

(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.	569	Press
		Mis.
546-47		
Dated	27-2	8-77

Not to be folded or roughly handled

No 546 Read the following letter from the Superintending Engineer, 2nd Division, to the Secretary to Government, Public Works Department, dated Camp at Chinacratra, 31st January 1871, No 148 —

In acknowledging G O, No 63, 10th instant, I have the honour to observe that I am placed in a difficulty, in that I have not so much as seen or heard of the charges on which I have been condemned.

2 I cannot think that the Government are aware that the correspondence with Lieutenant A. C. Smith commenced by Mr. Boswell's sending him, upwards of a year ago, a slip of China paper containing a claim for a small debt made by certain Comaties, with an endorsement, desiring him to remit the money. To this Lieutenant Smith replied that "he would attend at his leisure."

3. Mr. Boswell thereon informed me that he proposed to report Lieutenant Smith's conduct to Government, but would first give him the opportunity of apologizing through me, as he could not himself reply to such a letter.

4. I enclose his letter to me and copy of my answer. I took an early opportunity of pointing out, both by letter and speech, to Lieutenant Smith that, in my opinion, he had been wrong in replying as he had done, although I submit even now, that Mr. Boswell set the example of discourtesy. I urged him to pay the amounts claimed, or at any rate so much as he acknowledged might be due and my impression is that, in accordance with my advice, he did pay. I declined to interfere on his part, and understood that the matter had been arranged by some direct communication between the two gentlemen. I am therefore utterly amazed now to find my name mixed up with the affair.

Enclosed copies of two dockets to Lieutenant Smith, No 1,392, dated 13th December 1869, and No 1,517, dated 10th January 1870

5. I would call attention to the subject of the final paragraph of my letter No 253, which refers to a call made on me to adjust a claim eight years old against some persons of whom I knew nothing

6 Mr. Boswell having, as Collector, forwarded for *explanation* other complaints against my subordinates, which it appeared to me should have been made to me direct, I took the opportunity of requesting that he would receive them in his magisterial capacity, as I could not find the writers, and enquiry by us, or him as Collector, would be unsatisfactory, to this he agreed as I thought, and I considered my further interference unnecessary.

7. I cannot recall a single instance in which I have originated a discussion with the Revenue Officers, the letter as to the circular in the *Distriet Gazette*, remarking on the inconvenience caused by the Collector's instructions, being *opposed to those of the Controller, Public Works Accounts*

8. On the other hand, I beg to bring to notice various occasions on which Mr. Boswell questioned the acts of Range Officers, *e g*, their power to lop, trim, or cut down useless trees in our charge, a procedure which had been in vogue under his and my predecessors. I acknowledged that in strict law we had no right,

*Proceedings of the Madras Government, Public Works Department,
27th February 1871.*

but that I thought if Range Officers could not be entrusted with so much power, we had better give over charge of the expenditure under Jungle Conservancy to the Tahsildars, whom he apparently considered more trustworthy. Meanwhile I strictly forbade Range Officers touching the trees, etc.

9 The Collector replied by forwarding a set of rules, which he proposed to publish, but though I expressed my assent immediately, nothing has been done. We are still supposed to be in charge of certain plantations, but are limited in our action to planting and preserving our own trees.

10 In March last, Mr Boswell called on me for my authority for leasing out fisheries in the delta canals and tanks.

11. Knowing nothing of the matter, I referred to my Range Officers, and found that leases had been given by some of them, in some cases after notice in the *District Gazette*. The custom appears to have originated in Colonel Anderson's time. In my reply of June, I argued that the Department Public Works being in charge of the irrigation works, it seemed to me most convenient that we should look after the management of the canal fisheries. In deference, however, to his protest, I forbade my Range Officers giving any licenses, and have more than once informed Mr Boswell (in reply to his repeated enquiry) that, so far as I know, no lease has been granted during the current official year for any canal fishery, and that we had never interfered with salt water fisheries, or those in tanks out of the delta.

12. I would remark that although the issuing of licenses and general control of the fisheries in our canals had been under this department, the revenue realized had either been paid to the Tahsildars or collected by them.

13. In a late instance where certain renters complained to Mr. Norris that they had been punished for fishing in Rapully tank in spite of the license which they held from him, the Collector, on the Tahsildar's report, denied the fact, but on my producing the Police occurrence reports, this denial was modified into a statement that some parties had been warned once, and others punished, for fouling a drinking water reservoir by fishing.

14. I only mention this now as I am informed that Mr Boswell has reported the matter to Government before he has completed any enquiry.

15 I enclose copy from a letter of Mr Boswell's to me, on receiving it I was so surprised at the statement that I went to Sheir Mahomedpett myself to enquire. No 379, 13th December 1869. Not only the Range Officer and the Overseer, but the villagers and Revenue Inspector disavowed it, though further correspondence took place, Mr Boswell has never acknowledged his mistake, or withdrawn the imputation he cast on the members of this department.

16 G O, No 920, of 1st April 1870, was passed on a letter of Mr. Boswell suggesting my neglect, though I had expressly said my action was in accordance with orders from the Government of India.

*Proceedings of the Madras Government, Public Works Department,
27th February 1871*

17 G. O, No 2,937, of 31d December 1870, contained another reference as complaining of me. The Chief Engineer for Irrigation and Captain Smalley discussed it with me. I have left it for Major Mullins to report on, but I believe he was satisfied that even the earthwork could not be done for less than 70,000 Rupees.

18 Mr. Boswell at first declined to countersign the project for irrigation at Budam (since approved by Government) because he preferred, at his Tahsildar's suggestion, to lengthen the Dumpakodu calingulah. He has passed several other remarks of similar nature on our works, all of which have caused great offence to the members of the department, but of which I have taken the slightest possible notice to him, assuring my officers that such remarks could not injure them, even if reported to Government.

19 I beg particularly the attention of Government to the correspondence regarding the road from Amaravaty to Guntoor, as an example of Mr Boswell's procedure. After many months' delay I was informed that the accounts were ready, and desired the Range Officer to take over charge. He found a deficiency in the quantity of materials said to be prepared to the amount of Rupees 1,702-11-3. I reported this to the Collector, and declined to take over charge till the matter was adjusted. Mr. Boswell submitted the subject without further enquiry to Board of Revenue, with a long statement from the Tahsildar, which I can only say is incorrect in nearly every fact. No member of this department ever measured and passed the materials, nor is it, so far as I know, the custom of the department to measure the stone for the first time after it is packed on the road. I did not see the Tahsildar's letter till I received the Board's Proceedings; its statements as to advances, method of measuring, etc., appear to me worthy of remark, the rules in force in the Department Public Works hamper us considerably in comparison.

20. I had occasion more than once to acknowledge to the Chief Engineer for Irrigation during his recent visit to the Kistna District, that I had, through fear of injury to my personal prospects, omitted to take up matters regarding extravagant use of water in cultivation, remission of revenue, etc., in which I could not find myself fully authorized to interfere.

21. I trust that my assertions as above, in support of which a large correspondence can be produced if necessary, will satisfy Government that I have yielded in many points where my position was doubtful, although my charge of works in the delta might have warranted my continuing practices commenced by my predecessors, and I believe known to, and allowed by, former Collectors.

22. I have apparently given offence because I declined to interfere in points not concerning me departmentally, and in which I knew I had no authority and, in all honesty, doubted whether Mr. Boswell had.

23. I may observe that the Sub-Collector of Nellore, having about the same time referred to me a case of somewhat similar nature, informed me, on my asking him the question, that he had no authority as Collector or Magistrate.

Proceedings of the Madras Government, Public Works Department,
27th February 1871

No. 547. ORDER THEREON, 27th February 1871, No 569.

ESTABLISHMENT, No. 47.

THE Government having carefully perused these papers see no reason for modifying their Orders of the 10th January 1871, No 68

2. It was clearly Colonel Moberly's duty on a representation having been made to him by the Collector of the conduct of Lieutenant Smith in the matter of the non-payment of demands for supplies and carriage, to have exercised the authority of a superior over his subordinate in order to ensure the prompt settlement of those demands, instead of raising, as Colonel Moberly appears to have done, any questions as to the authority under which Mr. Boswell acted.

(True Extract.)

Colonel, R E,

Secretary to Government.

To the Superintending Engineer, 2nd Division

Exd. S. T. Augustin.

10/48

Supy Engrs Office 2nd
Camp Chumachas
31 January 1871

From Colonel J. J. Moberly R.E.
Superintending Engineer 2nd Div.
To Colonel C. A. O'M R.E.
Secretary to Government
D. P. O.

Encls - 9

Sir I am acknowledging G. O. No 68. 10th inst., I have the honor to observe that I am placed in a difficulty in that I have not so much as seen, or heard of, the charges on which I have been condemned.

2 I cannot think that the Government are aware that the correspondence with Lieutenant A. C. Smith commenced by Mr Boswell's sending him, upwards of a year ago, a slip of China paper, containing a claim for a small debt, made by certain Comaties, with an endorsement, desiring him to remit the money. To this Lieut Smith replied that he would attend at his leisure.

3 Mr Boswell thereon informed me that he proposed to report Lieut Smith's conduct to Government, but would first give him the opportunity of apologizing through me, as he could not himself reply to such a letter.

4 I enclose his letter to me and copy of my

1 Collector's Return
Original letter No 68
100 20157-27/10/70
1 Copy of the letter to the
10252 27/10/70
100 290-29/10/70

answer. I took an early opportunity of pointing out, both by letter and speech, to Lieut. Smith that in my opinion he had been wrong in replying as he had done, although I submit even now, that Mr Boswell set the example of discourtesy. I urged him to pay the amounts claimed, or at any rate so much as he acknowledged might be due. My impression is, that, in accordance with my advice, he did pay. I declined to interfere on his part, and understood that the matter had been arranged by some direct communication between the two gentlemen. I am therefore, utterly amazed now to find my name mixed up with the affair.

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2 of requesting that he would receive them in his magisterial capacity, as I could not find the writers, and enquiry by us, or him as Collector, would be unsatisfactory - to this he agreed as I thought, and I considered my further interference unnecessary.

7 I cannot recall a single instance in which I have originated a discussion with the Revenue Officers - the letter as to the Circular in the District Gazette remarking on the inconvenience caused by the Collector's instructions being opposed to those of the Controller Public Works Accounts.

8 On the other hand, I try to bring to notice various occasions on which Mr Boswell questioned the acts of Range Officers - e.g. their power to lop, trim, or cut down, useless trees in our charge, a procedure which had been in vogue under his and my predecessors. I acknowledged that in strict law we had no right, but that I thought if Range Officers could not be entrusted with so much power, we had better give over charge of the expenditure under Jungle Conservancy to the Jaidars, whom he apparently considered more trustworthy. Meanwhile I strictly forbade

Enclosed Copy
of 2. Dashed to Lt
Smith No 1392 of
13 Dec 1897
1517 of 10 Jan
1898

Range Officers touching the trees.

9 The Collector replied by forwarding a set of rules which he proposed to publish, but though I expressed my assent immediately, nothing has been done. We are still supposed to be in charge of certain plantations, but are limited in our action to planting and preserving our own trees.

10 In March last, Mr. Oswell called on me for my authority for leasing out fisheries in the Delta Canals and tanks.

11. Knowing nothing of the matter, I referred to my Range Officers, and found that leases had been given by some of them; in some cases, after notice in the District Gazette. The custom appears to have originated in Colonel Anderson's time. In my reply of June, I argued that the D.P.O. being in charge of the irrigation works, it seemed to me most convenient that we should look after the management of the Canal fisheries. In defence however to his protest I forbade my Range Officers giving any licenses, and have more than once informed Mr. Oswell in reply to his repeated enquiry that, so far as I know,

3
no lease has been granted during the current /official/ year for any canal fisheries, and that we had never interfered with salt water fisheries, or those in tanks out of the Delta.

12. I would remark that although the issuing of licenses and general control of the fisheries in our Canals had been under this Department, the revenue realized has either been paid to the Tasil Daro, or collected by them.

13. In a late instance where certain renters complained to Mr. Davis that they had been furnished for fishing in Rappally tank in spite of the license which they held from him, the Collector, in the Tasil Daro's report, denied the facts, but on my producing the Police Occurrence reports, this denial was modified into a statement that some parties had been warned once, and others furnished for fencing a drinking water reservoir by fishing.

14. I only mention this now as I am informed that Mr. Oswell has reported the matter to Government before he has completed any enquiry.

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15 I enclose Copy from a letter of Mr. Boswell to me. on receiving it I was so surprised at the statement that I went to Sher Mahomed & put myself to enquiry. Not only the Range Officer and the Overseer, but the villagers and Revenue Inspector disavowed it. Though further correspondence took place Mr. Boswell has now acknowledged his mistake & withdrawn the imputation he cast on the members of this Dept.

no 379-133
Decr 1869

What is it
Sir. Mr. Boswell
Boswell's letter

16 G.O. No 920 of 14 April 1870 was passed on a letter of Mr. Boswell, suggesting my neglect; though I had expressly said my action was in accordance with orders from the Government of India.

17 G.O. No 2937 of 30 December 1870 contained another reference as complaining of me. The Chief Engineer for Irrigation & Captain Smalley discussed it with me & I have left it for Major Sandilands to report but I believe he was satisfied that even the earth work could not be done for less than 70,000 Rs.

18 Mr. Boswell at first declined to countersign the project for irrigation at Budam since approved by Government / because he preferred at his Jaisildar's suggestion, to lengthen the

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19 I beg particularly the attention of Government to the correspondence regarding the road from Amaravaty to Guntur as an example of Mr. Boswell's procedure - After many months delay I was informed that the accounts were ready, and desired the Range Officer to take over charge. He found a deficiency in the quantity of materials said to be prepared to the amount of Rs 1702-11-3. I reported this to the Collector and declined to take over charge till the matter was adjusted. Mr. Boswell submitted the subject without further enquiry to Board of Revenue with a long statement from the Jaisildar - which I can only say is incorrect in nearly every fact. No member of this Department ever measured and passed the materials nor is it, so far as I know, the custom of the Department to measure the stone for the first time after it is packed on the road. I did not see the Jaisildar's letter

Rev. Board Original
Proceedings
No 6469-3rd Nov 70
1-206-16 Jan 71

5
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as to advances. method of measuring &c. appear
to me worthy of remark. The rules in force in the
D.P.W. hamper us considerably in comparisons
20 I had occasion more than once to acknowledge
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recent visit to the Krishna District, that I had,
through fear of injury to my personal prospects,
omitted to take up matters regarding extravagant
use of water in cultivation, remission of Revenue &c.,
in which I could not find myself fully
authorized to interfere.

21. I trust that my assertions as above, in
support of which a large correspondence
can be produced if necessary, will satisfy
Government that I have yielded in many
points where my position was doubtful, although
my charge of works in the Gatta might have
warranted my continuing practices commenced
by my predecessors, and I believe known to &
allowed by former Collectors.

22 I have apparently given offence because
I declined to interfere in points not concerning
me departmentally and in which, I knew had

no authority and in which I honestly doubted whether
Mr. Brumell had.

23 I may observe that the Sub Collector at Bellary
having about the same time referred to me a case
of somewhat similar nature, informed me, in
my asking him the question, that he had no
authority as Collector & Magistrate.

I have the honor to be
Sir
Your most Obedt Servt

J. H. Keoberry Collr
Superior 7/2/82

615-24/17 2772

8546

8569-27 Feb 71

Chances that the
is placed in difficulty
is that the Government
do need to send
or hand of the things
on which the
have condemned
in G. O. No 68 of 10th
Nov 70. Instructions
- have been forwarded
on the subject -

Encl 2

Recd 31. January 71
Mum 14. February 71

Madras

to Mr. Deputy Commr
of the District

The District Engineer

1871 No 11
20 of 10th Feb 71
Mum 14. February 71

1871 No 11
Proceedings of the Madras Government
Under date the 27th February 1871
Read the following

From the Sup^d Engr^g H. E. No 11, 87 of 31st Jan^y 1871.

of the 2nd Dec^r

I agree but I am
under the impression
in all these matters - there
may have been faults - but
the heat is rather
in the defect.

N.

The Government
having carefully perused
these papers see no rea-
son for modifying their
orders of the 10th January
1871. No. 68.

It was clearly
Col. Incherly's duty on a
representation having been
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matter of the non pay-
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supplies and carriage,
to

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 to ensure the prompt
 settlement of those demands
 instead of raising, as
 Col. Ingham appears to
 have done, any (irritating)
 questions as to the autho-
 -rity under which
 Mr. Boonwell acted.

[Signature]

20
 2
 The Supr Cong. 2^d Div.
 Wm. Wright Clerk
 Dec^r 28/2/71

616th Feb 1/71 R. 17th

Rec^d April 1/71 R. 103
 " Dec^r — 82-83
 " 1st January 1/71 — 136 @ 138

to have exercised them

Op 534

Govt. of {1871} Madras.

PUBLIC WORKS.

To
The Superintendent Engineer
2^d Division

Dated

At

By

G O 27 Feb 1871, No 569.

Nos. 516-517

Supplies. Passing orders on the
letter from the Supt. Eng. of the
2^d Div. offering explanations
with reference to G. O. No 68
of 1871 censuring his conduct
in the matter of the non pay-
ment by Lieut. Smith of de-
mands for supplies & car-
riage.

616 Feb 11/71 R. 172