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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	2260	Press	<i>Original</i>
~~B.P. No.~~		~~Mis.~~	
Dated	5 - 8.	195	
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Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
5th August 1875.*

Read the following letters:—

No. 76. From Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, to Lieutenant-Colonel J. MULLINS, R.E., Officiating Secretary to Government, Public Works Department, dated Madras, 22nd June 1875, No. 358.

At the request of the Agent of the South Indian Railway, I have the honor to lay before Government, his letter, dated the 9th instant, No. 654, giving cover to a letter from the Chief Engineer, in which exception is taken to certain proceedings of the Revenue Authorities in the Chingleput District. A letter* from the Collector

* No. 341, 19th June 1875.

of that District, bearing upon the same subject, is also submitted for consideration. The circumstances to which these letters relate may be briefly described as follows.

2. Towards the close of the year 1874, several complaints were made by Mr. Nicholls, the Engineer in charge of No. 4 District, Northern Extension, of difficulties thrown in the way of his work in consequence of the interference and opposition of certain of the Revenue Authorities. These complaints had reference chiefly to three points.

3. The first subject of complaint was the issue of a proclamation by the Sub-Collector of the district, prohibiting the quarrying of stone without license. It afterwards appeared that this proclamation was based upon G. O., No. 80, dated the 14th November 1873; and that a notice upon the subject had been published by the Collector in the District Gazette on the 7th February 1874. By an oversight in this office, the Government Order in question was not communicated at the time to the Railway Authorities; and the notice in the District Gazette seems also to have escaped their attention. The result was that the Sub-Collector's proclamation was looked upon as an order interfering with the quarrying operations of the Company. The complaint was of course withdrawn by the Railway Authorities when the circumstances became known.

4. The second subject of complaint was connected with the removal of stone from the old fort at Karanguly. The railway line passes through this old fort; and in August 1874, at the instance of the Company's officials, the Collector of Chingleput gave permission for the stones being used in the construction of the large bridge over the Karanguly river, upon condition that the Company should agree to pay for the stones, if required by Government to do so. Mr. Nicholls brought to notice that the Revenue officials were not only taking the best stones from the fort for Local Fund works, but were also removing some of the stones from within the Company's lock-pitting. The complaint seems to have originated from a misunderstanding on the part of the Railway Engineer, and after some correspondence and explanation it was also withdrawn.

5. The third and principal subject of complaint was the alleged impressment of labor by the Revenue officials, and its withdrawal from the Company's Contractors. Several alleged instances of this were brought to notice by Mr. Nicholls; but, upon being referred to the Sub-Collector, their accuracy was directly denied by Mr. Crole, after inquiry made by him. Subsequently the Company's Chief Engineer made a personal investigation into the grounds of the complaints brought forward under this

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head by Mr. Nicholls; and the result was that he was satisfied as to their being valid and substantially correct. Mr. Logan accordingly requested that the matter might be re-investigated by the Collector. Upon this the Collector referred the matter to the Sub-Collector, and requested him to hold a formal inquiry into it: but the Railway Authorities protested against the investigation being conducted by that officer, and the inquiry was accordingly adjourned. Subsequently the Railway officials withdrew their protest, and the inquiry was opened upon the 17th May and lasted during eight days. The result is detailed at length in the letters herewith submitted.

6. It will be seen that Mr. Logan protests against the result of that inquiry, and requests that the matter may be laid before Government with a view to its re-investigation. He writes as follows:—

“It appears to me that a searching inquiry into the real state of affairs is urgently required. The feeling of many of the people in the localities under reference is that it is dangerous for them to come forward and state their grievances unless some person of standing, unconnected with the sub-division, is deputed to conduct the inquiry.”

7. In order to enable the Government to deal conclusively with the matter, it seems necessary to lay before them the whole of the correspondence which has passed; and it is therefore sent with this letter, accompanied by a précis.

8. During the period covered by these complaints and the inquiries into them, there has been a great press of work upon this department, caused especially by the condition of the North-west Line of the Madras Railway, and the recent Traffic Inquiry Commission. Owing to this cause, I regret that this department has not been able to do much more in the matter of these complaints than act as a channel of communication. Captain Thompson, when inspecting the Northern Extension of the South Indian Railway in January 1875, mentioned* that the delay in the progress of work was attributed by the Railway

* *Vide* Proceedings of Government, 27th April 1875, No. 1,168.

officials to the impressment of labor by the Revenue Authorities; and he was afterwards present at Karanguly from the 24th to the 26th of February, when evidence was taken by Mr. Logan. Lieutenant Coaker was also present at Chingleput upon the 10th May, the day fixed for the inquiry by the Sub-Collector; but the inquiry was adjourned on account of the protest lodged by the Company; and on the 17th May, when it took place, it was out of his power to attend.

From R. J. MELVILLE, Esq., Acting Collector, Chingleput District, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Saidapet, 19th June 1875, No. 341.

I HAVE the honor to address you on the subject of the inquiry recently held at the instance of the officials, South Indian Railway. The inquiry was conducted by the Acting Sub-Collector in the presence of an officer of your department and of the Railway officials, and lasted eight days. In your letter, 1st May, No. 653, you took exception to my stating that the inquiry was to be held at the special request of the Railway officials; but as in your No. 329, dated March 1875, the following appears in paragraph 4:—“the Agent requests that a further inquiry may be held, at which the Railway Authorities may be allowed a hearing. I have the honor to request, therefore, that you will institute a full inquiry, &c., &c.” It is quite clear that my statement of the case is correct. There is nothing to show that Mr. Barlow was asked to hold the inquiry in

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person, and in any case it did not rest with the Railway Company's officials to prescribe by whom the inquiry was to be held. As the events complained of occurred in the Sub-Collector's division, he was naturally deputed to hold the inquiry.

2. Although the inquiry was principally confined to the alleged impressment of labor, and that of the two earlier complaints that as to quarrying had been grudgingly withdrawn, I think it best to notice the complaints seriatim.

3. QUARRYING.—The first complaint appears in an enclosure forwarded with your letter No. 1,124, dated 27th November 1874, and is to the following effect:—“A proclamation has just been issued by the Sub-Collector prohibiting quarrying of stone, &c. &c.” Subsequent complaints to a similar effect were afterwards received; anybody reading the wording of these letters would be led to believe that the Sub-Collector, of his own accord, had issued an entirely new order, interfering with the quarrying operations of the Railway Company; the fact being that he was simply, as in duty bound, giving effect to a notice by the Collector of the district, published in the District Gazette as far back as 7th February 1874, a notice which the Railway Authorities should have made themselves acquainted with and conformed to. I observe in your letter, No. 1,201, dated 16th December 1874, that you excuse the irregular action of the Railway officials by stating that through an oversight in your office the order of Government prohibiting the quarrying of stones without a license had not been communicated to the Agent, South Indian Railway. I would observe that the way in which blame is imputed to the Sub-Collector in this complaint is entirely unjustified by the facts of the case. The order was a general one, issued by the Head of the District, giving effect to orders passed by Government, and the Railway Company officials have only themselves to blame if their work was hindered by their own non-compliance with an order which they should have known. Under all the circumstances, I am unable to understand what is meant by the expression in your letter, which is apparently a quotation from a letter of the Agent, South Indian Railway, “that the Railway Authorities did not take exception to his proclamation, but only to the manner in which it was brought to bear on them.” An order prohibiting quarrying, except under certain conditions, can only be enforced by stopping those quarrying who fail to comply with those conditions. There is no other way of enforcing it. It would have been well if the Railway Company had frankly withdrawn this complaint and admitted that they were in fault in making it.

4. REMOVING STONES FROM KARANGULY FORT.—This complaint first appears in a letter from Mr. Nicholls, enclosed in your No. 14, dated January 1875. The complaint is to the effect, “that since permission has been granted by Government to this Company to use stone from Karanguly Fort, a large body of men had been employed by the Sub-Collector to select and remove the best.” It was further complained that stone was taken from within the Company's lockspitting.

As to the latter complaint, it appears from the Sub-Collector's letter, dated 17th January 1875, that “some stone was actually taken by the wudders, through ignorance, from within the limits alleged, but that it was prohibited and stopped as soon as discovered. It would further appear that it had actually been stopped some time before the 20th December, the date of the Agent's letter. I must also bring to notice that the Department of Public Works sinned in exactly the same way, and also wholly unintentionally. Apparently the Sub-Collector was mistaken in supposing that this practice stopped as early as stated; but orders had been issued by competent authority to stop it, and if those orders had not been complied with, the obvious course was to bring the matter to the notice of the officer who had issued the orders. I would also remark that no particular part of the Karanguly Fort, or the stone in it, belonged to the Company, who had only permission to quarry in it in common with other departments. It was no doubt more convenient that stone within the Company's lockspittings should be left to them, but that this was not done at first affords no grounds for imputing special malice to the Revenue officials in the neighbourhood. When brought to notice orders were promptly issued to stop the practice. The Railway Engineer on the spot wrote as if the stone in the fort had been made over exclusively to the Company. In Mr. Smith's report to Assistant

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Engineer Nicholls, enclosure to your letter, No. 39, dated 14th January 1875, which was forwarded through Mr. Nicholls to the Agent, and sent on to you by the Agent without remark, Mr. Smith made use of the following expression:—"There are from fifty to sixty carts a day removing stone from the fort, (I do not mean that all the number are removing within the railway boundary,) and we shall be without stones for the bridge at forty-ninth mile stone." Mr. Smith seems clearly of opinion that any one, except the Railway Contractors, taking stone from the fort were trespassers. Similar expression occurs in a letter from the Agent to your office, dated 28th December 1874, and in No. 342, dated 14th January 1875; and more particularly in letter dated 5th November, (evidently a slip of the pen for March 1875,) from the Chief Engineer to the Agent, in which one of the complaints of the Railway Company is stated as follows:—"2nd, that a large body of men has been employed by the Sub-Collector to select and remove the best of the stones for the purpose of making drains in the neighbourhood." In the same letter it is stated that the charge of removing the best stones is an exaggeration, the writer being evidently under the impression that if it were true that the best stone had been taken by another department, the Company would have had just cause of complaint. I need hardly point out that the Company have no preferential right to the best or any other stone; they have simply a right in common with the Local Fund Board and the Department of Public Works to quarry in the fort. This is admitted

* March.

in letter dated November* 1875, from the Chief Engineer to the Agent; but it is difficult to

reconcile his assertion, "I never at any time considered that we had a preferential right to any portion of the stone in the Karanguly Fort," with the expressions above quoted.

In this complaint again, the Sub-Collector's name was unjustifiably dragged in, and things done in the ordinary course of business so represented as to appear as though specially done to annoy the Railway. I need scarcely point out that the Sub-Collector is not the President of the Local Fund Board, under whose sanction these works were carried out. From the above it is clear that the first part of the complaint was made under a misapprehension of the Railway Company's limits was the result of an error which was rectified as soon as pointed out. In this case I think the Chief Engineer should have admitted that he had made a complaint which was not justified by the facts of the case; but I am not aware that anything of this sort has been done.

5. I now come to the third and most important complaint, viz., that of impressing laborers employed by one of the Company's Contractors; this would appear to have taken place early in December. This first appears in letter No. 334, dated 12th January 1875, enclosed in your No. 39, dated 14th idem.

In No. 352 from the Agent to your department, referring to this alleged impressment of labor, it is stated, "under existing circumstances it is impossible to carry on work in this section." In the report of the Assistant Engineer, Mr. Nicholls, it is stated that the alleged impressment, "together with prohibition to quarrying stone, or to remove that already quarried from any of the hills, has caused an entire stoppage to the works in this section of the district." Here I would wish you to note the fact that the alleged prohibition to quarry stone, a matter already disposed of, is again raked up and made a subject of complaint. I would now draw attention to Mr. Nicholls' statement at the recent inquiry. In the third sheet of his statement the following appears. "I send three Progress Reports per mensem; I sent such reports in November and December. I do not think there is anything unusual in the reports for these months." So that it appears that either an entire stoppage of work in a section of the line is nothing unusual or that such an event was not thought of sufficient importance to deserve mention in the Progress Reports furnished to the Chief Engineer, presumably with the intention of keeping him informed as to the progress of work in Mr. Nicholls' section. No inquiry was made except from the Inspector,

Vide Mr. Nicholls' statement:—

"Before writing my report I made inquiries of the Inspector."

Mr. Smith. Mr. Nicholls confined himself to reporting the matter just as it came from the Contractor to the Chief Engineer. These facts

are admitted by Mr. Nicholls in his statement. I shall have to return to this subject later on.

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6. The complaint sent with your No. 39 was referred to the Sub-Collector. Previous to this a complaint had reached the Sub-Collector and he had called on the Tahsildar for a report, which was made on 24th December 1874. The Tahsildar therewith forwarded a statement taken from the Contractor, in which he in a categorical manner withdraws his complaint both as to quarrying as well as to impressment of labor; he states that some of his men had gone to work in Karanguly with his brother's consent. The statement given by the Contractor before the Tahsildar was received and abstracted in the Sub-Collector's Office, and was forwarded in original with the Tahsildar's arzi to the Collector with the Sub-Collector's letter, No. 13, dated 7th January 1875. The Sub-Collector in his letter, as well as the Tahsildar in his arzi, both of them at the time forwarding the Contractor's statement, refer to its contents. Mr. Barlow in his letter, No. 26, dated 29th January, Karanguly, in answering your previous letters, refers to an extract from the Contractor's deposition, the original being then before him. I must beg that this may be borne in mind as its importance will appear further on.

7. At the date of writing this letter, and for nearly three weeks at about this time, Mr. Barlow was encamped at Karanguly engaged in the settlement of the taluq. Nothing was said to him about the matter. The complaints might now have been supposed to have been disposed of; but the Railway Authorities were not of that opinion, and Mr. Logan, just as Mr. Barlow was leaving Karanguly after a stay of three weeks, wished to have all the matters re-opened. Mr. Barlow naturally declined to do this. Mr. Logan's reason for wishing a further inquiry seems to have been to enable the Railway Company to be represented at the inquiry. I would here point out that each and every complaint originated with Kistnama Charri, the Contractor. This is evident throughout the correspondence. The extent to which the Chief Engineer identifies himself with his Contractor is shown by the following extract from his statement:—"every witness brought has been produced by Kistnama Charri. I proceeded on information produced by Kistnama Charri through Mr. Nicholls. It is not my duty to say whether I am responsible for this case, or whether Kistnama Charri is responsible for the statements made in this case; it is left for the other side to find that out. I will not state who has engaged the Barrister in this case." The Contractor had before the Tahsildar withdrawn all his complaints. As the Contractor was the sole source from whom the Company's officials received their information there was apparently nothing left to inquire into.

8. On Mr. Barlow refusing to re-open the matter, Mr. Logan himself proceeded to hold an inquiry. He admits in his statement that he confined himself to examining the witnesses produced by the Contractor. It never seems to have occurred to him to examine any of the other Contractors, or to have struck him as strange that when such wholesale impressment was going on, Kistnama Charri should be the only Contractor to suffer.

It was during this inquiry that mention is first made of triangles being set up in Karanguly Fort and village. No previous mention had been made of the matter. Mr. Smith, the Inspector, who states that he saw them, considered it to be a matter of such every-day occurrence as not to be worthy of mention even to his immediate superior, and this when he was in constant communication with him on matters connected with the works. Mention was also made by some of the witnesses that people were flogged. I would now refer to the result of the inquiry in which the Chief Engineer of South Indian Railway was assisted by Counsel. The fact of the impressment; of the setting up of the triangles; the flogging of some person or persons, names unknown, for no witness is able to give the name of any one flogged, or to state that he himself saw any one flogged is testified to by witnesses—coolies mostly in the pay of the Contractor, most of them at the time of giving their evidence under advances from him.

Mr. Smith also deposes to having recognised 150 men at work in Karanguly as having been employed on the work; he subsequently modifies this statement, but still asserts that he recognised from 50 to 60 by sight.

This witness, as before stated, saw the triangles frequently, but was not impressed by such an ordinary sight.

Against this evidence, first, as to the triangle, there is the evidence of Mr. Nicholls, constantly on the spot, who admits that he must have seen the triangles had they been in the place

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mentioned by the witnesses who assert that they saw them; second, the evidence of the Special Deputy Collector, who was at Karanguly at the time when it is alleged they were at that place, who was, moreover, in constant communication with Railway Authorities about accommodation works. He states that he neither saw nor heard anything of the matter.

Similar evidence is given by the Inspector of Schools, an entirely independent witness, and the Inspector of Police. That the whole story is an invention is further shown by the fact that nothing was said to Mr. Barlow during his three weeks' stay at Karanguly, within six weeks of the alleged occurrence, although he was in daily communication with the ryots of the taluq, many of whom were employed in the neighbouring works, as is proved by the statement of several of the witnesses produced by the Railway Company that the Jummahbundy put a slight stop to their working on the line.

Anybody at all acquainted with the people of this district is aware that it is not their wont to suffer in silence, and will be slow to believe that people could be flogged in an illegal manner and nothing heard of it except through a Contractor a month after the event. Finally, there is official documentary evidence, evidently genuine, produced by the Tahsildar, to show that the triangles could not have been at Karanguly as they were at a village some miles off, and had been there for some time. I can come to no other conclusion than that the statements as to the triangles and flogging are entirely false.

9. As to the alleged impressment, we have the Contractor's statement, given shortly after the alleged occurrence, to the effect that the few men employed on the Railway who went to work on the Local Fund Works went with his brother's consent.

At the inquiry, part of the deposition referring to impressment was found to have been interpolated, and the inference intended to be drawn was that the word read *வெளியே* had originally been *அவர்களுடன்*, and that the *அ* negative had been elided presumably by the Tahsildar.

I have already drawn attention to the fact that this statement of the Contractor was forwarded in original to the Sub-Collector, was abstracted in his office, and was sent in original to the Collector's office, there read to him and referred to, and an extract of it given by him in a letter to you. Had the deposition been then as it now appears, it could not have escaped notice; the words *அவர்களுடன்* are not idiomatic. They are not the words that any one would use in giving, or a Gumastah write down in recording, a deposition; it is as though one should say in English "they went on his dissent." One is as much English as the other is Tamil. It is clear that the document has been tampered with, and tampered with since the inquiry held by Mr. Logan. This is shown by the evidence and conduct of the Contractor. He gave his statement before the Tahsildar on 24th December 1875. The effect of his deposition was made known to the Railway Authorities early in January, and that it had been so made known was no doubt known to the Contractor in that month. In February Mr. Logan, the Chief Engineer, taxed him with having given such a deposition, but it is not till the recent inquiry, which was held in May, had been proceeding several days, that the Contractor for the first time mentions the fact of his deposition having been tampered with.

10. It is easy to account for the way in which the sense of the sentence tampered with has been perverted. Without a great deal of erasure and fresh writing, it would have been impossible to have perverted the sentence in an idiomatic way; the only resource of the tamperer was to add an *அ* and then elide it. Unfortunately for him the whole statement is written in the form of question and answer, and all but one of the answers remain in their unaltered form, and so contradict the perverted sentence. There is besides the evidence of competent witnesses that the *அ* and elision was written with the same ink and at a different time to that of the body of the deposition. This is plain to any one who examines the document in question. I therefore came to the unhesitating conclusion that the document has been tampered with in the interests of the Contractor who had every motive to do so. At Mr. Logan's inquiry, Mr. Logan taxed him with having deposed as he did before the Tahsildar. The deposition in its unaltered state was a conclusive answer to the complaint as to impressment which owed its origin to this Contractor, as did each of the other complaints. The Railway Authorities would not be likely to forgive him for misleading them.

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11. As to the difficulty of getting at the records so as to have the opportunity of tampering with them, I need only remark that it is notorious that the expenditure of a few rupees have given access to documents of a far more important and secret nature than any in a Taluq Cutcherry, and that in the Presidency town with all possible precautions taken to prevent such access.

I will now proceed to notice the other evidence brought by the Contractor in support of the charge of impressment. He professes to give the names of maistries whose gangs had been impressed. These names he derives from entries taken from another book subsequently produced. The accounts produced by him are unintelligible and incomplete, and the entries mostly undated; but he states that they are the only accounts he keeps. It is clear that no one having dealings with coolies in the number, and making advances on the scale, this Contractor alleges that he does, could carry in his head numerous transactions of all sorts, extending over considerable periods of time. I can therefore come but to one conclusion, viz., that the accounts produced are not this witnesses' real accounts, and that he has motives for the non-production of such accounts. To sum up, I can come to no other decision than that this complaint is as groundless as the other two. The small substratum of fact which has been used as a foundation for this complaint is pretty clear from the evidence given by the Contractor. He admits that when the work is stopped by rain he gives advances to the coolies in his employ to keep them together. It is proved by his own evidence and that of some of his witnesses, that rain sufficiently heavy to put a stop to the works he was carrying out occurred about the time of the alleged impressment of coolies. It is probable that his brother was only too glad to have his coolies kept together free of expense by their being employed on other work in the immediate neighbourhood for which he had not to pay. Subsequently, when taxed with being backward in the performance of his contract, the Contractor accounts for it to his employers by stating that the men had been impressed. I may add that the works then being carried out by the Local Fund Board were not liable to be affected by the rain.

12. The expenditure of much time and paper would have been saved if Mr. Nicholls instead of sending every complaint, just as received from the Contractor without any inquiry deserving of the name, to his official superior, had communicated direct with the Government officials

Vide statement: "I made inquiries of the Inspector. I made no reference to the Tahsildar about Kistnama Charri's complaint."

on the spot. This Mr. Logan evidently agrees with me in thinking to be the usual course, as in his deposition he states, "I did consider it singular that none of the Railway Authorities said a word about the irregularities stated to have been committed either to the Acting Sub-Collector or Collector who were at Karanguly," but the Chief Engineer does not seem to have pointed out to his subordinate the expediency of so acting in future. In order to enable us to render effectual assistance, assistance which I shall always be ready to afford and to insist on my subordinates affording, I hope that this course may be adopted henceforth. Much time and unnecessary correspondence will thus be saved.

13. To conclude, I would remark that though there are railway works in other parts of the district, and there are other Engineers and Contractors, this is the only instance, as far as I am aware, in which similar complaints have been brought forward, a circumstance which, I think, should have led the higher officials of the Company to receive such complaints with caution, and should have prevented them endorsing, without due consideration, sweeping assertions and imputations couched in terms which are happily not frequently met with in official correspondence.

No. 76-A. From R. J. MELVILLE, Esq., Acting Collector of the Chingleput District, to Lieutenant-Colonel J. MULLINS, R.E., Officiating Secretary to Government, Public Works Department, dated Saidapet, 20th July 1875.
No. 65.

With reference to your official memorandum, No. 547, dated 9th instant, I have the honor to forward the record of the inquiry, held by Mr. Crole into the case of

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alleged impressment of Railway workmen, together with the appeal of Kistnama Charri against the sentence of two months' imprisonment and the decision thereon.

2. I have called for the record of the criminal charge brought against Kistnama Charri, and will forward it as soon as received.

No. 76-B. From the same Officer, dated Saidapet, 26th July 1875, No. 69.

REFERRING to paragraph 2 of my letter of the 20th instant, No. 65, I have the honor to forward the record of the criminal charge brought against Kistnama Charri.

No. 77. ORDER THEREON, 5th August 1875, No. 2,260.

RAILWAY, No. 11-A.

AFTER a careful inquiry into the charges brought against the Revenue and Magisterial Authorities of the Chingleput

District, the Honorable the Governor in Council is of opinion that these charges have been shown to be unfounded, and he considers it has been satisfactorily shown that no blame attaches to the Tahsildar.

2. It is observed that the Collector's letter, which is a very correct resumé of the whole matter, shows very clearly that all this trouble and ill-feeling between departments, culminating in tampering with an official record, and a criminal prosecution, might have been avoided if either Mr. Nicholls or Mr. Logan had adopted the usual and reasonable course of referring to the official authorities of the district, who were at hand and perfectly willing to render assistance to the Railway Authorities.

(True Extract.)

Major-General, R.E.,
Secretary to Government.

To the Consulting Engineer for Railways,
,, Revenue Department.

Exd. S. T. Austin.

Spare Copies

*Correspondence relating to
the Railway Contractors' case
sent by the Secy to Govt. has been
received in this office*

*Atkinson
Tahsildar*

*Collector's Office
Saidapet
27-10-1875*

P. W. Dept. 3/

Letters from the Acting Collector of the
Chengalpet District, No 65, of 20 July/75. &
No 69 of 26 July/75, forwarding record of the enquiry held by
Mr. Crole into the case of alleged impress-
ment of Railway workmen, together with
the appeal of Kistnamah Charri against
the sentence of 2 months imprisonment
& decision thereon. and also records of the
Criminal charge against Kistnamah Charri.

Submitted to the
Honble R. S. Ellis C B with
reference to his pencil
note in the accompany-
ing draft.

Collected
July 1875 }

John actul. Major R. S.
Offy Jt Secy to Govt

No. 548.

Memorandum.

In connection with the Complaint made by the Officers of the South Indian Railway of improvement of labour employed on their works, the undersigned is directed to apply to the Acting Collector of Chingleput for the record of the inquiry held by Mr. Broke on the 17th May last into the case of alleged improvement of Railway workmen, and also for the record of the criminal charge brought against Kistnamachari during the investigation, in which criminal case he appears to have been sentenced to 2 months imprisonment. Kistnamachari's appeal against

W.E.

against this sentence and the
result of the appeal are likewise
required.

Un. 9/7

Lt. Col. R.E.

Potacamund
9th July 1875

Offg. Secy. to Govt.
P.W. Dept.

G.O. S. Am. 9/75-12 2260

To
The Ag. Collector of Chingleput.

11.7.75
Lath

Public Works Dept.

Letter from the Consulting Engineer
for Railways No 358 dated 22nd June/75.

Submitted for
orders.

The Chief Engineer,
South Indian Railway,
requests a re-investiga-
tion of a complaint made
by the Railway Engineers
against the Revenue Offi-
cials in the Chingleput
District.

I have no objection to
this being the record
showing it as per orders
issued in the matter
ending W. Subbilla's case
of 19 June 75. of
the decision in regard
to the deposition of the

The last 2 letters on
the file give in considera-
ble detail an account of
the matter in dispute
from the point of view of
the Chief Engineer and of
the Collector.

Lh

It appears that
3 separate complaints
have been made by the
Railway Engineers, but
that the first 2 have
been withdrawn.

John A. Hunt Major R. H.
Offy. Secy. to Govt.
Br. D.

Oakland
2 July 1875

Enclosed with
opening all the
papers sent. I
am satisfied that
in this respect the
evidence on the side
of the contractor is so
manifestly tainted
in the ground as to
do credit to the whole
case.

The impropriety
in the matter of the
manifests are pointed
out by W. H. Hille.

In the matter of the
stone quarrying the
hills upon the
engine ground
from C. T.
I do not find

I do not find the evidence
clearly as to the
the last time of the
appropriate party, perhaps
in order to prevent the
contract evidence. But
the evidence is so
elaborate & so likely
to operate adversely to
the promoters. I am
satisfied. [S]

that W. H. Hille is the
of the last time of the
of the last time of the
I think that and it has
to be so far as the
evidence for the
Sugary. [S]

I would like this
case discussed in Council.
It is not possible
that a little pressure or
persuasion was put on by
the native Subordinates
in connection with the
Karamuli & — road
about that time, and certainly
considerable prolongation was
expected by the money with
which the Sub. Officer carried
on that work as compared
with what the D. P. W. were
used to exercise. Colonel
probably changes of the
same kind had to be
rebutted.

rebutted and though in
effectually rebutted the
whole left the impression
on my mind of a good deal
of rivalry & some persuasion
held out to the labour.

Some substratum of
fact is just possible in
this case and was doubtless
exaggerated by the Contractor
to Nicholls to account for
backwardness.

Of course the
whole matter is placed
beyond credence by what
followed. The Contractor
explained away his charge
against the Tahildar.
He found he stated that
his brother had hit the man
"Jo": And he then forged
a retract. in of his explanation
and is in jail. Of course
nothing can be made out
of such tainted evidence
& I think we might generally
endorse the Contractor's letter.

877

MR

96-5 August 175-2260

I was anxious to test
Mr. Melville's letter giving
a very full resumé of the
investigation held by
Mr. Crole into the complaints
made by the Chief Engineer
Mr. Logan against the
Magisterial authorities
of the Principal District.
I have waded through
the voluminous record
and I am of opinion
that Mr. Crole has most
carefully ^{conducted} ~~conducted~~ the

enquiry and that he
has conclusively shown
that the charges brought
against the ^{man} authorities
are unfounded throughout.

The only charge which
was persevered in by
the Railway authorities
was the imprisonment
of Railway labor under
threats of violence. This
charge broke down most
completely. -

W. Melville's letter is

11/
a very correct resume of
the whole business -

He shows very clearly
that all this trouble, &
illfeeling between dep-
artments culminating
in tampering with an

and a criminal prosecution official record, might
have been avoided

if either Mr. Nichols
or Mr. Logan had

adopted the usual
and reasonable course

of referring to the
official authorities

of the District, ~~as before~~ who were
at hand

The sentence of the contractor
of two months imprisonment
has been cancelled on technical
grounds. -

perfectly willing to render
 assistance to the Railway
 authorities — I think
 that this should be
 clearly pointed out to
 the Agent of the S. Railway — with the opinion

W. Logan bears so high of the Govt that after
 a character — that I hesitate a careful inquiry the
 to suggest that his conduct charges brought against
 should be ^{especially condemned} ~~condemned~~ ^{he} ~~should~~
 be ^{especially} ~~blamed~~. He
 displayed great anxiety
 & want of judgment throughout
 but I am ~~unwilling~~ willing to do more
 than I have above sug-
 gested

27. July 75
 RK

96-5 August 75
 1226
 J. Connel
 2/6/75

I cannot
 have lost sight of W. Logan
 in the past but I have
 been informed before by
 the Hon. Secy. of the
 Govt. that he was
 a member of the
 Committee of the
 S. Railway

Memorandum

12

In connection with the Complaint
 made by the Agent of the S. Railway
 of mismanagement of the
 author's works, the Commission
 is directed to apply to the
 Agent of the S. Railway
 to be satisfied that the
 inquiry held by Mr. Cooke on
 the 17 May last into the case of
 alleged mismanagement of Railway
 Workmen, and also further
 the criminal charges brought
 against the same.

rebutted and though in

in which criminal case he
appears to have been sentenced
to 2 months imprisonment. Kistner
inclinates appeal against this
sentence without the benefit of the
appeal on his own application.

Mr. 9/7/75

Council

1/9/75
Paco-Santiago
2225

2.12.75

Mr 222/75

Specie of Correspondence laid before Govern-
ment with letter No 358 dated 22^d June 1895.

13

No 358 dated 22 June 1876. *Precis of correspondence laid before Government with letter*

No.	Date	Transmitted to whom	Subject
229	21 ¹⁸⁷⁴	Mr. Agent to Cons. Engrs.	Forwarding letter No 8534 dated 20 November 1874, from the Chief Indian Railway for Railway Engineer, bringing to notice a prohibition issued by the Revenue Department to the quarrying of stone.

237	25	do	do	Forwarding further letter No 8888 dated 24 November 1874, from the Chief Engineer, bringing to notice that the arrangements in District 5 have been practically brought to a stand still by the action of the Rub. Collector.
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1124	27	Cons: Engr. Collector	Forwarding copy of Mr. Assistant Engineer Nicholls letter for Railways Chingleput No 64 dated 16 November 1874 bringing to notice that a prohibition has been issued by the Rub. Collector prohibiting the quarrying of stone; suggesting that if it was done in accordance with G.O. No 1125 dated 14 October 1873 it would have been sufficient to call the attention of the Railway Authorities; — stating that the Agent has been called on to make the necessary application; and meanwhile requesting that the prohibition may be removed.
------	----	-----------------------	--

338	"	do	Agent for the	Acknowledging receipt of No 229; forwarding copy of G.O. Indian Railway No 80 dated 14 November 1873; and suggesting that application be at once made to Collector for written permits to quarry stone.
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499	30	Collector	Cons: Engr.	Forwarding copy of letter No 1837 dated 30 November 1874 to the Chingleput for Railways Acting Rub. Collector of Chingleput, requesting that permission
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1874

may be accorded to the Railway Authorities for quarrying stone, and for removing that already quarried; as likewise, will at once be obtained by them from the Collector.

1128 30 Nov. Luns: Engr. Collector of Forwarding copy of letter No 8888 dated 24 November 1874 from for Railways Chingleput Chief Engineer to Agent South Indian Railway and requesting removal of prohibition.

348 3 Dec. do do Forwarding to Agent copy of Collector's letter No 199 dated 30 November.

508.3 - Collector of Gov. Engr. Stating that on receipt of letter No 1124 dated 24 November 1874 Chingleput for Ry. immediate measures were taken to prevent any further interference with Railway Contractors; that the Company are to

blame for not taking out licences, and requesting that a list of the Contractors may be sent.

261 7 " Agent South Indian Ry. do. Calling attention to certain enclosed correspondence; requesting that some modifications may be made in the about manner in which the rules of the Revenue officials in the Chingleput District are enforced, and stating that work in District has been stopped; also that about 100 men to whom Contractors Histramaachary had made advances were forcibly taken off the work by the orders of the Madan Chaitanyan, and that the best stone is being removed by the Revenue Department from the Mangalore fort.

360 8 " Luns: Engr. Agent South Indian Ry. Forwarding to Agent copy of Collector's letter No 888, and asking for list of Contractors.

15

1874

1168 9 Dec: Cons: Eng: Collector of Brought Agents letter to 261 dated 7 December 1874 to the for Railways Chingleput office of the Collector, and requested him to take such action as would prevent the state of things complained of by Mr. Nicholls.

249 14 " Agent Public Cons: Eng: Forwarding copy of Chief Engineer's letter pointing out the Indian Ry. for Railways convenience which would attend the application for licenses in each individual case, and requesting that Collector may be asked to grant a general license to the Railway Company to quarry stone in certain localities.

1205 16 " Cons: Eng: Collector of Forwarded the above to the Collector, and explained that for Railways Chingleput. He went with his office for not communicating of quarrying licenses for quarrying to the Agent, South Indian Railway, on its receipt.

318 28 " Agent Public Cons: Eng: Stating that Mr. Nicholls reports that the Revenue Department Indian Ry. for Railways are taking away stone from within the Company's lockpitting; that work is still retarded on account of the imprisonment of laborers by the Madras Government; and requesting that action may be taken to prevent a continuance of the state of matters brought to notice.

1875
14 5 Jan: Cons: Eng: Collector of Forwarded the above, and requested that definite instructions may be issued for the guidance of parties concerned.

334 12 " Agent Public Cons: Eng: Forwarding copy of letter from Mr. Nicholls bringing to notice Indian Ry. for Railways that the removal of stone from within the Company's lockpitting is still carried on, notwithstanding continued protests.

1875

39 14 Jan'y Cons: Engr: Collector of Forwarded the above and requested early consideration on the
for Railways Chungieput points brought to notice, and to be furnished with decision thereon.

342 " " Agent South Cons: Engr: Brought to notice, that Collector's fears prevent Contractors carts from
Indian City for Railway going through village, and that when Sub. Collector was applied
to, he declined giving assistance: also acting for Consulting Engineer
assistance in removing the running of the Sub. Collector.

6 16 " Cons: Engr: Collector of Forwarded the above and asked for early reply upon the
for Railways Chungieput matters chosen treated of

23 " " Agent South Cons: Engr: Stating that Mr. Nicholls reports that ^{the} Chibramachang Contractor
" Indian City for Railways complains that 57 new men whom he placed to work on 26 December
have been taken away by Sahildar's fears, and that under
present circumstances it is impossible to carry on work.

256 18 " Agent South Cons: Engr: Requesting to know whether the terms for quarrying
Indian City for Railways agreed to by Collector of South Arcot can be adopted in
Chungieput.

71 23 " Cons: Engr: Collector of Forwarded the above and requested a reply to the
for Railways Chungieput. Agent's suggestion.

26 29 " Collector Cons: Engr: Proposes to issue a general free quarry license for each village
Chungieput for Railway upon condition that the right of Government to claim a
royalty after one month's notice must be admitted. Towards
copies of letters received from the sub. Collector, in which Mr.
Orde observes that the order forbidding quarrying was not
issued by him but by the late Acting Collector Mr.
Pottas, and states the same adopted by Mr. Logan and

1875

Colonel Shaw Stewart is totally unwarranted by the facts and is certainly not calculated to secure that unanimity and support which Mr. Logan says he desires. That the Sahildar denies that certain men have been forcibly taken off the work by his orders. That the Sahildar could have explained apparatus for the work without any difficulty.

That Mr. Nicholls while indicting the complaints, never protected or sought assistance or redress either from him or from the Sahildar. That the works under Mr. Nicholls are very backward. That if Mr. Nicholls desired the rapid progress of work and was anxious to work in harmony with the Sahildar, he should have at once objected in a temperate manner when the stone was taken from

the Revenue Department from within the fourpains's limits in the Haranguly fort.

126 3rd July Cont. Bagn: Collector of Explaining that if any expressions in the letter from this to Railways Chingletput office seem to imply that he assumed without inquiry the accuracy of the complaints brought forward by the Railway officials, such expressions have found their way unintentionally into his letters.

81 5th " do. Agent Barlow Informs that the Collector of Chingletput has issued orders Indian Ry. that the Contractor's carts should be allowed to go on any road on which any other carts are in the habit of proceeding, and that Mr. Barlow observes the Railway Authorities are under the impression that the use of the stone by other

187

1875

Departments is unauthorized.

82 S. J. Eng. C. W. Eng. Agent South. About the alleged removal of 150 men from the work for Railways Indian Ry. by the Sahaidar of Bradantheim. Inform that which denied by the Sub. Collector, who states that the Sahaidar could have supplied the Railway with apparatus without any difficulty.

83 " " do do. Giving an extract setting forth the terms on which it is proposed to issue licenses for the quarrying of stone by the Railway Company, or its contractors in that District.

70 1. Rev. Collector C. W. Eng. States that he issued strict orders that every facility should be afforded to the Ching Leput for prosecuting work should be afforded to the Company; and that he received no communication from the Railway officers during the three weeks he was at Kananguly; and enclosed translations of 3 replies from the Sahaidar of Bradantheim.

6. Chief Eng. C. W. Eng. Forwarding copy of letter addressed to the Agent by the South Indian Ry. for Railway South Indian Railway giving his enclosures after personal inquiry into the allegations against some of the Revenue officials of Ching Leput, with copies of evidence taken during the inquiry.

(15)

444 10. " Agent South do. That the Chief Engineer states that he was misled

1875

223 21 April Ag. Sub. Cons. Eng. Informing that the 3rd May has been fixed for holding
Collectors for Railway Enquiry into certain charges made by Mr Logan and
Chingleput some of his Subordinates against the Sahibdar of Madras.
Acund.

243 23 " Cons. Eng. Agent South Forwarding copy of letter No 223 dated 21 April 1875
for Railway Enquiry from the Acting Sub. Collector of Chingleput and in-
forming that the 3rd May has been fixed for the purpose
of conducting the inquiry.

245 26 " Agent South Cons. Eng. Informing that the Chief Engineer has protested against
Indian Ag. for Railway the inquiry being held by the Sub. Collector of Chingleput.

629 24 " Cons. Eng. Collector of Forwarding copy of letter from the Agent South
for Railway Chingleput Indian Railway No 245 dated 26 April 1875 and 223
dated 21 April 1875 from the Sub. Collector and suggesting
that if possible the inquiry be held by the Collector him-
self.

183 29 " Ag. Collector Cons. Eng. Informing that the late Collector of Chingleput
Chingleput for Railway nominated the Sub. Collector to hold the formal inquiry,
and that he does not feel competent to receive his pro-
ceedings, and states that the inquiry to be held
at the special request of the Railway Enquiry
should be held on or near the spot.

653 1 May Cons. Eng. Ag. Collector Observing that Acting Collector of Chingleput was
20

1875

for Railways of Chungking in stating that the Railway Company requested our inquiry by the Sub. Collector, as they had from the first begged that it might be held by the Collector himself.

6574 1 May do Sub Collector Forwarding copies of letters from Consulting Engineers of Chungking to Agent North Indian Railway No 243 dated 23 April 1875; from Agent North Indian Railway to Consulting Engineer No 275 dated 26 April 1875; from Consulting Engineer to Collector of Chungking No 629 dated 29th April 1875 and from Acting Collector of Chungking to Consulting Engineer No 183 dated 29 April 1875, and requested that inquiry be postponed

2674 " " do Agent North Indian Ry. Forwarding copies of letters to Collector of Chungking No 629 dated 29 April 1875; from Collector of Chungking No 183 dated 29 April 1875; to Collector of Chungking No 653 dated 1 May 1875 and to Sub. Collector of Chungking No 654 dated 1 May 1875 regarding the day fixed for the hearing of the case.

2522 3 " Ag. Pub. Cono. Eng. Informing that the date for holding the Collector of for Railway inquiry has been adjourned from the 3rd to the 10th May. Chungking.

292 " " Cono. Eng. Agent North Indian Ry. Forwarding copy of a document drawn up by Mr. Larnard for Railways Indian Ry. on behalf of the South Indian Railway Company and

1895

lodged in the court of the Sub-Collector of Chungking, protesting against the inquiry being instituted by the Sub-Collector, and requesting to be favoured with the Agent's views on the subject.

699 11 May Cons: Eng: Ag: Sub: Sec: Sur: Informing that the protest cannot be laid before the Railways of Chungking Government until the views of the Agent have been ascertained, and requesting a further adjournment.

232 12 " Ag: Collector Cons: Eng: Informing that instructions have been issued to the Collector of Chungking for Railways Sub-Collector that if the inquiry is not held on the 17th instant, the order to hold an inquiry is to be cancelled.

302 13 " Cons: Eng: Agent: Sec: Sur: Forwarding copy of letter No 232 dated 12 May 1895 for Railways of Chungking from the Acting Collector of Chungking and informing that if the Railways Authorities intend to press their objection, it will be necessary to address Government, and that no steps shall be taken till reply to Nos 292 and 302 are received.

281 14 " Ag: Sub: Sec: Cons: Eng: Sur: Informing that from orders received from the Acting Collector of Chungking for Railways Sub-Collector of Chungking the inquiry cannot be adjourned to any further date.

Madras
22 June 1895
J. P. S.

W. W. W. S. S.
St. P. C.
For Cons: Engineer for Railways

Office of Consulting Engineer for Railways,

Chopauk, 24th Aug 1875

My dear Johnson.

Please let us
have the enclosures
of this office letters
which have not been
printed in the orders
of Government noted
in the accompanying
memo. Yrs very truly

Thos. A. Doyle

GA 5 Aug 1875 K 2260.

Railway Department.

CONSULTING ENGINEER'S OFFICE.

No. 358 Madras 22 June 1875.

From

LIEUT.-COLONEL J. H. M. SHAW STEWART, R.E.,

Consulting Engineer for Railways,

To

Lt Col. J. Mullins R.E.

~~COLONEL C. W. WALKER, R.E.,~~

Offg.

Secretary to Government,

Public Works Department,

Fort Saint George.

SIR,

At the request of the
Agent of the North Indian Railway
I have the honour to lay before Govern-
ment his letter dated the 9th instant,
No 654, giving cover to a letter from
the Chief Engineer, in which excep-
tion is taken to certain proceedings of
the Revenue Authorities in the
Chingleput District. A letter from
the Collector of that District, bearing
upon the same subject, is also sub-
mitted for consideration. The
circumstances

9th - 5 August 75
K 2265

*No 341

19 June 1875

circumstances to which these letters relate may be briefly described as follows.

2. Towards the close of the year 1874 several complaints were made by Mr. Nicholls, the Engineer in charge of No 4 District Northern Extension, of difficulties thrown in the way of his work in consequence of the interference and opposition of certain of the Revenue Authorities. These complaints had reference chiefly to three points.

3. The first subject of complaint was the issue of a proclamation by the Sub. Collector of the District, prohibiting the quarrying of stone without licence. Afterwards appeared that this proclamation was

based upon G. O. No 80 dated the 14th November 1873; and that a notice upon the subject had been published by the Collector in the District Gazette on the 7th February 1874. By an oversight in this office, the G. O. in question was not communicated at the time to the Railway Authorities; and the notice in the District Gazette seems also to have escaped their attention. The result was that the Sub. Collector's proclamation was looked upon as an order interfering with the quarrying operations of the Company. The complaint was of course withdrawn by the Railway Authorities when the circumstances became known.

4. The second subject of complaint

complaint was connected with the removal of stone from the old fort at Haranguly. The railway line passes through this old fort; and in August 1874, at the instance of the Company's officials, the Collector of Chingleput gave permission for the stones being used in the construction of the large bridge over the Haranguly river, upon condition that the Company should agree to pay for the stones, if required by Government to do so. — Mr. Nicholls brought to notice that the Revenue Officials were not only taking the best stones from the fort for Local Fund works, but were also removing some of the stones from within the Company's lock-pitting. The

The complaint seems to have originated from a misunderstanding on the part of the Railway Engineer; and after some correspondence and explanation it was also withdrawn.

5. The third and principal subject of complaint was the alleged impressment of labour by the Revenue Officials, and its withdrawal from the Company's Contractors. Several alleged instances of this were brought to notice by Mr. Nicholls; but, upon being referred to the Sub-Collector, their accuracy was directly denied by Mr. Cole, after inquiry made by him. Subsequently the Company's Chief Engineer made a personal investigation into the grounds of the complaints brought forward

forward under this head by Mr. Nicholls; and the result was that he was satisfied as to their being valid and substantially correct. Mr. Logan accordingly requested that the matter might be re-investigated by the Collector. Upon this the Collector referred the matter to the Sub. Collector, and requested him to hold a formal inquiry into it: but the Railway Authorities protested against the investigation being conducted by that officer, and the inquiry was accordingly adjourned. Subsequently the Railway Officials withdrew their protest, and the inquiry was opened upon the 17 May and lasted during eight

eight days. The results are detailed at length in the letters herewith submitted.

6. It will be seen that Mr. Logan protests against the result of that inquiry, and requests that the matter may be laid before Government with a view to its re-investigation. He rules as follows:

"It appears to me that a searching inquiry into the real state of affairs is urgently required. The feeling of many of the people in the localities under reference is that it is dangerous for them to come forward and state their grievances, unless some person of standing unconnected with the sub-division is deputed to

to

to conduct the inquiry.

7. In order to enable the Government to deal conclusively with the matter, it seems necessary to lay before them the whole of the correspondence which has passed; and it is therefore sent with this letter, accompanied by a precis.

8. During the period covered by these complaints and the inquiries into them, there has been a great press of work upon this Department, caused especially by the condition of the North-west line of the Madras Railway, and the recent Traffic Inquiry Commission. Owing to this cause, I regret that this Department has not been able to do much more in the matter of these

+

33/

Returned from Circulation
without precis - by Encl. Mes.
10-7-75

when

*
Vide No. of G.
27 April 75
No 1168.

These complaints then act as ³⁴ a
channel of communication. Captain
Thompson, when inspecting the Northern
Extension of the South Indian Rail-
way in January 1875, mentioned that
the delay in the progress of work was
attributed by the Railway Officials
to the impressment of labour by the
Revenue Authorities; and he was
afterwards present at Haranguly
from the 24th to the 26th of February
when evidence was taken by Mr.
Logan. Lieutenant Coates was
also present at Chingleput upon
the 10th May, the day fixed for
the inquiry by the Sub. Collector;
but the inquiry was adjourned on
account of the protest lodged by
the Company; and on the 17th May,
when

when it took place, it was out of
his power to attend.

I have the honor to be

Sir

Your most obedt Servt.

Wm. H. M. L. & Co.

Genl. Engineer for

Edw. H. M. L. & Co.

Railway.

35 ✓

No 341. Chief Supt Dist. Collis Office
 London 19th June 1875.

France

M. J. Melville Esq

Chief Supt Dist. Collis Office

Le

Lieut. Col. J. H. Dr. Shaw Stewart Esq
 Consulting Eng for Railway

Sir

I have the honor to ackn
 you on the subject of the enquiry
 recently held at the instance of
 the officials of F. & R. Railway. The enquiry
 was conducted by the Chief Sub-collector
 in the presence of an officer of your
 department & of the Railway officials
 & lasted eight days. In your letter
 May 10th 2263 you took exception
 to my stating that the enquiry was
 held at the special request
 of the Railway officials, but as
 in your 2239 of March 1875 the
 following appears in para 4 "the

5827-445/75 to 642-643

P. W. 1875 before
 RAILWAY DEPARTMENT.

From

The Consulting Engineer,

To

The Secretary to Government,
 P. W. Department,
 Fort Saint George.

Dated 22nd June 1875
 Recd 28th June 1875

Enclosure. 70

No 358

Memo No 578 of 19th July 1875

Enclosure

Enclosure together

with a facsimile, regarding

the difficulties experienced

by the Ry Dept in

the Charge of District

for the information

and order of Govt

GA-5 August 75 N 2260

N 76

Celli-29-7-75
 Celli-27-7-75
 Celli-25-7-75
 Celli-23-7-75
 Celli-21-7-75
 Celli-19-7-75
 Celli-17-7-75
 Celli-15-7-75
 Celli-13-7-75
 Celli-11-7-75
 Celli-9-7-75
 Celli-7-7-75
 Celli-5-7-75
 Celli-3-7-75
 Celli-1-7-75

Agent requests that a further enquiry
may be held at which the Railway
authorities may be allowed a hearing.
I have the honor to request therefore
that you will institute a full
"enquiry &c &c", it is quite clear
that my statement of the case is
correct. There is nothing to show
that Mr Barlow was asked to hold
the enquiry in person & in any case
it did not rest with the Railway Co's
officials to prescribe by whom
the enquiry was to be held. As the
events complained of occurred in the
Sub-collector's Division he was nat-
urally deputed to hold the enquiry.

2. Although the enquiry was
principally confined to the alleged
improvement of labor & that of the
two earlier complaints that as to
quarrying had been grudgingly
withdrawn, I think it best to notice
the complaints & erratum.

3. Quarrying:

The first complaint appears in
an enclosure forwarded with your
letter 2^d 1124 of November 27. 1874 & is
to the following effect. "A proclamation

has just been issued by the Sub-collector
prohibiting quarrying of stone &c
Subsequent complaints to a similar
effect were afterwards received.
Any body reading the wording of these
letters would be led to believe that
the Sub-collector of his own accord had
issued an entirely new order inter-
fering with the quarrying operations
of the Railway Co, the fact being
that he was simply as in duty bound
giving effect to a notice by the Collector
of the District published in the
District Gazette as far back as
7th February 1874 - a notice which
the Railway Authorities should have
made themselves acquainted with
& conformed to. I observe in your
letter 2^d 1201 of 16th December/74 that
you excuse the irregular action of
the Railway Officials by stating that
through an oversight in your office
the order of Govt prohibiting the
quarrying of stone without a licence
had not been communicated to the
Agent S. J. R. I would observe that the

way in which blame is imputed
to the Sub-fall in this complaint
is entirely unjustified by the facts
of the case. The order was a general
one issued by the Head of the District
giving effect to orders issued by
Govt. & the Railway Company officials
have only themselves to blame
if their work was hindered by their
own non-compliance with an order
which they should have known.
Under all the circumstances I am
unable to understand what is
meant by the expression in your
letter which is apparently a quotation
from a letter of the Agent S. J. R.
"that the Railway authorities did
not take exception to his pro-
position but only to the manner in
which it was brought to bear on them."
An order prohibiting quarrying
except under certain conditions can
only be enforced by stopping those
quarrying who fail to comply with
those conditions. There is no other way
of enforcing it. It would have been
null if the Railway Co. had frankly
withdrawn

withdrawn this complaint & admitted
that they were in fault in not complying.
4. Removing stones from Farmingford
This complaint first appeared in
a letter from Mr. Nichols enclosed
in your No. 14 of January 75. The
complaint is to the effect "that since
"permission has been granted by
"Govt. to this Company to use stone
"from Farmingford for a large body
"of men had been employed by the
"Sub-fall to select & remove the
"best." It was further complained
that stone was taken from within
the Company's lands.
As to the latter complaint it appears
from the Sub-fall's letter of 19th Jan.
that "some stone was actually taken
"by the madders through ignorance from
"within the limits alleged, but that it
"was prohibited & stopped as soon as
"discovered. It would further appear
"that it had actually been stopped
"some time before the 25th December
"the date of the Agent's letter & x. I
"can also bring to notice that the

I W. sinned in exactly the same way
"I also wholly unintentionally & x x"
Apparently the sub-faller was mis-
taken in supposing that this practice
stopped as early as stated. But orders
had been issued by competent authority
to stop it & if those orders had not
been complied with, the obvious course
was to bring the matter to the notice
of the officer who had issued the
orders. I would also remark that
no particular part of the quarry
is the stone in it belongs
to the Company who had only permission
to quarry in it in common with
other Departments. It was no doubt
more convenient that stone within
the Company's limits should
be left to them but that this was
not done at first affords no grounds
for imputing special malice to the
Revenue officials in the neighbourhood
when brought to notice orders were
promptly issued to stop the practice.
The Railway Engineer on the spot
works as if the stone in the park
had been made over exclusively to
the Company. In Mr Smith's report

Chief Engineer Nicholls enclosed
to you 2239 of January 14/75 - which
was forwarded through Mr Nicholls
to the Agent & sent on by the
Agent without remark. Mr Smith
made use of the following expression
"There are from 50 to 60 carts a day
removing stones from the park (I
don't mean that all the stones are
remaining within the Railway boundary)
We shall be without stones for
the bridge at 49 mile stone." Mr Smith
seems clearly of opinion that anyone
except the Railway contractors taking
stone from the park were trespassers.
Similar expressions occur in letter
from the Agent to your Office of 28th
December/74. & in 22342 of 16 January/75.
& more particularly in letter of 5th November
(evidently a slip of the pen for March 1874)
from the Chief Engineer to the Agent
in which one of the complaints of the
Railway Co. is stated as follows - "That
a large body of men has been employed
by the sub-faller to select & remove the
best of the stones for the purpose of

"making drains in the neighborhood"
In the same letter it is stated
that the charge of removing the
best stone is an exaggeration,
the writer being evidently under
the impression that if it were true
that the best stone had been taken
from the Department, the Company
would have had just cause of complaint.
I need hardly point out that the Company
have no preferential right to the
best or any other stone. They have
simply a right in common with
L & P & the D.P.W. to quarry in the
Gark. This is admitted in letter
of November 1875 from the Chief
Engineer to the Agent, but it is
difficult to reconcile his assertion
I never at any time considered that
"we had a preferential right to
any portion of the stone in the
Lavingford Park" with the expressions
above quoted.

In this complaint again the
Sub-Collector's name was unjustifiably
used in & things done in the
ordinary course of business & re-
presented as to appear as though
specially done to annoy the Railway.

I need scarcely point out that the
Sub-Collector was not the President
of the L & P Board under whose sanction
these works were carried out.
From the above it is clear that the
first part of the complaint was
made under a misapprehension
of the Railway Co. as to their right
to the stone in the Gark & that the
removal of stone from within
the Company's limits was the result
of an error which was rectified
as soon as pointed out. In this case
I think the Chief Engineer should
have admitted that he had made
a complaint which was not justified
in the facts of the case, but I am
not aware that anything of this kind
has been done.

5. I now come to the 3rd & most
important complaint viz that of
employing laborers employed by
one of the Company's Contractors.
This would appear to have taken
place early in December. This
first appears in letter 22334 of
12 January 1876 enclosed in your 239.

of 14th Idem.

In A^o 352 from the Agent to your Department referring to this alleged impediment of labor it is stated "Under existing circumstances it is impossible to carry on work in this section". In the report of the Asst Engineer Dr Nicholls it is stated that the alleged impediment "together with prohibition to quarrying stone or to remove that already quarried from any of the hills has caused an entire stoppage to the work in this section of the District." Here I would wish you to note the fact that the alleged prohibition to quarry stone - a matter already disposed of - is again taken up & made a subject of complaint. I would now draw attention to Dr Nicholls' statement at the recent enquiry. In the 3^d sheet of his statement the following appears "I send 3 progress reports per month. I sent 2 reports in November & December. I don't think there is

anything unusual in the reports for these months." So that it appears that either an entire stoppage of work in a section of the line is nothing unusual or that such an event was not thought of sufficient importance to deserve mention in the Progress Reports furnished to the Chief Engineer presumably with the intention of keeping him informed as to the progress of work in Dr Nicholls' section. No enquiry was made except from the Inspector.

Side Dr Nicholls' statement. "Before writing Dr Smith Dr Nicholls confined any reports & made enquiries of the Inspector"

Dr Nicholls' Confined himself to reporting the matter just as it came from the Contractor to the Chief Engineer. These facts are admitted by Dr Nicholls in his statement. I shall have to return to this subject later on.

The Complaint sent with your A^o 39 was referred to the Subcollector. Previous to this a complaint had reached the Subcollector & he had

called on the Jansdars for a report.
which was made on 24th December/74.
The Jansdars therewith forwarded
a statement taken from the
Contractor in which he in a
categorical manner withdraws
his complaint both as to quarrying
as well as to impressment of
labor. He states that some of
his men had gone to work
in farming with his brother's
consent. The statement given by
the Contractor before the Jans-
dars was received & subscribed
in the Subcollector's office
& was forwarded in original
with the Jansdars' a/c to the
Collector with the Subcollector's
letter no. 13 of 7th January/75. The
Subcollector in his letter as
well as the Jansdars in his a/c
both of them at the time forwarding
the Contractor's statement refer
to its contents. Mr Barlow in his
letter no. 26 of 29th January farming
in answering your previous letter
refers.

refers to an extract from the
Contractor's deposition, the original
being then before him. I must say
that this may be borne in mind
as its importance will appear
further on.

7. At the date of writing this
letter & for nearly three weeks at
about this time, Mr Barlow was
engaged at farming engaged in
the settlement of the Jilug. Nothing
was said to him about the matter.
The complaints might now have
been supposed to have been tri-
gged off, but the Railway au-
thorities were not of that opinion
& Mr Logan just as Mr Barlow
was leaving farming after a
stay of 3 weeks wished to have
all the matters reopened. Mr Barlow
naturally declined to do this. Mr
Logan's reason for wishing a further
enquiry seems to have been to
enable the Railway Company
who represented at the enquiry. I
would here point out that each

& every complaint originated with
Kishnama Chari the Contractor.
This is evident throughout the
correspondence. The extent to which
the Chief Engineer identifies himself
with his Contractor is shown by the
following extract from his statement.
"Every witness brought has been produced
by Kishnama Chari. I proceeded on
information produced by Kishnama
Chari through Mr. Nichols. It is
not my duty to say whether I am
responsible for this case or whether
Kishnama Chari is responsible for
the statements made in this case.
It is left for the other side to find
that out. I will not shake who has
engaged the barrister in this case."
The Contractor had before the
Inquiry withdrawn all his
complaints. As the Contractor was
the sole source from whom the
Company's officials received their
information there was apparently
nothing left to enquire into.

8. An Mr. Barton refusing
to reopen the matter Mr. Eugene
himself proceeded to hold an enquiry

He admits in his statement
that he confined himself to
examining the witnesses produced
by the Contractor. It never seems
to have occurred to him to ex-
amine any of the other Contractors
or to have struck him as strange
that when such wholesale im-
presment was going on, Kishna-
ma Chari should be the only
Contractor to suffer.

It was during this enquiry that
mention is first made of
triangles being set up in large
jars & village. No previous
mention had been made of the
matter. Mr. Smith the Engineer
who states that he saw them
considered it to be a matter of
such every day occurrence as not to
be worthy of mention even to his
immediate superior & this when
he was in constant communication
with him on matters connected
with the works. Denham was also

made by some of the witnesses that
people were flagged. I want
now refer to the result of the
enquiry, in which the Chief Engineer
P. J. Railway was assisted by Counsel.
The fact of the imprisonment of
the setting up of the triangles,
the flagging of some person or
persons names unknown for
no witness is able to give the
name of any one flagged or
to state that he himself saw
any one flagged. It is testified to
by witnesses, mostly in
the pay of the Contractor most
of them at the time of giving their
evidence under advances from him.
Mr Smith also deposes to having
recognized 150 men at work
in Farmingly as having been
employed on the work. He
subsequently modifies this state-
ment but still asserts that
he recognized from 50 to 60
by sight.

This witness as before stated
saw the triangles frequently but

but was not impressed by such
an ordinary sight.

Against this evidence, as to
the triangle, there is the evidence
of Mr Nicholls constantly on
the spot who admits that he
must have seen the triangles
had they been in the place
mentioned by the witnesses who
assert that they saw them; 2nd the
evidence of the Special Deputy
Collector who was at Farmingly
at the time when it is alleged
they were at that place, who was
moreover in constant commu-
-nication with Railway authorities
about accommodation works.

He states that he neither saw nor
heard any thing of the matter.
Similar evidence is given by the
Inspector of Schools, an entirely
independent witness & the Inspector
of Police. That the whole story is
an invention is further shown by

The fact that nothing was said
to Mr Barlow during his three
weeks' stay at Farmington within
six weeks of the alleged occur-
-rence although he was in daily
communication with the agents
of the Duluth, many of whom were
employed in the neighborhood works
as is proved by the statements
of several of the witnesses produced
by the Railway Company that the
Jimmahandy put a slight stop
to their working on the line.

Any body at all acquainted
with the people of this District
is aware that it is not their wont
to suffer in silence & will be
slow to believe that people
could be plucked in an illegal
manner & nothing heard of it
except through a Contractor
a month after the event. Finally
there is official documentary
evidence evidently genuine produced
by the Inspectors to show that the
prisoners could not have been at

Farmington as they were at a village
some miles off & had been there
for some time. I can come to
no other conclusion than that
the statements of the witnesses &
plugging are entirely false.
As to the alleged imprisonment
we have the Contractor's state-
ment given shortly after the
alleged occurrence to the effect
that the few men employed on the
Railway who went to work on
the L. F. Works went with his
brother's consent.

At the enquiry — part of the
deposition referring to imprisonment
was found to have been interpo-
lated & the inference intended to
be drawn was that the word read
in 1868 had originally been of no
effect & that the negative had
been added presumably by the
Inspectors.

I have already drawn attention to
the fact that this statement of the

Contractor was forwarded in original to the Sub Collector. Was abstracted in his office & was sent in original to the Collector's office there read to him & referred to & an extract of it given by him in a letter to you. Had the deposition been then as it now appears it could not have escaped notice; the words *apocryphal* of *Q. D. N.* are not idiomatic. They are not the words that any one would use in giving, or a Sumastah write down in recording, a deposition; it is as though one should say in English "they went on his descent." One is as much English as the other is Tamil. It is clear that the document has been tampered with & tampered with since the enquiry held by Mr. Cogan. This is shown by the evidence & conduct of the Contractor. He gave his statement before the Tribunal on 24 December/75. The effect of his deposition

deposition was made known to the Railway authorities early in January & that it had been so made known was no doubt known to the Contractor in that month. In February Mr. Cogan the Chief Engineer looked them up & having given such a deposition but it is not till the present enquiry which was held in May had been proceeding several days that the Contractor for the first time mentions the fact of his deposition having been tampered with.

10 It is easy to account for the way in which the sense of the sentence tampered with has been perverted. Without a great deal of erasure & fresh writing it would have been impossible to have perverted the sentence in an idiomatic way; the only resource of the tamperer was to add on & then slide it.

Unfortunately for him the whole statement is written in the form of question & answer, & all but one of the answers remain in their unaltered form & so contradict the perverted sentence.

There is besides the evidence of competent witnesses that the 2^d & 3^d & 4th was written with the same ink & at a different time to that of the body of the deposition. This is plain to any one who examines the documents in question. I therefore came to the unhesitating conclusion that the document has been tampered with in the interests of the Contractor who had every motive to do so. At Mr Logan's enquiry Mr Logan taxed him with having deposed as he did before the Subordinate. The deposition in its unaltered state was a conclusive answer to the complaint as to impressment which owed its origin to this Contractor, as

Did each of the other complaints. The Railway authorities would not be likely to forgive him for misleading them.

11. As to the difficulty of getting at the records so as to have the opportunity of tampering with them, I need only remark that it is notorious that the expenditure of a few Rupees have given access to documents of a far more important & secret nature than any in a Piling Cutcherry & that in the Presidency town with all possible precautions taken to prevent such access.

I will now proceed to notice the other evidence brought by the Contractor in support of the charge of impressment. He produces a list of names of Masters whose gangs had been impressed. These names he derives from entries taken from another book subsequently produced. The accounts produced by him are

unintelligible & incomplete & the
entries mostly undated. but he
states that they are the only accounts
he keeps. It is clear that no one
having dealings with coopers in the
number & making advances on the
scale this contractor alleges that
he does could carry in his head
numerous transactions of all
sorts - extending over considerable
periods of time. I can therefore
come but to one conclusion. viz
that the accounts produced are
not this witness's real accounts
& that he has motives for the
nonproduction of such accounts.
To sum up, I can come but to
other decision than that this complaint
is as groundless as the other two.
The small subterfuge of fact which
has been used as a foundation for
this complaint is pretty clear from
the evidence given by the Contractor.
He admits that when the work is
stopped by rain he gives advances
to the coopers in his employ to keep
them together. It is proved by his
own

own evidence & that of some of
his witnesses that rain suffi-
ciently heavy to put a stop to the
work he was carrying out arrived
about the time of the alleged
imprisonment of coopers. It is
probable that his brother was
only too glad to have his coopers
kept together free of expense
by their being employed on other
work in the immediate neigh-
-bourhood for which he had work
to pay. Subsequently when taxed
with being backward in the per-
-formance of his contract, the
Contractor accounts for it to his
employers by stating that the men
had been imprisoned. I may add
that the work then being carried
out by the E. & B. were not
liable to be affected by the rain.
12. The expenditure of ink & paper
& paper would have been saved
if Mr. Nicholls instead of sending

every complaint, just as received
from the Contractor without any
enquiry deserving of the name.
To his official superior, had
communicated direct with the
Govt. Officials on the spot.

vide statement.
"I made enquiries
of the Inspector
I made no reference
to the Subcollector about
"Kachnamathari's
complaint."

This Mr. Logan evidently agrees
with me in thinking to be the
usual course, as in his deposition
he states "I did consider it singular
that none of the Railway authorities
said a word about the irregularities
stated to have been committed
either to the Sd. Subcollector or
Collector who were at Farungji"
but the Chief Engineer does not
seem to have pointed out to his
Subordinate the expediency of
so acting in future. In order
to enable us to render effectual
assistance, assistance, which I
shall always be ready to afford
to insist on my subordinates af-
-fecting, I hope that this course
may be adopted hereafter. Much

time & unnecessary correspondence
will thus be saved.

13. To conclude, I would remark
that though there are Railway works in
other parts of the District & there
are other Engineers & Contractors,
this is the only instance, as far
as I am aware in which similar
complaints have been brought
forward, a circumstance which
I think should have led the higher
Officials of the Company to receive
such complaints with caution &
should have prevented them endorsing
without due consideration sweeping
assertions & imputations couched
in terms which are hardly not
frequently met with in official
correspondence.

I have the honor to be
Sir

Yours most obedient Servant
Manager
Sd. Collector.

No. 65.

Chingleput District, Collector's Office,
Saidapet, 20th July 1875.

FROM

B. J. Mcville Esq.
Collector of the
Chingleput District.

TO

Lieut. Colonel J. Mullins R.E.
Off. Secretary to Government P.W.D.
Madras.

SIR,

With reference to your Official Memorandum No. 517 dated 9th Inst., I have the honor to forward the record of the enquiry, held by Mr. Crook into the case of alleged imprisonment of Railway workmen together with the appeal of Ristumak Chasri against the sentence of 2 months imprisonment and the decision thereon.

I have called for the record of the Criminal charge brought against Ristumak Chasri and will forward it as soon as received.

I have the honor to be,

Yours most obed^t servant,

B. J. Mcville
Collector

M. 6202/75
69/75

19. June.

WMC

90-5 August 75 2260

No. 69

Chingleput District, Collector's Office,
Saidapet, 26th July 1875.

FROM

R. C. Melville Esq.
AS COLLECTOR OF THE
Chingleput District.

TO

Lieut. Colonel J. Mullins R.E.
Off. Secy to Government,
P. W. Depu. Madras.

SIR,

Referring to para. 2 of my
letter of the 20th instant No 65,
I have the honor to forward the
record of the Criminal Charge,
brought against Kristnamahary.

I have the honor to,

Sir,

Your Most Obedt Servt.

Wm. Mullins
for collection

No 69

Recd. 29-7-75
Ac. 27-7-75
H. H. 19 July

90-5 August 1/75
No 2260

TO

SECRETARY

TO GOVERNMENT.

P. W. B. Madras.

FROM

AS COLLECTOR OF THE

Chingleput District.

Dated

Received

36 ENCLOSURES (see enclosure)

No. 65

No. 69

Enclosure No
Record of the enquiry
held into the case
of alleged impure
milk of Cuddalore
warden.

Public Works Dept.
No. 2260

Proceedings of the Madras Govt.

Madras date 5th August/75

Read the following

From
The Comdg. Engineer
for Railways. - - N.E. No. 358 d/22nd June/75
Collector of Chingleput. N.E. No. 65 d/30th July/75.
Do. - - - - - Do. - - - - - Do. - 69 d/26th do -

After a careful enquiry
into the charges brought
against the Revenue and
Magisterial authorities
of the Chingleput District,
the Honorable the Governor
in Council is of opinion
that these charges have
been shown to be un-
founded, and he considers
it has been satisfactorily
shown that no blame
attaches

Of 5 August/75
N. 2260.

From
D. S. 1875 Sept.
No: 5109

COLLECTOR OF THE

Chingleput District.

To

SECRETARY

TO GOVERNMENT.

Madras.

Dated 26th July

Received

7th Aug. 1875

24 ENCLOSURES

No. 69

£20

Forwarding Receipt

of the Criminal Charge

against Krishnamma

Chetty

Cu-25.7.75
At. Madras 19th

attached to the Tahildar

It is observed that the
Collector's letter which
is a very correct résumé
of the whole matter, shows
very clearly that all this
trouble and ill-feeling
between departments
culminating in tampering
with an official record,
and a criminal prosecu-
-tion might have been
avoided, if either Mr.
Nicholls or Mr. Logan
had adopted the usual
and reasonable course
of referring to the official
authorities of the District
who were at hand and
perfectly willing to ren-
der assistance to the
Railway authorities.

Cumbrage J. J. J. J.
Rev. Dept.

See M. 4/8

X¹ attached

Enclosures referred
to in Colrs letters
Nos 65 & 69 only
a copy -

68 Enclosures
returned to Mr Doyle vide
12 Crps - 21-8-75 letter attached
2-21-8-75
Enclosures
24 Aug/75

CP No 14232
55109
55110
Govt. of 1875, Madras.
PUBLIC WORKS.

The Comptroller

Drawn

Issued

Recd.

Recd.

G. O. 5 Aug 1875, No. 2260

Nos. 71-77

Charges brought against
Rev & Magisterial authorities
of the Chingleput District
by the *Chief Secy. G. O. No. 111*
by the *Chief Secy. G. O. No. 111*
Passing orders
in correspondence relating
to certain —

X-ways