W R O 1—77,006—8-6-37.

(1) Number of pages

(2) Date of repair

(3) Initials of the Reference

MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 2362 Press / Mis.

1956-57.

Dated 9 — 9 — 18 11.

Not to be folded or roughly handled

Read the following papers:—

No. 154. From the Executive Engineer in charge of the 5th Division, to the Secretary to Government, Public Works Department, dated Cuddalore, 17th August 1871, No. 110.

1 Statement of Complainant.
4 Statements of Witnesses
1 Statement of Defendant
1 Sentence of the Magistrate.

With reference to G. O, No. 1,992, of the 19th August 1870, I have the honour to forward a copy of the record of the case of assault brought against Major Hunter, a Planter on the Shevaroy Hills, by the Ghaut Overseer, before the Justice of the Peace at Salem.

2. Lieutenant-Colonel Roberts, the late Acting Superintending Engineer, in his letter No 81, of the 27th August 1870, called upon Major Hunter for a detailed account of the expenditure of the grant of Rupees 12,550 entrusted to him for the construction of the Ahtoor and Kurdiyur ghaut roads, but it has not yet been received, and a reminder has now been sent to him.

3. As regards the other charge against Major Hunter, of his obstructing an officer in the discharge of his public duty, Captain Hindle, the late Executive Engineer, Salem Range, reported that "the case came on the 1st November 1870 before the High Court, and that the defendant was acquitted on the ground that the maistry and coolies were not public servants within the meaning of the Act;" also that "the Judge made some severe remarks, when informing Major Hunter that he was acquitted, on the gravity of the offence of obstructing a public servant in the execution of his duty, and recommended him to come to some arrangement with the Department Public Works."

4. I understand that *all* the papers connected with the ghaut roads and with Major Hunter's case were forwarded to the Collector of Salem in February last, and that they were not returned until the 25th July 1871, and hence the long delay in the submission of this report and of the papers now forwarded.

5. In a letter, dated 20th July 1871, No. 2,007, the Collector of Salem states that Major Hunter has no claim whatever to that portion of the Ahtoor and Kurdiyur ghauts running through his property at Pattipady and Kurdiyur, and that, as regards the damage done by Major Hunter to the portion of the Ahtoor ghaut which runs through his Pattipady estate, the Government would have a good case for damages in a Civil Suit; but on receipt of the detailed account of the expenditure of Rupees 12,550, which Major Hunter has been called upon to furnish, I shall again address the Government on this subject.

No. 155. From the Collector of Salem, to the Secretary to Government, Public Works Department, dated Salem, 21st August 1871, No. 2,372.

With reference to the Proceedings of Government of the 18th instant, No. 102, I have the honour to state that the matter of the Ahtoor and Nagalore ghaut roads cannot be placed before the Local Fund Board till final orders are passed on my letter to the Superintending Engineer, 5th Division, dated the 20th ultimo,

No. 2,007, which, I believe, has been submitted to Government by the late Colonel Boileau. In case, however, this letter should not have been submitted, I beg to enclose a copy of the same.

2. I am convinced that Major Hunter has no right whatever to the roads in question, which, under the rules, became reserved when the estates through which they run were purchased, and it is important that measures should be adopted with the least possible delay to put a stop to the Major's interference with these roads.

From the Collector of Salem, to the Superintending Engineer, 5th Division, dated Camp at Shevaroys, 29th July 1871.

I HAVE the honour to return, with thanks, the correspondence connected with the Ahtoor ghaut received from you.

2. As the manner in which the funds placed at Major Hunter's disposal for the construction of the Ahtoor ghaut were expended by that Officer, has been fully discussed in Colonel Roberts' letter to Government, dated 27th July 1870, on which the Government in G. O., dated 19th August 1870, No 1,992, have directed Major Hunter to be called upon to furnish a detailed account of the expenditure of the Government grant entrusted to him, I need not go over this ground again, merely remarking that I conclude action will be taken on this G. O. in your department.

3. As regards Major Hunter's claim to that portion of the Ahtoor and Kurlivur ghauts running through his property at Pattipady and Kurlivur, it is abundantly clear from the records of this office that the property through which these roads run was acquired by Major Hunter subsequent to the construction of the roads, *i. e.*, he became possessed of the property on the 1st February 1851 * These roads were distinctly marked on the maps attached to the title-deeds granted to Major Hunter, and that they were *acknowledged by him* to be correct is evident from the enclosed duplicate copies of the same. And although the land was not deducted from the total area of each estate, yet, under Section XXII † of the rules, *existing* roads became *reserved* and are in no way affected by the subsequent sale of the lands, through which they ran, to Major Hunter on the 1st February 1851 If, however, it should be decided to keep up the Ahtoor ghaut (under the new Local Funds Act), I would recommend that the extent occupied by the roads be measured off and deducted from the total area of Major Hunter's Kurdiyur and Pattipady estates.

* Vide Mr Pochin's letter to the Executive Engineer, No 220, of the 14th December 1850, and also his memorandum to Colonel Roberts, No 78, of 14th July 1870.

† Section XXII.—The existing and customary rights of Government or other proprietors in and of the paths in existing roads and paths and in streams running through or bounding lands sold under these rules are reserved and in no way affected by the sale of such lands under these rules

4 As to the damage done by Major Hunter to the few hundred yards of the Ahtoor ghaut which runs through his Pattipady estate, I am quite clear that the Government would have a good case for damages in a Civil Court.

5. When the present Ahtoor ghaut was made by him, it was 15 feet in width. As you are aware, Major Hunter has now encroached upon this and through the Pattipady estate; there is barely 3 feet left in some places, and in one spot, where Major Hunter is working his pulping machine, the limited path he has left is dangerous, owing to the pulp and refuse of the coffee being turned on to the road instead of being taken under it, thereby rendering the path very slippery and dangerous I would suggest that your department being more intimately connected with the up-keep of this ghaut, as it has always been an Imperial line, that you, as Superintending Engineer, should obtain the sanction of Government for suing Major Hunter for damages to Government property for the manner in which he has wantonly destroyed some miles of this grant I am quite sure that it will be necessary to do this in order to secure the Government from a further molestation from Major Hunter.

6 As regards the question mooted by the late Superintending Engineer and yourself, of abandoning the Ahtoor ghaut, *i. e.*, ceasing to spend any more money in its up-keep, and transferring the allowance now spent upon this ghaut to again opening out and eventually constructing a road for wheeled traffic from Mallapoorum to Yercaud via Nagatore, as originally contemplated by the late Captain Gahagan, who prepared an estimate amounting to 20,000 Rupees for this road, I shall lay the matter before the Local Fund Board, when the Local Fund Budget for 1872-73 comes under consideration in September next I may, however, mention that the planters are rather in favour of keeping the Ahtoor ghaut and opening out the Salem ghaut for wheeled traffic, as the distance (19 miles) from Mallapoorum to Yercaud is so great

---

No. 156. ORDER THEREON, 9th September 1871, No. 2,302.

ESTABLISHMENT, No. 21.

RESOLVED that these papers be referred to the Government Pleader with a view to his advising Government on the proposal of the Collector of Salem to sue Major Hunter.

2 Major Hunter has in a separate order been called upon to furnish an account of the expenditure incurred by him from the Government grant of Rupees 12,550 His Excellency the Governor in Council desires to be informed whether, in the event of Major Hunter refusing to render the required account, he is liable to prosecution in the Civil Courts for malversation or misappropriation of public money.

(True Extract.)

(Signed) A. deC. SCOTT, Captain, R.E.,

Under Secretary to Government.

To the Government Pleader.
" Superintending Engineer, 5th Division.
" Collector of Salem
" Revenue Department.

Exd. E. C. Shunker.

V

Salem Collectors Office
Camp Shevaroys
20th July 1871

From

C. T. Longley Esquire
Collector of Salem

To

Colonel A. J. M. Boileau
Superintending Engineer
5th Division

Sir,

I have the honour to return, with thanks, the correspondence connected with the Athlon Ghaut received from you.

2. As the manner, in which the funds placed at Major Hunters disposal for the construction of the Athlon Ghaut were expended by that Officer, has been fully discussed in Colonel Roberts letter to Government dated 20 July 1870, on which the Government in G. O. dated 19th August 1870. No 1992. have directed Major Hunter to be called upon to furnish a detailed account of the expenditure of the Govt grant entrusted to him, I need not go over the ground again, merely remarking that I conclude action will be taken on this G. O. in your Department

3. As regards Major Hunter's claim to that portion of the Athloor and Karadigur Ghats running through his property at Pattypade and Karadigur, it is abundantly clear, from the records of this Office, that the property, through which these roads run, was acquired by Major Hunter subsequent to the construction of the roads, ie. he became possessed of the property on the 1st February 1864. These roads were distinctly marked on the maps attached to the Title-deeds granted to Major Hunter, and that they were acknowledged by him to be correct is evident from the enclosed duplicate copies of the same. And although the land was not dedicated from the Total area of each estate, yet, under section XXII of the rules existing Roads became reserved and are, in no way, affected by the subsequent sale of the lands, through which they ran, to Major Hanter on the 1st February 1864. If, however, it should be decided to keep up the Athloor Ghat (under the new Local Funds Act), I would

Vide Mr Price's letter to the Executive Engineer N: 220 of the 1st December 1869, and also his Memo to Colonel Ross's N: 98 of 14th July 1870.

Section XXII. The existing and customary rights of footpaths, pathways and passages and of the pathways, roads and water courses through boundary lands and under these rules are reserved and in no way affected by the sale of such lands under these Rules.

recommend that the extent occupied by the roads be measured off and deducted from the total area of Major Hunter's Karadigur and Pattipady estates.

4. As to the damage done by Major Hunter to the few hundred yards of the Athloor Ghaut, which runs through his Pattipady estate, I am quite clear that the Govt would have a good case for damages in a Civil Court.

5. When the present Athloor Ghaut was made by him, it was 15 feet in width. As you are aware, Major Hunter has now encroached upon this, and through the Pattipady estate, there is barely 3 feet left in some places, and in one spot where Major Hunter is working his pulping machine, the limited path he has left is dangerous, owing to the pulp and refuse of the coffee being turned on to the road, instead of being taken under it, thereby rendering the path very slippery and dangerous.

"I would suggest that your Department being more intimately connected with the upkeep of this Ghaut, as it has always been an Imperial line, that you, as Superintending Engineer, should obtain the sanction of Govt. for suing Major Hunter for damages to Govt. property for the manner in which he has wantonly destroyed some miles of this Ghaut. I am quite sure that it will be necessary to do this, in order to secure the Govt. from further molestation from Major Hunter.

6. "As regards the question, mooted by the late Superintending Engineer and yourself, of abandoning the Athoor Ghaut, i.e. "ceasing to spend any more money in its upkeep, and transferring the allowance now spent upon this Ghaut to again opening out, and eventually constructing a Road for wheeled traffic from Mallapooram to Goreâd viâ Kayalore, as originally contemplated by the late Captain Gahagan, who prepared an estimate

amounting to 20,000 Rs. for this road, I shall lay the matter before the Local Fund Board, when the Local Fund Budget for 72.73 comes under consideration in September next. I may, however, mention that the planters are rather in favour of keeping the Athoor Ghaut and opening out the Salem Ghaut for wheeled traffic, as the distance (19 miles) from Mallapooram to Goreâd is so great.

I have the honour to be

/Signed/ C. J. Longley
Collector.

(True Copy)

C. J. Longley
Collector.

Comp.? &c!

Encl: Letter from the Collector of Salem
Dated 21st August 1871
No. 2372.

P. No. 4151/71

Copy of Collectors Letter to the Supdg: Engineer on the subject of the Shalim Ghaut

No. 110

Supdg: Engineers Office, 5th Division,
Cuddalore, 17th August 1871.

From,

Captain James Vertue R.E.,
Executive Engineer in charge of the
5th Division

To,

Colonel J. Carpendale R.E.,
Secretary to Government, P.W.D.

Sir,

Subject: Sanction of Lieutenant. Witnesses & Defendants of the District.

With reference to G.O. No. 1992 of the 19th August 1870, I have the honor to forward (in copy) the record of the case of assault brought against Major Hunter as Hunter on the Sherevoy Hills, by the Ghaut Overseer before the Justice of the Peace at Salem.-

2. Lieutenant-Colonel Roberts, the late Supdg: Superintending Engineer, in his letter No. 81 of the 21st August 1870, called upon Major Hunter for a detailed account of the expenditure of the grant of Rs. 12,550.-, entrusted to him for the construction of the Attoor and Kurdiyur Ghaut roads, but it has not yet been received, and a reminder has now been sent to him.-

3. As regards the other charge against Major Hunter of his obstructing an officer in the discharge of his public duty, Captain Hindle, the late Executive Engineer, Salem Range, reported that the case came on the 1st November 1850 before the High Court, and that the Defendant was acquitted on the ground that the Mistry and Coolies were not public Servants within the meaning of the Act; also that the Judges made some severe remarks, when sentencing Major Hunter that he was acquitted, on the gravity of the offence of obstructing a public Servant in the execution of his duty, and commended him to come to some arrangement with the D. J. G.

4. I understand that all the papers connected with the Ghaut roads and with Major Hunter's case were forwarded to the Collector of Salem in February last, and that they were not returned until the 25th July 1851, and hence the long delay in the submission of this report and of the papers now forwarded.—

(V)

5. In a letter dated 20th July 1851, No 2004, the Collector of Salem states that Major Hunter has no claim whatever to that portion of the Attur and Kurdiapur Ghauts running through his property at Pattipadi and Kurdiapur, and that, as regards the damage done by Major Hunter to the portion of the Attur Ghaut which runs through his Pattipadi Estate, the Government would have a good case for damages in a Civil Suit; but, on receipt of the detailed account of the expenditure of Rupees 12,550 which Major Hunter has been called upon to furnish, I shall again address the Government on this subject.

I have the honor to be
Sir,
Your most obedient Servant—

Lewis Pelly, Captain &c.
Executive Engineer in charge.—

From 19th Coy's Jr Nos 321-322

Rec'd 1871 Sept—

From, — No. 3939

The Executive Engineer

Sierra Leone.

Sir,

I am directed by the Secretary of State

for War to acquaint

you that Mr. Commissioner

Ormsby Gore has been

appointed by the Governor

of Sierra Leone to be

a Magistrate for the Colony.

I am, Sir,

Your obedient Servant,

[illegible]

Dated 17th August 1871

Rec'd 21st do.

No. 2302, 9th Sept. 71.

Lieutenant Colonel

Major Tuckett.

Forwarding Copy of

record of the case of

Assault brought against

Major Tuckett, at Plantain

on the Sherbro Hills, by

the Headman Gurrah,

before the District

Magistrate of Sherbro.

1874.

C Corby 22 Augt 1874 pleased to take

In case Honorable Bureau Letter Number not been submitted, I beg to enclose a copy of the same.

C.

Under the heads in Rules, &c. Estates has not been touched that means the back to the Rajah House, Goa

11/

Com.

C.J. Loughlay

Collector

Comptroller's Office
&c

P. W. 1871 Sept
No 11151.
From
The Collector
of Salem
To
The Secy: to Govt
P W Dept.

Dated 21st August 1871
Rec'd 2nd Septr/71
No 2372
Ans'd 5th Sept/71

Referred upon the law and Regulations on the Steam ferry bills.

No 2302-9 Septr/71

Publick Works Department

Letter from the Collector of Salem dated 21st August 1871. No 2372.
Executive Engineer in ch of the 5th Dn dated 17th August 1871.

Circulated for orders —

9 Aug: 25th

I think that we should refer Mr Langley's proposal to the Rajah Hunter for damage done to the Govt Property
Send as Govt Property
& the Govt Solicitor for their opinion. If the opinion is favorable to the right of Govt I would see Rajah Hunter.
I think that Rajah Hunter should be called upon again to render an account of his expenditure of the Govt Money entrusted to him or if he refuses to render an account the Govt should consider the propriety of reporting his conduct

for notice to the Commandant Chief. I would like to be informed whether Mr Hunter refuses to render an account he is liable to prosecution before the Civil Courts for malversation or misappropriation of public funds.

Public Works Department

No 2392

Proceedings of the Madras Government

Under date the 9th September 1871

Read the following

From The Chief Engineer in charge of the 5th Division, G.O. No 110 of 17th August 1871

From The Collector of Salem. " " 2372 of 21st " "

Resolved that these papers be referred to the Government Pleader with a view to his advising Government on the proposal of the Collector of Salem to sue Major Hunter.

Major Hunter has in a separate order been called upon to furnish an account of the expenditure incurred by

[illegible] by him from the
Governor General
[illegible]
Excellency the Governor
in Council desires
to be informed whether
in the event of Major
Hunter declining to
refund the required
Recognizance he is liable
to prosecution in the
Civil Courts for mal
versation or misappropriation
of public money.

[illegible]
31 Aug: 71.

The Govt Pleader
[illegible]
Advt General
Rev Regd
Depd 11/9/71.

e-bus. 39099 4151.

Govt of Madras.

PUBLIC WORKS.

9 Sept 1902.

Nos. 1570156.

Major Bewley. Forwarded
Lt Col Pilcher
a copy of his address
to Major Bewley
for Civil Comb.

Dept 11/9/71.