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MADRAS RECORD OFFICE

Government of Madras

Public works DEPARTMENT

G.O. No.	1516	Press
~~B.P. No.~~ 153-154		Mis.~~-~~
Dated	9- 6-1874	~~195~~ .

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department,
9th June 1874.

No. 153. Read the following despatch from the Right Honourable the Secretary of State for India:—

Public Works.

No. 4.

INDIA OFFICE, LONDON,
23rd April 1874.

MY LORD,—I have received your Excellency's letter, No. 10, of the 26th February last, forwarding a memorial from Mr. J. Croom, appealing against your decision with regard to his claim for remuneration on account of work done in connection with salt channel clearances.

2. In reply I desire that Mr. Croom may be informed that, after a careful consideration of his claims, I am unable to interfere with the decision arrived at by your Government.

3. Herewith are enclosed copies of three letters from Mr. Croom, which were forwarded by him direct to this Office.

I have, &c.,
SALISBURY.

His Excellency the Right Honourable
The Governor in Council, Fort St. George.

No. 154. ORDER THEREON, 9th June 1874, No. 1,516.

CIVIL WORKS, No. 10.

COMMUNICATED to Mr. Croom with reference to the Memorials accompanying his letters of the 12th and 21st January 1874.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To Mr. J. Croom.

Erd. S. T. Austin.
Spare Copies

(3)

To

His Royal Highness the Duke of Argyll
Secretary of State for India

May it please Your Royal Highness

I most respectfully beg your Royal Highness will pardon the attempt in addressing Your Highness through this abnormal course. which course it will be seen is unavoidable, owing to the following circumstances.

In submitting a Petition dated 12th January 1874 to Your Highness, through the Madras Government, the matter is of such an intricate nature, as to render it difficult to be explained very satisfactorily.

The mode of so explaining it having just occurred to me immediately after the despatch of the Petition to Your Highness by the said Government, and as this P.S. here enclosed was not likely to reach Your Highness in time, if sent through

through the Government to be appended to the Petition for decision, and as Your Highness moreover will admit that no rule should stand in the way to frustrate the ends of justice, I have therefore taken the liberty to resort to this abnormal course in the absence of any other alternative, and beg Your Highness will as a special case admit this digression.

This P.S. I beg to add; will be found to be self-attested in corresponding with the whole tenor of the Petition, and should Your Highness be pleased to append it to my Petition for a clear explanation, I would ever feel most grateful for the kind condescension, and with all deference.

I beg to remain &c

(Sd) J. Cranmer.

Madras Purseewalkum.
Tannah Street
5th February 1871.

(5)

2nd P.S. to my Petition to the Madras Government dated 12th January 1871 and submitted to the Right Honorable the Secretary of State for India.

Several important remarks in reference to the said Petition having ere this failed to occur to my mind for a clear explanation of my case, I beg to submit the following.

1st In the printed reply of Government appended to the said Petition, it is hinted, that I may have sub-let my work to others. On the contrary I beg to state if Government would institute strict Official enquiry with reference to this, it will be found, that the Superintendent of the Division, as well as the whole village could certify, that I lived in my boat on the spot, and took personal supervision of the work.

2nd It is also hinted that owing to my poverty, it may be that I had not sufficient funds to execute the work efficiently. To this I

I beg to reply that I had a wealthy Partner; and that I had funds sufficient at command will be seen from the fact, that while the Estimate for this work was Rupees 3550, I executed a larger amount of work than this of 4.000, and odd Rupees, even after the stoppage was made in my bill, and was also paid in full for this latter work.

3.rd It has been shown in my Petition, that during the 4 months that my work was unlocked, very extraordinary silting had set into these Channels by the bursting of a Bar, of which I was ignorant, and also that I had no cause whatever to suspect such silting.

4.th This was discovered when I had given up the work after I had made them navigable, and from my inability to work to the exact depth required in the Estimate.

5.th If then in this so called "blind work," it was impossible to show direct evidence that I excavated far above the Estimate than below, the likelihood that I excavated far above, is more than probable - because the fact that 18 inches of extra silt were found in 660 yards which were marked "good" 4 months previously, as well as the fact that the other "good" parts also so resisted as to become unnavigable - these facts admit that there must have been more or less than 18 inches of this extra silt throughout the Channels, besides the 12 put down for excavation in the Estimate, and yet I am paid on the same score, as in a case where there was no evidence whatever even of extra silting.

The following will show that the Engineers measurement of my work cannot be correct, for the following reasons.

1.st A depth of 12 inches of Silt were required to be excavated according to the Estimate.

2.nd Eighteen inches of it in addition to the 12 were found where an opportunity afforded the detection making 32 inches instead of 12.

3.rd If these 32 inches were here in a long line of 660 Yards, cause should be shown why the same amount of

of silt more or less should not have been in the other parts, while the bursted Bar communicated with the other parts as well as with this, and when the other parts also marked "good" became likewise unmanagable. All this was good evidence of extraordinary silting throughout

4th The Engineer does I know nothing of all this when he measured my work, and though the Collector brought this to his notice, and acknowledged that he could not conscienciously make the deduction, yet he refuses to recognize the fact:

5th Under these circumstances the Engineers measurements of my work is must be very doubtful indeed; and though he may have measured fairly while he did so in knowing nothing of this Extraordinary silting, it is clear that nobody could with the least confidence say, that under this circumstance this measurement could be correct.

6. While Government agreed to pay me Rupees 3550 to get out their Silt, with all deference they got it out at half the cost by this stoppage in my bill, under very doubtful measurements.

If therefore Government are in any way dissatisfied with my claim, it is left for them to say under all circumstances considered, if one half of the stoppage at least given to me, would not under such circumstances be fair and Equitable, though it is useless for me to say that I am a great sufferer, and a very poor man, so much so, that this stoppage has thrown me into a condition to contemplate obtaining relief from the Insolvent Court.

Lastly. In case therefore the Government would be so considerate as to accede to this proposal, the sum that would accrue to me out of Rupees 3550 would be Rupees 695 after deducting the gratuity of Rupees 150 already given; and with this latter sum I would be satisfied, and feel thankful to Government.

(Sd) S. Broom

Madras
Purswalkum
Tamah Street
5th February 1870

To

His Royal Highness the Duke of Argyll
Secretary of State for India &c &c

May it please Your Royal Highness

I most respectfully beg Your Highness will pardon an unavoidable omission.

Having failed to note the date in the rough copy of my Petition which the 2 Postscripts submitted to Your Highness by the 2 last Mails refer to, and having cause to suspect that I may be mistaken as to the correctness of that date, I beg to state, that if the said Petition is not dated 12th January 1874 as stated in the Postscripts, it will be found to be dated 10th January 1874. In again begging Your Highness pardon for this oversight and intrusion.

I beg to remain &c

(Sd) T. Broom

Madras
21st February 1874

(13) 4

His Royal Highness the Duke of Argyll
Secretary of State for India &c &c

May it please Your Royal Highness

I most respectfully beg
Your Highness will pardon an oversight.

Having been under the impression
that my Petition to the Madras
Government dated 12th January
1871 was ere this dispatched to Your
Highness by the said Government,
but being now informed by a
notice from them that it is
dispatched by the present Mail,
I beg to state, that under my
mistaken impression, I despatched
2 Postscripts to the said Petition for
submission to Your Highness by the
two last Mails, and with the view
that Your Highness may not be
misguided by this oversight I have taken
the liberty to submit this letter, and
most respectfully beg Your Highness
will for the last time pardon this
intrusion, and with all submission
I beg to remain.

Your Royal Highness' &c
C. J. Broome

Madras
Purswawkum
28th February 1871

Enc

3rd P. S. to my Petition dated 12th January 1874 to the Madras Govt.—

1st The rejection of my claim in a case so clear, was ab t the time a matter of surprise; but in now considering that the Engineers' report was withheld from me, and that I was thus debarred from fair means of defence, and that nothing else moreover could stand in the way of so clear a case, this no longer so.

2nd It has already been shown that I unconsciously incurred the displeasure of the Engineers, and that he wrote very offensively against me.

3rd. At the very outset when he

be deducted my bill, and sent in his report. I requested the Deputy Collector to read me that report to enable me to defend my Case; but he declined saying it was not usual to do so, and read me Small detached portions of it.

4th. I then applied to the Acting Collector (Mr. Dalyell) for the correspondence, and in doing so, I quoted the following order of Government from the revised Petition Rules.-

"All heads of Officers will "understand, that a party affected "by an order, is entitled to have an "application, a copy of that order, "which should contain full details "of the grounds of decision."

If I may be allowed - ~~to~~ to this as explicit as possible, in a matter in which my Life is involved, it is with all deference that I beg to observe, that the then acting Collector Mr. Dalyell and the Engineer, while dealing in this matter invariably evinced a spirit of opposition against me, though I never offended them in a single instance, while Mr. Barlow the real Collector, who was then on leave, acted otherwise; and that such was the case will be seen from the fact, that in the face of the above Govt. order, as well as of the fact, that I could not have had fair means to explain matters in my Petition, without a sight of the Engineers report, Mr. Dalyell absolutely refused my request, and endorsed my Petition as follows.—

"Petitioner is informed, "that the final order of his case "has been communicated to him in "the endorsement of his former Petition" and that copies of letters passing between Officers

"Officers of Govt cannot be granted".

How Mr Dalzell could have spoken of the "final order" in this Case, when nothing of the grounds of decision in my former Petition was written in the Endorsement of that Petition, is what I am unable to understand; while on the other hand, he must have known that by the very circumstance in withholding the Engineer's Correspondence I could not have fair means for my defence, and when moreover the Govt Endorsement was simply to the effect, that they could not see through my claim. Under such a circumstance it was impossible that I could even know to see through it; and I am still to this day kept in ignorance of all that the Engineer had written about the matter. Besides all this, the fact that the Govt recognised a subsequent Petition shows that the order was not final.

2/

(3)

Another subject in connection with the case I now beg leave to notice.

Though I know little or nothing of what the Engineer wrote in his letter, I was withheld given to understand, that he wrote to say that I attempted to mislead him.

When I understood this, I immediately and clearly refuted the charge; and as I now understand that the said Charge was sent to Govt with my case, and that my refutation of it was not sent, I find it necessary to explain this matter also.

In submitting my bill, it seems the Engineer wrote to say, that I attempted to mislead him by putting wrong numbers to the different channels I had excavated.

To explain this matter I respectfully beg to observed, that

There

these channels are numbered one way by the Engineering Dept, and another way by the Collectors Dept. The Sub-Engineer who made the Estimates put down No. 1. for the Channel known as No. 2. by the Collectors Dept., and so on.

At withal in making my bill, I put the numbers as laid down in the Estimate by the Engineer; but when I presented these bills to the Deputy Collector, he with his own pen, struck off those numbers, and put them as known to his Dept. —

All this I explained to the Deputy Collector; and being satisfied, he dropped the matter. — hence therefore when this charge against me was sent to Govt., which I only now came to understand, my refutation of it was not sent.

Lastly. — I now beg most respectfully to state to Your Highness that the above disclosures would materially alter my case in Govt.; and to sum up the whole, I humbly beg to submit the following Considerations. —

1st. This work was given to me 4 months too late, and the accidents that occurred during that interval I have explained. —

2d. By such accidents (beyond my control) attending the circumstance, Govt. got out their Salt at half the cost by this stoppage in my bill, and I am made the sufferer, while with all every thing goes to show, that I excavated far above the Estimate rather than below.

For the above particulars relating to the withholding of the Engineer's report, and the consequent absence of fact

fair means of defence accused by me.
I solicited but one half of the stoppage,
though under the full conviction that
the whole was due.

As the case now stands, Your
Highness will look closer into the
matter, and as I am sure Your Highness
will decide upon pure conviction, I
will rest satisfied with that decision,
relying as I do on the high integrity
for which Your Highness is reputed,
and with the most respectful apologies
for this further intrusion, I beg to
remain with all submission.

Your Highness's most humble
& obedient Servt
Wm S. Broom.

19th February. 1874.

Madras. Purseewaukum
Samuel Street.

J.J.C

No 3

Copies of three letters from
Mr J. Croome.

J 2

Referred to Public Works, Letter to Madras. No 4. dated 23rd April 1874.
Para 3.

Public Works.
No 4.

India Office, London
23rd April, 1874

My Lord,

I have received your Excellency's letter, No 10, of the 26th February last, forwarding a Memorial from Mr J. Croom, appealing against your decision with regard to his claim for remuneration on account of work done in connexion with salt channel clearances.

2. In

His Excellency,
The Right Honorable,
The Governor in Council,
Fort St George.

2. In reply I desire that Mr.
[illegible]
Comm may be informed that,
after a careful consideration of
his claims, I am unable to interfere
with the decision arrived at by
Mysore Government.

3. Herewith are enclosed copies
of three letters from Mr. Comm
which were forwarded by him
direct to this Office.

I have the honor to be,
Sir,
Your obedient most obedient
humble servant,

Pub: Works 1874 Dept:
No 1

Public Works
Rec'd 23rd April 1874
Rec'd 12th June "

The Secretary to Com'rs of Public Works
George
No 4.

E. 1.

Initialled
That no reason can be
seen for interfering
with the decision of the
Marine Department in
the case of Mr J. Bloomer
and communicating copies
of letters from him to
that individual object
to the ascendancy of
State -

Communicated 15/6/74 to Mr Croom with reference to the
Memorials accompanying his letters of the 12th & 21st Janry 1874

Mr. J. Croom - forwarded with signed letter
from Secty 11/6/74

Dy

Govt. of 1874 Madras.

PUBLIC WORKS.

To

Mr. J. Croom

Dated

Recd. Encl.

G. O., 9th June 1874, No. 1516

Nos. 153-154.

Mr J. Croom -

Despatch from the Secretary of State, intimating that no reason can be seen for interfering with the decision of the Madras Govt in the case of [redacted], and transmitting copies of letters forwarded by that individual, Communicated to Mr Croom

Communicating the decision of H.M. Secretary of State on the memorials accompanying his letter dated 12th February 1874

Mr J. Croom - Memorials, with the Govt Order 11/6/74

Mr J. Croom with reference to the

Despatch

Copies