

(1) Number of pages 26

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 450Press
Mis.Dated 17. 7.18 77

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

17th July 1877, No. 450 W.

General.

Establishment.

Read the following papers :—

No. 267. From Major H. M. VIBART, R.E., District Engineer, Bangalore, to the Chief Engineer, Public Works Department, General—Establishment, dated Bangalore, 9th July 1877, No. 83.

I HAVE the honor to report that I received an anonymous petition, dated 27th May 1877, against Serjeant Barnes, Overseer, complaining that one anna was stopped from payment from the wages of each cooly and appropriated to his own use.

2. Serjeant Barnes wished to discover who the writer of the petition was, and eventually traced the letter to one Venkatakrishnam Pillay. I authorized Serjeant Barnes to prosecute him before the Cantonment Magistrate, Bangalore. The case has resulted in the conviction of the defendant Venkatakrishnam Pillay, and he has been fined Rupees 20.

3. The charges incurred by Serjeant Barnes have amounted to Rupees 63, Rupees 60 Lawyer's fee and Rupees 3 for stamp and copy of judgment.

4. I trust that under these circumstances Government will consent to defray the costs incurred by Serjeant Barnes.

5. I herewith enclose a copy of the judgment and sentence passed by the Magistrate in the case.

No. 267-A. From the Deputy Examiner of Public Works Accounts, dated Madras, 13th July 1877.

No. 267-B. From Major H. M. VIBART, R.E., District Engineer, Bangalore, to the Chief Engineer, Public Works Department, General—Establishment, dated Bangalore, 11th July 1877, No. 86.

IN continuation of my letter No. 83, dated 9th instant, I have the honor to forward herewith a receipt (in original) produced by Serjeant F. Barnes, Overseer, for the amount of Rupees 60 paid by him to his Pleader, Mr. J. W. Hayes.

No. 268. ORDER THEREON, 17th July 1877, No. 450 W.

THE Government authorise the Examiner to adjust the bill, as the prosecution was officially countenanced by Major Vibart. But that officer had no authority to expose Government to such a charge without having in the first instance obtained their permission in the matter.

(True Extract.)

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

To the District Engineer, Bangalore.
„ Examiner of Public Works Accounts.

Exd. S. T. Austin.

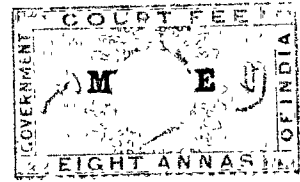
Spare Copies

Letter from the District Engineer,
 Bangalore, No. 83, dated 9th July 1877.
 ditto - No 86 dated 11th July 1877

FOR ORDERS.

Edw. J. L. P. C.
 Secy. to Government
 P. W. D.

I wd. sanction the
 charge as Major Lieut.
 directly commanding
 the present operations
 but I wd. tell him that
 he had no authority to
 expend for the purpose
 of the kind in that
 previous sanction
 L. H.



Bangalore Town and Cantonment Magistrate's Court.
 Magisterial Case No. 362 of 1877.
 Frederick Barnes vs. Venkata Krishna Pillay
 over an O.P. No. 11

Charge. For Defamation under section 500 of the Indian Penal Code.

The accused is charged with defaming Sergt. Barnes over an O.P. No. 11 in an anonymous petition addressed to Major Vibart R. E. The District Engineer Bangalore under whom Sergt. Barnes is employed.

Much valuable time was occupied by the accused attempting to prove by the aid of very unreliable witnesses that the petition was not anonymous his pleader who only appeared on the last day of hearing however admitted that it was. The petition was unsigned. It was written by accused addressed by him to Major Vibart and the word stamped was written on the cover which was duly posted.

It is stated by the accused and his witnesses that he received Rs. 10 for writing the petition which he was induced to do after having first refused to have anything to say to it.

The

[Faint handwritten notes at the top of the left page]

[Handwritten notes in the middle of the left page]

[Handwritten notes at the bottom of the left page]

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The accused appears to be under the impression that having been paid for his work he is exonerated from blame as he entertains no actual personal ill feeling or malice against Complainant.

The evidence clearly shows that though Sergt. Barnes on 2 occasions allowed his wife in his presence to pay the coolies for a short time yet no unauthorized stoppages were made and that all stoppages were regularly accounted for and credited to Government when it was necessary to make them on account of the coolies skimming their work. I believe the other statements regarding the conduct of the Sergeant to be false

Counters

Caution that would be held to exempt them from the consequences of these acts. It is rare that they are however discovered. In this case the writer seems to have admitted for certain reasons which do not appear in evidence, the writing to be his.

The Court has no doubt of the guilt of the accused. To fine him Rs. 10 would be to leave him in the same position as he was prior to his fault to fine him more than Rs. 20 would perhaps on account of his position seem too harsh. It is to be hoped that this will be a deterrent to other would be anonymous petition writers.

Bangalore Signed/ C. A. Benson
21 June 1877. Magistrate.

The Court finds the accused Venkata Khristna Pillay guilty of the offence specified in the charge namely that he has defamed Sergeant Barnes in an anonymous petition and that he has thereby committed an offence punishable under section 500 of the Indian Penal Code, and the Court directs that the said Venkata Khristna Pillay do pay a fine of Rs. 20 or

in default that he suffer one month's simple imprisonment
Bangalore Signed/ C. A. Benson
21 June 1877. Magistrate.

True copy.

C. A. Benson.
Offg. Town & Country Magistrate

Memo

Copy applied for. 25/6/77

Copy ready. 26/6/77

Copy delivered. 26/6/77.

W. 26/6/77

Off. 26/6/77

DISTRICT ENGINEER'S OFFICE

BANGALORE

9 July 1877

Engineer

General Establishment
Madras

Sir

I have the honor to report to
that I received an Anonymous petition
dated 27 May 1877, against Sergeant
Barnes Overseer, complaining that
one Anna was stopped from payment
from the wages of each Cooly and ap-
propriated to his own use.

Sergeant Barnes wished to discover
who the writer of the petition was and
eventually traced the letter to one Ven-
katakristnam Pillai. I authorize
Sergeant Barnes to prosecute him before
the Cantonment Magistrate Bangalore.
The case has resulted in the conviction
of the Defendant Venkatakristnam Pillai.

and he has been fined Rs. 20--.

The charges incurred by Sergeant Barnes have amounted to Rs. 63--.
60 Rs. Lawyers fee and 3 Rupees for stamp and copy of judgment.

I trust that under these circumstances Government will consent to defray the costs incurred by Sergeant Barnes.

I herewith enclose a copy of the judgment and sentence passed by the Magistrate in the case.

I have the honor to be

Sir
Your most obed^t servant.

Henry M. Robert
Major R.E.
District Engineer.

MADRAS, 13TH JULY 1977.

TO W.

THE CHARGE DOES NOT SEEM TO BE
ONE WHICH GOVERNMENT SHOULD BEAR.
AT ANY RATE IF THE DISTRICT ENGI-
NEER, BANGALORE, THOUGHT THAT
GOVERNMENT SHOULD DEFRAY THE COST
OF THIS PROSECUTION HIS PROPER
COURSE WOULD HAVE BEEN TO OBTAIN
THE APPROVAL OF GOVERNMENT BEFORE-
HAND.

Ans
for. c.

F.W.D.
From 11 JUL 77
The District Engr
Bangalore.
The Chief Engr. & M.O.
Genl. or Estab.
Madras

Dated 9th July 1977.

N. 83.

Encl: 1

Serjt. F. Barnes, Overseer
D.M. — Requesting Govern-
ment to defray the costs
incurred in the Defamation
Case against one Venkata-
- Krishna Pillay, prosecuted
by L.

To C

For opinion

W.H.

Dy. W.

11.7.77

With opinion

9617 July 77 10th 267 A

13-7-77

General or Estab.

DISTRICT ENGINEER'S OFFICE

Received 9 July 1977

Dear Sir:

Returned from Madras this
morning. I saw you and the money
during my absence. I saw you
about the case. Please send the
money by bank order.

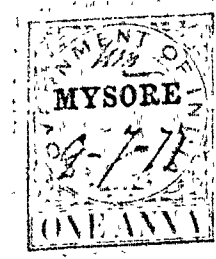
W.H.
W.H.

Bangalore 9th July 1977

Received from Serjt. F. Barnes D.M. the sum
of Rupees sixty, being my fee in the case Venkata-
- Krishna Pillay

Rs 60-0-0

9-7-77



W.H.
Pleaser

Handwritten signature and date 11/7/77

General or Establishment

NO. 86.

DISTRICT ENGINEER'S OFFICE

BANGALORE 11th July 1877

From

The District Engineer

Bangalore.

To

The Chief Engineer P.W.D.
General or Establishment
Madras.

Sir,

In continuation of my
letter of 12.8.77 of 9th instant I have the
honor to forward herewith a Receipt
(in original) produced by Serjeant
F. Barnes Overseer for the amount
of Rs 60--- paid by him to his
Pleader Mr. J. W. Hayze.

I have the honor to be

Yours most obed^t servant.

Henry W. Vibart
Major P.W.D.
District Engineer

With opinion

13-7-77

G. B. or Estab.

From 13 JUL 77

The District Engineer

Bangalore

To The Chief Engineer

G. B. or Estab. Branch
all Madras.

No 86.

Dated 11th July 1877

Defamation case -
brought against one Kankata
- Kristian Pillay by
Sri. Paruram -

Forwards a Receipt
for Rs 100/- obtained from
the Pleader engaged in the -

dist order

House Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 17 July 77
Read the following:-

From the District Engineer Bangalore (H. C. No 83 dated 9th July 1877).
From the District Engineer Bangalore (H. C. No 86 dated 11th July 1877).

The Government ^{authorise} the Examr to adjust the bill, ~~and the charge~~, as the pro-
secution was officially con-
-tenuanced by Major Vibart.
But that Officer had no
authority to expose Govern-
-ment to such a charge,
without having in the first
instance obtained their per-
-mission in the matter -

627 7/7

To The Dist. Engr, Bangalore. ✓
The Examiner of P.W. Accounts. ✓ Dtd 25. 7. 77
N. V. A.P.

1917
G.O. of 1877: ~~India~~

PUBLIC WORKS.

To

Dated

Issued

Recd.

Encl.

G. O., 17-7-77, No. 450 W

Nos. 267-268

Mr L. Barnes, Manager.

Madras Or The adjut.
of the bill of costs incurred
in Defamation Case against
Venkata Krishna Pillay
created by ——— authorities
Remarks.

Subcom Registrar
26-7-77