mr Sayce's position, but I have no doubt he will afford you every facility to satisfy yourself as to the truth of the matter.

3 Of course Mr Sayce is responsible, as is every Officer entrusted with money for the due outlay of it I do not understand your request for my opinion on a simple matter of fact, the accounts are sent in to the Controller of Public Works Accounts, and I doubt not but that Officer will let you have the bills if you wish for more detail than the Progress Reports afford

4 As I never saw the road before January, I cannot pretend to give any opinion as to the amount of work done since 1st April last. The Range Officer has stated the quantity of material supplied and labour employed, and I see no reason to doubt the correctness of his assertions Metal was carted from Pelluru and Ongole. I am not prepared to say whether there is any other quarry

5. I have now answered all your inquiries, but I must protest against your procedure towards my Range Officer and myself, and take the opportunity of remarking that, in my opinion, your description to the Revenue Board of the state of the Kottapatam road is not a fair one, when you drove the late Governor over it, I imagine it was quite new and had never been used, and your late visit was after the monsoon, after it had been severely tried by considerable traffic and the failure of the showers which serve to bind together the material put down for repairs

The Board resolve to submit this correspondence to Government, in continuation of the subject of their Proceedings dated 17th March 1869, No. 1,811.

2. They do not see how they could dispose of the matter even if they had before them the evidence to which Mr. Dykes alludes in letter dated 10th February Mr. Sayce is not subordinate to them, and they have no control over either Magistrates or Superintending Engineers.

3. Mr. Dykes' reference to the Superintending Engineer was made, they presume, under Section 167 of the Criminal Procedure Code, and if this assumption is correct, the refusal of the Superintending Engineer to press the charge is fatal to its further prosecution.

4. It seems to the Board, however, that the Superintending Engineer was bound to make enquiries into the matter, and not throw the onus on the Collector, who clearly did no more than his duty in bringing the matter to his notice. The condition of a road is not a matter needing professional knowledge, and any traveller over it can form a satisfactory opinion on its state.

TRANSFERRED to the Public Works Department, with reference to paragraph 2 of G. O, 14th April 1869, No. 1,007, Revenue Department.

FORT ST. GEORGE,
15*th April* 1869.

(Signed) H. WELLESLEY,
Acting Under Secretary to Government.

No 105 ORDER THEREON, 5th June 1869, No 1,837

CIVIL WORKS, No. 21.

COMMUNICATED to the Superintending Engineer of the 2nd Division.

2. The Government observe that the Collector of Nellore affirms in his letter of the 10th February 1869, that work was paid for on the Kottapatam road that never was done As it does not appear that this charge has been thoroughly inquired into, His Excellency the Governor in Council considers it necessary that Lieutenant-Colonel Moberly should obtain from the Controller the accounts of all expenditure on the road during the last official year with their accompanying vouchers, and, after comparing them with the work performed as far as it can now be judged of, should report in full and minute detail his opinion as to how far the money alleged to have been laid out on the road has been faithfully and advantageously applied

(True Extract.)

Colonel, R. E.,
Secretary to Government.

To the Revenue Department
,, Superintending Engineer, 2nd Division.
,, Controller of Public Works Accounts
Ind S T Augustin

No. 595.

Nellore Collector's Office
Camp Kottapatam
17 March 1869

From

J. H. B. Dykes Esqr
Collector of Nellore

To

A. MacGregor Esqr
Agent to the Board
of Revenue

Sir

In continuation of my letter of the 10th Instant No. 328 I regret to be obliged to forward to you a letter from Colonel Moberly of the 3 Instant from which it would appear that any further information as to the present state of the Kottapatam road is to be obtained from the Public Works Officer in charge, who Colonel Moberly thinks will afford every facility towards ascertaining the truth of the matter.

2 When Colonel Moberly writes

of what I saw after the Monsoon he forgets what had been written regarding this road and the sub divisional roads generally before the Monsoon and when he talks in the 2nd Paragraph of having sent Mr Sayer "my charge regarding the non-employment of Coolies which he, Colonel Waterfall does not believe, he equally forgets that I am the Magistrates as well as the Collector of the District and when I make a charge the course to be pursued is prescribed in the Code of Criminal Procedure.

3- A copy of this letter shall be forwarded to the Superintending Engineer for his information.

I have &c
Signed J. H. B. Dykes
Collector.

(True copy)

A Macfarlane
Ag Secretary

Mr Rust
C.P.W.D

Rev: 1075/69

To
The Asst Secretary
Revenue Board

No 595

Dated 20/3/69

Enclosure 1
Forwards further
report in continuation
of letter No 328 dated
10 instant with form
Colonel Moberly No 152
of 30/3/69

the due outlay of it. I do not understand your request for my opinion, on a simple matter of fact. the accounts are sent in to the Controller P. W. Accounts, and I doubt not but that Officers will let you have the bills if you wish for more detail than the Progress Reports afford.

As I never saw the road before January I cannot pretend to give any opinion as to the Amount of work done since 1st April last. The Range Officer has stated the quantity of material supplied and labour employed, and I see no reason to doubt the correctness of his assertions. Metal was carted from Pellury and Cingole. I am not prepared to say whether there is any other quarry.

I have now answered all your enquiries, but I must protest against your procedure towards my Range officers and myself, and take the opportunity of remarking that in my opinion your description to the Revenue Board of the state of the Kottapatam road is not a fair one - when you drove the late Governor over it, I imagine it was quite new, and had never been used, and your late visit was.

was after the monsoon, after it had been severely trod by Considerable traffic and the failure of the showers which serve to bind together the material put down for repairs.

I have &c.

/Signed/ F. J. Mobery
Lieut Coll
Supt Engr 2d Div.

/True Copy/

Attached
A.J. Secretary

G. Whyte

Revenue Department

No. 9

Proceedings of the Board of Revenue.
dated 5th April 1869.

Read letter from the Collector of Nellore dated 17th March 1869 No. 595.

The Board resolve to submit this correspondence to Government in continuation of the subjects of their Proceedings dated 17th March 69 No. 1811.

They do not see how they could dispose of the matter, even if they had before them, the evidence to which Mr Dykes alludes in letter dated 10th Febuary - Mr. Sager ~~The Sager~~ is not subordinate to them and they have no control over either Magistrates or Superintending Engineers -

Mr Dykes' reference to the Superintending Engineer was made, they presume under Section 167 of the Criminal Procedure Code, and if this assumption is correct the refusal of the Superintending Engineer to press the charge is fatal to its further prosecution -

It seems to the Board, however, that the Superintending Engineer was bound to make enquiries into the matter and not throw the onus on the Collector who clearly did no more

Rev 2/10/1869
Forwarded
To the Supt. Engr. 2nd Circle
& the Collector of Nellore
Order 32 {Board 1869
Rec'd
L. No 152
Publish & letter re-
furbishing Renamighy
- anicut & write costs
on certain Bonds subt
by Mr Sager.
BP 15/4/69

more than his duty in bringing the matter to his notice. The condition of a road is not a matter needing professional knowledge & any traveller over it can form a satisfactory opinion on state.

(A true Extract)

Asst Secretary

To,

The Asst Secretary to Government

Revenue Department

with copy of Collectors letter

& its Enclosures.

Copd W Comasing Sd
Y&Ewlocken

Rev= 1869. Deptl
No. 1075.

Proceedings of the
Board of Revenue -

Dated 5th April 1869
Despd 5th - do
Recd 7th No
Ex 2

Transferred
to the Public Works
Deptt with reference
to para: 2 of G. O
14th April 1869 1007
R. D.

H Wellesley -
Sy. Under Sey to Govt.
Fort St George
15 April 1869.

Kottapatnam road - in Nellore
Dist - Letter from Collr on
subject of, submitted to Govt

Rec.d 1869 Dept
Pro.s of Govt Dept June
No 1547.

(3)

Pro.s of the Board
of Revs

Dy 6th April 1869.
Rec.d 16th " "

Encl. 2.s

Transferring
Pro.s of the Board of
Revenue, submitting
correspondence relative
to the condition &c.a
of the Kottapatnam
road in the Nellore
Distt.

No 104

Rec.d 22nd May 1869 Ans.d 28th

No. 1837 - 5th June 69

Govt. P.W. Dept.
No. 1837
Proceedings of the Madras Govt.
Under date the 5th June 69
Read the following:-

Pro.s of the Board of Revenue (P.W.) dated 5th April 1869

~~Rec.d 16th Dy 1548 22nd Ans.d~~

Communicated to the Superintendent Engineer of the 2d Division.

The Government observe that the Collector of Nellore affirms in his letter of the 10th Feby. 1869 that work was paid for on the Kottapatam road that never was done. As it does not appear that this charge has been thoroughly inquired into, His Excellency the

the Governor in Council
considers it necessary
that Lieut Col. McAuley
should obtain from the
Controller the accounts of
all expenditure on the road
during the last official year
with their accompanying
vouchers, and, after com-
paring them with the work
performed as far as it can
now be proved, should
report in full and minute
detail his opinion as to how
far the money alleged to
have been laid out on the
road has been faithfully
and advantageously ap-
plied.

W.H.

2/ To the Revenue Dept
" Supg Engr 2d Div
& Controller, P.W. accts
Dept 7/6/69.

42
4

1547 Pub Works Dept.

9

Proceedings of the Madras Government
Under date the May 1869.
Read the following

From the Supg Engineer 2d Div (Here enter No 205 of 27 April 69)
Procgs of Govt Revenue Dept (" " " 1007 of the "
Procgs of the Board of Revenue (" " " 5 ")

See

I want the
return of the
papers.

These papers contain
the reply of the Supg Engineer
2d Division to the re-
quisition made upon him
in the Proceedings of Govt.
in this Department No 1186
of the 12th April last with
certain additional corres-
pondence between the
Collector of Nellore and the
Supg Engineer regarding
the Ongole and Kottapa-
tam road on the condition
of which the order above
quoted

quoted was passed.

2. The short length of road in question was clearly not in a satisfactory state when it was seen by the Collector, but this being admitted, there appears to have been nothing in the circumstances of the road to warrant the tone of the Collector's comments. The country through which the road has been made is a difficult one, and the road demands for its maintenance in an efficient state more than ordinary care, and was till lately unprovided with a sufficient allotment of money for its proper upkeep. The fact of the Superintendent having prepared a large estimate for the reformation of the road shewed that he agreed with the Collector that improvement was much needed, and the Court are of opinion that much useless and irritating discussion would have been avoided, had Mr. Dykes in the first place restricted himself to bringing the state of the road to the notice of the Superintendent leaving it to him to provide a remedy, if such were within his power, or to take such further steps as might be desirable.

3. The Collector's proceedings with regard to Mr.

Superin

Supervisor Sayce does not appear to have been well advised. The Supervisor was in charge of a Range; and, whatever Mr. Dykes may have thought of his conduct, or of his fitness for such a charge, he should have left it to the Supervisor's Superior, Colonel Roberts, to decide, after due examination, whether any blame attached to Mr. Sayce for the condition of the road.

4. The Government consider it necessary to point out to Mr. Dykes

Para 2 of his letter No 5957 of the 17th March to the Board of Revenue.

Dykes that, in his capacity as Magistrate, it may become his duty to hear charges preferred against members of the Public Works Department at the instance of their Departmental Superiors, or others, but that therein as Magistrate, it is not his province to dictate to the Officers of any other Department, the course they are to pursue in dealing with the proceedings of their Subordinates, even should

there

there be in Mr. Dykes' opinion some grounds for suspicion.

5. There does not appear to the Govt. to be any reason whatever why such matters as those to which these papers refer should be specially reported to the Board of Revenue, and transmitted by them, at the expense of much waste of time to all concerned to the Government. In the present case, all that was possible under the circumstances would probably have been done on the spot by Colonel Sherby

on

on learning that the state of the road required attention, and, if Mr. Dykes' desire was to obtain an improved management of the road, it was not judicious to comment in its condition in the manner he did. Wherever Collectors may think that there is anything which requires correction in the management of Public Works in their Districts, they should communicate with the Supt. Engineer; and only in important cases, in which there may be a serious difference of opinion on matters which the Supt. Engineer is not competent to decide finally, should Revenue Officers

Officers make a reference to Govt.; and they should then address the Secretary in the Public Works Dept., and forward the whole correspondence at once, and not as in the case under notice in fragments.

I cannot help but be sorry that I consider much to censure about Mr. Byles. I think the Collector did no more than his duty in bringing to the Board the miserable state of what the Road Cess Fund fallen when there was no one responsible for the expenditure but the Superintendent of Roads who dictated their repair which should be defrayed by those who have caused the decay & neglect of the public works in many instances with roads - repairs bridges &c. Here the

(3)
1547

[illegible]

[illegible] necessary only with the
the Lords of the P.C. of Ireland
default in their official means - or
insufficient establishments in the
deficiency and detection of the Dept - or
any cause - but there they are -
and they may naturally arise the
Judges of the Collectors deeply interested
in the welfare of their districts. I
build record the severe evidence -
repair the road & bridge: -
I therein known Mr Dykes letter
of Sept 10/69 that he affirm that
work was paid for that was never done
that a charge was made for work
was performed. I would refer
that to the letter of Mr
Bellew
a new & better
draft will

Q. 22nd May 1869 Ed. 25th

C. No 1547.

Govt. of {1869} Madras.

PUBLIC WORKS.

To The Revenue Deptt

Dated

Rec'd Encl. 2

G O 5th June 1869, No 1877

Nos. 104-105

Roads. Passing orders on papers relative to the condition &c of the Kotapatam road in the Nellore Distt.

C. 22nd May 1869 Rs. 25-