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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

PW DEPARTMENT

G.O. No. 2128 A (N)
~~B.P. No.~~

Press.
Mis.

Dated 13. 8. 1879 197 .

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Not to be folded or roughly handled

2128-A
1

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

13th August 1879, No. 2,128-A W.

General.
Establishment.

Read the following :—

No. 86-A. Petition from Mr. Gilby, dated 15th July 1879.

No. 86-B. ORDER THEREON, 13th August 1879, No. 2,128-A W.

MR. GILBY will be informed that his memorial will be forwarded to the Secretary of State.

(True Extract.)

Major, R.E.,
Ag. Under Secy. to Govt., P.W.D.

To Mr. H. F. Gilby.

Exd. S. T. Austin.
Spare Copies

GENERAL
ESTABLISHMENT.

Govt. of (1879) Madras

PUBLIC WORKS.

To

Mr. H. F. GILBY.

Dated August 13th.

Issued

Recd. Encl.

G. O., 13th August 1879, No. 2,128-A W.

AUGUST.

Nos. 86-A—86-B.

Mr. Gilby, late Assistant Engineer, Salem District, informed that his memorial will be forwarded to the Secretary of State.

2128 A
2

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

1st April 1879, No. 1,015 W.

General.

Account.

Read the following papers :—

No. 35. From the Superintending Engineer, Fourth Circle, to the Chief Engineer, Public Works Department, dated Coimbatore, 31st January 1879, No. 278-67.

I HAVE the honor to forward reply of the Executive Engineer, Salem Division, to the call made in G.O., No. 4,786 W, of 17th December.

2. Mr. Gilby appears to have had most erroneous ideas of the system pursued in the Salem District.

3. Notices regarding the rates of wages to be given in the district were issued at various times under the authority of the Collector and District Engineer. One of these (herewith sent), dated 17th July 1877, sanctions an increase over normal rates of 25 per cent. for all works carried out from State relief funds ; there is no reference whatever to contractors or disbursers of wages.

3. It is this notice probably from which Mr. Gilby got the idea of allowing 25 per cent. on their disbursement to all disbursers of wages and similar profit on their works to all contractors.

4. Beyond this notice there seem to be no grounds whatever for the conclusions arrived at by Mr. Gilby of the system pursued in Salem, and his allegations regarding the profits allowed to contractors, &c., are utterly erroneous.

5. In conclusion I would suggest that Major Montgomerie, who was District Engineer of Salem, should be asked to report on the matter, and, should you think necessary, Mr. Norfor, who is to take charge of Salem Division, might also be directed to report.

From Major J. PENNYCUICK, R.E., Executive Engineer, Salem Division, to the Superintending Engineer, Fourth Circle, dated Salem, 16th January 1879, No. 122.

IN reply to your No. 1,397—130 of 11th instant, I have the honor to state that the Salem Gazette File has been carefully looked through back to December 1876, but no notice can be found referring to contractors' profits.

2. There are notices regarding prices to be paid for work, one of which, dated 18th July 1877, is enclosed, as it is probably that which your informant had in mind.

3. It will, however, be seen that the 25 per cent. therein mentioned is merely the increase allowed over normal rates, and has nothing to do with contractors' profits.

No. 35-A. From the Secretary to the Government of India, dated 5th February 1879, No. 1,541-1 E.G.

No. 35-B. From Major S. C. CLARKE, R.E., Acting Superintending Engineer, Third Circle, to the Chief Engineer, Public Works Department, dated St. Thomas' Mount, 11th February 1879, No. 687.

WITH reference to G.O., No. 4,786 W, dated 17th December 1878, I have the honor to inform you that the Divisional Officers in this Circle report that practices such as those referred to in the above Government Order were not permitted in their divisions.

No. 35-C. From J. W. RUNDALL, Esq., Acting Superintending Engineer, Fifth Circle, to the Secretary to Government, Public Works Department, dated Puthugudi, 18th February 1879, No. 1,753.

WITH reference to G.O. of the 17th December 1878, No. 4,786 W, calling on me to report whether during the prevalence of the famine percentages were allowed to contractors, I have the honor to report as follows:—

1.—In Tanjore Division no famine works were carried out.

2.—In Pattukottai Taluk of the Negapatam Division a little work was done by contractors on the ordinary terms; no special percentage was allowed.

3.—In Trichinopoly Division all famine works were carried out departmentally.

4.—In Dindigul Division one work was executed on contract, viz., that referred to in G.O., No. 2,187 W, of the 20th December 1877; some masonry work was also done under the authority of paragraph 26 of G.O., F.R. No. 2,847 W, of the 24th September 1877; no special percentages were paid.

5.—In the Madura Division some work was done on contract at the ordinary rates, and the employment of a contractor and the payment of a higher rate to him in the Tirumangalam Taluk was specially sanctioned in G.O., No. 791 W, of the 27th September 1877.

6.—In the Satur Division all works were departmental, except a few masonry works which had been commenced and which were completed at the ordinary rates.

7.—In the Tinnevelly Division no famine work was given on contract.

No. 35-D. From Lieutenant-Colonel H. L. PRENDERGAST, Superintending Engineer, Second Circle, to the Chief Engineer, Public Works Department, dated Bellary, 20th February 1879, No. 1,787.

WITH reference to G.O., No. 4,786 W, dated 17th December 1878, I have the honor to report that, from the replies received from six out of the seven Executive Divisions, the practice of allowing a percentage to contractors has not existed in this Circle.

2. I send this report in consequence of your reminder, No. 4,786 W, of the 11th instant, having been received. I was waiting to send a complete report, but I have not yet had a reply from the Madhanapalle Division. This will be sent as soon as it comes in.

No. 35-E. From G. T. WALCH, Esq., Acting Superintending Engineer, First Circle, to the Chief Engineer, Public Works Department, dated Waltair, 1st March 1879, No. 71.

WITH reference to G.O., No. 4,786 W, dated 17th December 1878, I have the honor to enclose copies of reports* received from the officers in whose divisions alone famine relief works were carried on in this circle, from which you will see that the practices referred to in the Government Order were not permitted in those divisions.

* No. 243, dated 17th Jan. 1879, from the Officer in charge, Western Delta Division Kistna.
No. 337, dated 3rd Feb. 1879, from Officer in charge, Eastern Delta Division, Kistna.
No. 163, dated 17th Jan. 1879, from Officer in charge, Ganjam Division.

From the Executive Engineer, in charge of Western Delta, Kistna, to the Acting Superintending Engineer, First Circle, dated 17th January 1879, No. 243.

REFERS to No. 55 of 11th January 1879.

Has the honor to inform that the undersigned was never aware of any such practices as are therein referred to, and no contractors whatever were permitted on the works in this division.

(Signed) W. R. NORRIS,
Executive Engineer.

From C. J. PETERS, Esq., Executive Engineer, in charge of the Eastern Delta Division, Kistna District, to the Acting Superintending Engineer, First Circle, dated Kistna, 3rd February 1879, No. 337.

IN reference to your endorsement, No. 55, of the 11th ultimo, on G.O., No. 4,786 W, of the 17th December 1878, I have the honor to report that no such case could have happened in this district in any work that came under my notice or orders.

2. In the few cases where contractors were employed in connection with famine work, they worked quite separately from famine coolies, and, as the rates given them were the ordinary ones, or very slightly in excess of ordinary rates, they could not employ any but able-bodied laborers and could make but very small profit.

From T. D. HARRIS, Esq., Executive Engineer, Ganjam Division, to the Superintending Engineer, First Circle, Dowlaishvaram, dated Berhampore, 17th January 1879, No. 163.

REFERRING to your foot-note, No. 55, of 11th instant, to G.O., No. 4,786 W, dated 17th December 1878, I have the honor to inform you that no such practice was permitted in this district, and I never heard of it before.

No. 35-F. From Lieutenant-Colonel H. L. PRENDERGAST, R.E., Superintending Engineer, Second Circle, to the Chief Engineer, Public Works Department, dated Bellary, 19th March 1879, No. 2,229.

WITH reference to G.O., No. 4,786 W, dated 17th December 1878, and in continuation of my letter, No. 1,787, dated 20th February 1879, I have the honor to report that I learn from the Madhanapalle Division that there were twelve works given on contract. Nine of these were undertaken by wudders; two other works were minor works costing Rupees 25 and Rupees 60 in improving wells, and one more work, constructing a stone tank, was given the greater part to wudders and the rest of it to three other contractors.

2. The wudder people are accustomed to work together in bands, and the work given to contractors was paid for to the aggregate amount of only Rupees 925. There is nothing to show that on these works a per centage was allowed to the contractors.

No. 36. ORDER THEREON, 1st April 1879, No. 1,015 W.

ORDERED that the Government of India be addressed.

(Here enter No. 1,016 W, dated 1st April 1879.)

(True Extract.)

(Signed) J. H. M. SHAW-STEWART, Colonel, R.E.,
Ag. Secy. to Govt., P.W.D.

Exd. J. W. Fischer.
Spare Copies

GENERAL.
ACCOUNT.

Govt. of (1879) Madras.

PUBLIC WORKS.

To

Dated April 1st.

Issued

Recd. *Encl.*

G. O., 1st April 1879, No. 1,015 W.

APRIL.

Nos. 35-36.

ON THE PRACTICE OF CONTRACTORS APPROPRIATING A PERCENTAGE OF RELIEF WAGES.

2128A
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PUBLIC WORKS DEPARTMENT.

General.
Account.

No. 1,016 W.

No. 37.

FROM

THE AG. SECRETARY TO THE GOVERNMENT OF MADRAS,
Public Works Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
Public Works Department.

SIR,—I am directed to state that careful inquiries have been instituted by this Government regarding the three points mentioned in the fifth paragraph of the Under Secretary's letter of the 7th November last, No. 1,541 E.G. I am to forward copy of the Proceedings of this Government, dated the 1st April 1879, No. 1,015 W, in which the result of those inquiries is embodied.

2. With reference to the first point, I am to state that it is not true that twenty-five to fifty per cent. of the payments on account of relief-works in Salem were pocketed by so-called contractors, except in the cases which led to this correspondence under the instructions of Mr. Gilby, who was in consequence dismissed from the Government service. Mr. Gilby entirely misconceived the system in force in the district, under which contractors were on no occasion whatever allowed to exact profit from the laborers.

3. With reference to the second point, there was not, so far as this Government have been able to trace, a systematic misappropriation of relief funds in other districts of the Presidency.

4. With reference to the third point, the orders of this Government in no way recognised or permitted that contractors should appropriate a large, or indeed any, percentage of the relief wages.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) J. H. M. SHAW-STEWART, Colonel, R.E.,
Ag. Secretary to Govt., P.W.D.

FORT ST. GEORGE,
1st April 1879.

Exd. J. W. Fischer.
Spare Copies

GENERAL.
ACCOUNT.

Govt. of (1879) Madras.

PUBLIC WORKS.

To

THE SECRETARY TO THE
GOVERNMENT OF INDIA.

Dated April 1st.

Issued

Recd. Encl.

G. O., 1st April 1879, No. 1,016 W.

APRIL.

No. 37.

On the practice of Contractors appropriating a percentage of [illegible] wages

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2128 A / 5

MADRAS, 15th *July* 1879.

To

THE RIGHT HON'BLE VISCOUNT CRANBROOK, M. P.,
Secretary of State for India in Council.

The humble Memorial of H. F. GILBY,
late Assistant Engineer, 2nd Grade,
in the Madras D. P. W.

SHEWETH,

That your Memorialist extremely regrets that he is compelled to lay before your Lordship in Council all the facts which have led to his services being "dispensed with" though *not dismissed;* for, with every deference to the Madras Government and the Government of India, and the decisions they have arrived at, he must nevertheless state that they have completely misunderstood the meaning of his explanation, which after all is perhaps his own fault, for the phraseology is on the second reading indeed ambiguous—which ambiguity has betrayed the Madras Government into deciding against him when he memorialized that Government.

2. That your Memorialist will, on this occasion at least, endeavour to his utmost to state the facts of his case in this Memorial in a brief, succinct, and intelligible manner.

3. That your Memorialist is the son of the late Major W. B. Gilby of the Madras Army, who served Government with distinction for 28 years and had seen active service. Your Memorialist served Government assiduously and faithfully first in the Civil Engineering College in Madras for *13 years,* during the whole of which time his "zeal", "acquirements", "earnestness", "punctual attendance" were not only appreciated, but recorded in the testimonials, copies of which are herewith forwarded—to go further: in acknowledgment of these qualities, at the recommendation of the Director of Public Instruction, the *very Government* that has now removed him, raised his salary from Rs. 70 to 250 with Rs. 25 as personal allowance; but though he drew this enhanced salary it was nevertheless an inadequate recognition of his 13 years' service for Captain Edgcome, his then immediate superior the Principal of the College was pleased to record this fact:—"I ever found you punctual in attendance, zealous in the discharge of your onerous duties, which duties I am of opinion were not adequately compensated for and which you are aware I tried more than on one occasion to have fairly regarded by the Government." Lord Napier during his administration as a reward for his good services appointed your Memorialist, unsolicited, and of his free pleasure, as an Assistant Engineer in the P. W. D. and in this capacity he served for *7 years.*

4. That during these 20 years *he was never on any one single occasion censured, fined, suspended, or reduced,* till Major Pennycuick was appointed District Engineer of Salem, at whose representation of certion facts, *in a manner peculiar to himself,* the Madras Government dispensed with his services.

5. That the two charges brought against your Memorialist, to use Major Pennycuick's own words, were,

> 1. "It appears from an examination of the records that the Taluq Overseer of Trichingode reported that he has appointed certain Paymasters and recommended that they should receive as a remuneration a commission of 25 per cent on all payment made by them, this letter, without enquiry whatever, Mr. Gilby endorsed "a remuneration of 25 per cent to Paymasters is approved."

2. The second charge is thus worded by the same gentleman.

> "I am obliged to say a more hopelessly and utterly incompetent officer it has never been my misfortune to meet with, his carelessness and disobedience of orders exceeds anything I have ever known; indeed I have often been obliged to pass over irregularities out of sheer weariness of fault-finding."

6. That your Memorialist respectfully urges with reference to the second charge that the criticism so strongly worded and so emphatically damaging to his character should have been read with great caution by the Madras Government; for no one knows better than HIS GRACE THE DUKE OF BUCKINGHAM himself and the members of his Council that Major Pennycuick can never put pen to paper when reporting on any public servant (whether he be a civil servant or a subordinate, whether he be an individual of superior or inferior official status than himself,) but he invariably adopts a style of language, exquisitely ironical, bitterly sarcastic, excessively hyperbolical, and discourteous in the extreme, to say nothing more severe. That your Memorialist begs humbly to state that he has not *exaggerated* the nature of Major Pennycuick's official communications, for, there must be official records in the India Office to verify what your Memorialist has just stated, for he is given to understand that all the Proceedings of the several Governments of the three Presidencies are sent for record in the India Office, and a reference to these records is respectfully solicited.

7. That your Memorialist must be pardoned if he now states that Major Pennycuick's expressions with reference to your Memorialist's official character *is not a true statement of facts but merely a figure of speech and therefore worthless as evidence.* Your Memorialist deems it very hard that on account of the exaggerated opinion of *one single individual* his services should have been dispensed with, while the good opinion of the *many others* during the major portion, *i. e.*, 15 years of his previous service has been entirely forgotten.

8. That with reference to the first charge, viz., sanctioning a commission of 25 per cent your Memorialist respectfully begs to explain that during the Famine of 1877-78 the distinction between Budgetted Works and Famine Relief Works was abolished in the Salem District. At the time this commission was sanctioned it was a moment of great pressure and embarrassment, a measure to which your Memorialist was urged by motives of sympathy for the suffering and to SAVE LIFE; for, owing to the delay in disbursing wages many were the victims of want and starvation, and this delay was unavoidable for the staff at your Memorialist's command was too meagre and those who had to be paid were thousands and scattered all over the Taluq. Under these critical circumstances the Taluq Overseer, S. Rungasamy Naidu, reported that he had appointed Paymasters and recommended their receiving a commission of 25 per cent as a remuneration on all payments made by them: this your Memorialist sanctioned because contract rates of the department for ordinary Public Works were calculated to give contractors 25 per cent as a profit. This system was in force as regards Budget Works up to the moment that Relief Works were transferred to the Public Works Department. Your Memorialist therefore deemed it necessary to allow Paymasters the same profit because Paymasters were required at any cost to save life. This procedure however has been misconstrued, for your Memorialist never intended it to be understood, as Major Pennycuick puts it, that Relief Works, under your Memorialist's control, were worked under contractors who were permitted to exact 25 per cent and more from relief laborers. Your Memorialist candidly admits that this sanction of 25 per cent was after all nothing more or less than an error of judgment on the part of your Memorialist and this Major Pennycuick himself admits, for he states in his letter to Government on this identical point, that he is willing to believe that your Memorialist acted "in good faith." That your Memorialist put a stop to this system the instant he had discovered the error into which he had been betrayed by his Taluq Overseer, S. Rungasawmy Naidu.

9. That in the Bellary District the same system of 25 per cent was in force, as a reference to the Collector of that District will show, but in that District they were not called

"*Contractors*" but "Gang Maistries" who received no pay whatever, but were allowed 25 per cent. on all payments made by them, and yet this system though identical with what your Memorialist is punished for was permitted.

10. That your Memorialist leaves it to your Lordship to decide whether under the circumstances now brought to notice his removal from the Government service in the P. W. Department is justifiable on the *exaggerated opinion* of your Memorialist's disqualifications and for an error of judgment on his part.

11. That it is quite evident to your Memorialist that his removal from the Department has been after all only an alternative, because it is quite conclusive that the Madras Government deemed his removal too severe a punishment and therefore tried to provide for him elsewhere, for in a communication (copy enclosed) received from Colonel Foord, the late Chief Engineer and Secretary to Government, Public Works Department, who is now in England, he states that he wrote "at once to enquire whether employment could be obtained" for your Memorialist in the Civil Engineering College. It was on failing in this that Government recommended your Memorialist for a gratuity and dispensed with his services.

12. That your Memorialist respectfully reminds your Lordship in Council that removal from the service is the last resort of Government as a punishment, but in your Memorialist's case after 20 years' service his services have not only been dispensed with, but even a pension has been refused him and lastly a gratuity which *was recommended by the Madras Government* was declined to be forwarded to your Lordship by the Government of India which your Memorialist firmly believes would have been forwarded for sanction to your Lordship but for the manner in which Major Pennycuick damaged your Memorialist's official character in a few hasty words which have produced such disastrous consequences; and your Memorialist feels quite certain that if a reference is made to the Government of India on this point, they will reiterate what your Memorialist now says, that, but for Major Pennycuick's words they would have forwarded the application for a gratuity to your Lordship.

13. That your Memorialist feels quite certain that a careful perusal by your Lordship in Council of the papers connected with your Memorialist's case will lead to the cancelment of the order removing him from the P. W. D.; and that your Lordship will sanction your Memorialist's reinstatement.

14. That the arbitrary manner in which your Memorialist has been treated has thrown him with a large family entirely destitute on the world, and at his present age it is difficult to obtain employment in any capacity. Under these circumstances your Memorialist humbly begs your Lordship in Council will provide for him by ordering his immediate reinstatement in the D. P. W. failing this granting him a pension to which he is entitled, and not permit an old servant of Government to go begging for his daily bread. For this act of charity your Memorialist as in duty bound

WILL EVER PRAY.

H. F. GILBY.

2128A
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To

HIS GRACE THE GOVERNOR OF MADRAS IN COUNCIL.

The humble Memorial of H. F. GILBY, *late*
Assistant Engineer, Second Grade, in
the Madras D. P. W.

SHEWETH,

That your Memorialist was dismissed on the grounds,—

(1) of inability to appreciate his duties on a particular occasion; and

(2) of general incapacity.

Regarding the latter, your Memorialist earnestly requests your Grace in Council to refer to those under whom he has served for the last nearly 20 years and especially to those cognisant of his conduct whilst in the Madras Engineering College.

The charge of general incapacity is one easy to prefer, and when preferred by an officer who has been invariably hostile to your Memorialist, is one, which it is submitted, should be received with caution. The tyrannical manner of the District Engineer to your Memorialist is no new matter, but was so marked long before any matter such as the present had cropped up, that your Memorialist so far back as February last requested the Chief Engineer to remove him to another district, and then expressed his apprehension that the District Engineer was seeking to do him an injury.

Your Memorialist would respectfully draw your Grace's attention to the wording of para 11 of the District Engineer's letter printed with G. O. of the 2nd April 1878 and to para 5 of his Memo. No. 1528 of the 15th February 1878 to your Memorialist in which Major Pennycuick shirked the onus of specifying particular cases in which your Memorialist was to blame. It is easy to find fault when there is a disposition to do so, and your Memorialist being on his defence may be pardoned for stating that there is no Officer in the whole department more prone to fault-finding and more hasty in doing so, than Major Pennycuick; the unnecessarily offensive style in which his Memo. is couched, and even the tone adopted by the District Engineer in communications addressed to his superior officers, may satisfy your Grace that he is an officer with whom it is difficult, or as your Memorialist may almost say, impossible to work in harmony.

Major Pennycuick was never once over any of your Memorialist's works with him and therefore has founded his prejudice entirely on what he could glean from his office work, for this your Memorialist had but little time, such as was to spare was given to office work; but it was mostly taken up in travelling, personally relieving the distressed, and trying to infuse into his subordinates the spirit of sympathy and zeal by which your Memorialist was himself actuated; of all this the District Engineer knows and says nothing.

In his No. 2585* of the 12th February 1878 your Memorialist defended himself from certain charges preferred against him by the District Engineer and expressed his intention of appealing to Government, especially challenging the District Engineer to point out where he had failed in any duties, which, as above stated, the District Engineer evaded in his No. 1528 of the 15th February 1878, and from this date, it may be said, that his whole influence was brought to bear to harass and injure your Memorialist; in support of this, your Grace's attention is respectfully called to the District Engineer's procedure in placing your Memorialist, an officer of long standing in the Department, under the orders of Mr. Hughes, a stranger to the Presidency, and the manner in which, vide letter No. 3576 of the 20th February 1878, herewith accompanying, he was driven from post to pillar with scarcely a moment of rest. That Mr. Hughes has his cue from the District Engineer to ferret out what he could against your Memorialist, is a matter, which, though not admitting of proof, your Grace may fairly surmise from concomitant circumstances, and your Memorialist submits with respect it is much to his credit that nothing further than the specific charge of the 25% commission was to be found against him.

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* Original paper retained by the Madras Government.

Regarding this, the chief and only circumstantial charge against your Memorialist he would respectfully urge in extenuation the state of things existing when G. O. of the 24th September last was put in force. When called on by Mr. Hughes in his 2631 of the 21st March 1878 to explain the same, your Memorialist did not enter into details, believing that the same was required only for the District Engineer and not for Government, and the District Engineer was fully acquainted with all that led your Memorialist to this step, and knew the embarrassment which had been experienced in other ranges, he never thought it necessary to enlarge on the same.

When your Memorialist took charge of the Salem Range from Mr. Norfor it was in a state of the most complete chaos. When the task of employing all indigent coolies was subsequently thrown exclusively on the D. P. W., not only your Memorialist but all officers in charge found themselves face to face with an emergency which could not be met by the forces of the Department. The procedure of the G. O. of 24th September was, your Memorialist believes, taken from that in force in the Bombay Presidency, but owing to difference of organisation and of the rules by which the Madras D. P. W. is governed, the same could not be carried out in its entirety without doing violence to established usage. Had this difference of system, and the result to which it would lead, been known when the Bombay Famine Code was adopted to this Presidency, your Memorialist believes that special powers to meet the difficulty so arising would have been wanted.

According to the Madras system payments could only be made by Overseers in person, and with thousands of coolies employed in each taluq and the large number of scattered works in progress it was simply impossible for the existing staff to make payments according to the rules of the Department, especially when such payments had to be made bi-weekly, and in cases of weakly coolies *daily*; any officer of the Department will bear your Memorialist out in this statement.

When this difficulty presented itself, according to their different sense of responsibility and care for the lives of those entrusted to them, different Range Officers adopted different courses, *e. g.*, in the Tripatore Range the Range Officer simply adhered to the rule of the Department and the coolies were normally three weeks or more in arrears, some weakly coolies were actually reported by that officer to have died owing to delay in making payments and no practical steps were taken to meet the difficulty until the middle of December, three months after the G. O. of September was issued. When Lieutenant de Villamil superseded the former Range Officer and at once introduced the Bombay system of Cashiers with which he was familiar, having worked it in Bombay;—This system he introduced in the teeth of the rules of the Madras D. P. W. and not too soon, as thousands of coolies were then three weeks and more in arrears; all this your Memorialist is prepared to prove if necessary.

Your Memorialist having no knowledge of the Bombay system, and finding the distress, owing to delay in disbursing wages, growing more and more pressing, was at his wit's end for an expedient to meet the wants of the starving poor. It was at this moment that your Memorialist's subordinates suggested to him the appointment of paymasters at a remuneration of 25 %; your Grace will perceive that the suggestion was not that of your Memorialist, who believing the commission was sanctioned blinded him to the final results of this step and that the suggestion was put forward by parties whom your Memorialist, new to the Division, could not have known to be personally interested in the matter.

The error of sanctioning the 25 % commission is one which your Memorialist can in no way attempt to excuse; he accepts the full responsibility for the same, but prays your Grace to realize that it was a measure adopted in a moment of great pressure and embarrassment, a measure to which your Memorialist was urged solely by motives of sympathy for the suffering, and zeal, however misplaced, for the service. This brings your Memorialist to another point on which your Grace has not been fully informed. The order sanctioning the 25 % commission was issued by your Memorialist on 31st October and was cancelled by him about the middle of November 1877; but the District Engineer tries to hold your Memorialist responsible for all payments made subsequent to the latter date, hereto your Grace may have an instance of the animus with which your Memorialist was treated—to say nothing of the off-hand way in which he was called upon for an explanation upon a matter which transpired several months previously without being furnished with the necessary documents to guide him. Your Memorialist asked for a copy of the order cancelling the 25 % commission on the 22nd April last, again on the 4th May, and again on the 9th May (*vide copies of letters enclosed) especially calling attention to the fact that this was specially required for appeal to Government as the period sanctioned for appeal was rapidly drawing to a close, but up to date these papers have not been received; hence the delay in submitting this Memorial.

In the payments made after the date of this order your Memorialist respectfully submits that, he cannot be held responsible, that the fact of payments continuing to be made was not specially brought to his notice by the Head Accountant Mr. Conyers is a matter which your Grace will perceive to be open to grave animadversion and your Memorialist believes that the conduct of Mr. Conyers has been such as to justify Government in giving the benefit of any conclusions legitimately to be drawn from this fact to your Memorialist.

Your Memorialist has not, even by his bitter enemy, the District Engineer, been accused of dishonest motives in this matter, and he respectfully submits that in the absence of such an imputation the punishment which has fallen upon him and his innocent family is more severe than his conduct merits, as for this one error a most terrible punishment has been inflicted and the claims of a long career of nearly 20 years' service has not weighed in the balance. To take the worst view of the matter, it was only an error of judgment, committed at a time of unparalleled distress and misery, nevertheless your Memorialist humbly requests your Grace will permit him to make good the commission fairly attributable to his order.

Your Memorialist would further urge that, whatever shortcomings he has been accused of are due to failing health and strength; he was appointed to the active branch of the Department after 14 years of steady but sedentary work in the Engineering College and of late years his health has been much impaired, but his zeal to serve Government has never wavered.

Your Memorialist respectfully calls attention to the fact that, those suffering in health, when duty called the absent to their post, he cancelled nearly three months' leave in order to show his zeal and aid in succouring the afflicted; the constant exposure in the discharge of these duties during the famine has seriously injured your Memorialist's health.

Your Memorialist respectfully requests that, on perusing the above, and having regard to the long service faithfully discharged for 20 years your Grace will be pleased to restore him to his place in the Department on condition of his making good the loss which occurred to Government between the 31st October and the date of the order cancelling the commission of 25% or permit him to revert to his former post in the Engineering College from which he was selected by Government for promotion.

In conclusion, your Memorialist prays, that in consideration of his long service and the wants of a large family depending on him in these hard times, your Grace will reconsider the case and restore your Memorialist to the service in which he has so long labored, and thereby render that justice which is tempered with mercy, and your Memorialist

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* Originals retained by the Madras Government.

Will ever Pray.

(Signed) H. F. GILBY.

(True copy)

Ercaud, 24th August 1878.

To

HIS GRACE THE GOVERNOR OF MADRAS IN COUNCIL.

The humble Memorial of H. F. Gilby, *late Assistant Engineer, 2nd Grade, in the Madras D. P. W.*

Sheweth,

That your Memorialist has received with pain and sorrow the order of Government dated 8th August 1878, No. 3187-W, passed on the Memorial submitted by your Memorialist, dated June 1878, in which your Memorialist endeavoured to shew your Grace in Council that the "glaring case of inefficiency" in the order was merely an accident, or an error of judgment and that ill-health alone was the cause of your Memorialist failing to discharge his duties to the satisfaction of his superior Officer.

Your Memorialist will not again attempt to plead any thing further in defence of his alleged shortcomings. As your Grace in Council appears still to believe in the report made against your Memorialist by an Officer bearing an ill-feeling towards him, and who having the power to hurt, exercised it to the utmost extent, your Memorialist would now humbly throw himself on your Grace's mercy and beg that in consideration of his past services extending over a period of twenty years, a pension to which he is entitled may be settled upon him, or, at the very least, that a gratuity may be granted for the support of himself and family.

Your Memorialist would further venture to submit how very very hard it is for an Officer who has spent the best years of his life in the service of Government to be suddenly deprived of his living and thrown on the world in his declining years, to say nothing of the hardship and privation which his family have to endure.

By this act of mercy your Grace will lay your Memorialist under lasting gratitude, and

Your Memorialist

Will ever Pray.

(Signed) H. F. GILBY.

(True copy)

2178.
9

Ercaud, Shevaroy Hills,
15th *October* 1878.

To

HIS EXCELLENCY THE RIGHT HON'BLE BARON LYTTON, VICEROY AND GOVERNOR GENERAL OF INDIA IN COUNCIL.

The humble Memorial of H. F. Gilby,
late Assistant Engineer, 2nd Grade,
in the Madras D. P. W.

Sheweth,

That a period of more than six months having now elapsed since your Memorialist was unreasonably removed from the Department of Public Works, your Memorialist has no alternative left but to address your Lordship in Council direct, as no orders have yet been passed on his Memorial asking for a pension, or, at the very least, a gratuity to which he is entitled from length of service extending over twenty years.

2. Your Memorialist's first Memorial, requesting to be reinstated having been refused, he begs respectfully in addition to the reasons set forth in explanation of his action, to add the following, in hopes that your Lordship in Council will be graciously pleased to render him that justice denied him by the Madras Government.

3. It will be observed from the Memorials to which allusion has been made, that your Memorialist did all in his power to make amends for the error into which he fell, in the following manner :—

1st. He offered to make good the over-payment caused by his order sanctioning the commission of 25 per cent. if allowed to revert to his former post (which was tantamount to a punishment consisting of suspension, and a fine.)

2nd. He asked to be permitted to revert to his former substantive appointment, as Head Surveying and Drawing Master in the Civil Engineering College, Madras.

3rd. To be admitted to a pension to which he had become entitled by length of service.

4th. As a last extremity to be allowed a gratuity, which has been sanctioned even in cases where the party was guilty of serious offences.

But your Memorialist has been so unfortunate that a deaf ear has been turned to all his entreaties, and he has been turned out of the Department, in which the best years of his life have been spent, like a dog without even a moment's warning or notice. Every Mercantile Firm, and Business Agency accords to their servants at least three months' notice, if not more, previous to removal, but here an Officer holding a responsible position, and of long standing, is turned out in the cold without any warning whatsoever.

4. Your Memorialist has served Government assiduously and faithfully first in the Civil Engineering College, Madras, for thirteen years, and subsequently as an Assistant Engineer, 2nd Grade, in the D. P. W. for seven years nearly, the whole of which time, he has reason to believe, he gave satisfaction to his superior Officers, as his accompanying copies of testimonials will testify, and was never, so far as he is aware, reported to Government for incapacity or misconduct.

5. Your Memorialist will respectfully further state that he is the son of the late Major W. H. Gilby of the Madras Army, who served Government with distinction for 28 years, and has seen active service, and your Memorialist is the only one out of a family of four sons who have been provided for by Government. The arbitrary manner in which your Memorialist has been treated, has thrown him with a large family entirely destitute on the world and at his present age, it is difficult to obtain employment in any capacity. Under these circumstances, your Memorialist humbly begs your Lordship in Council will provide for him in some way, and not permit an old servant of Government to go begging for his daily bread. For this act of charity your Memorialist will, as in duty bound, ever pray.

(Signed) HENRY F. GILBY.

(True copy)

7

2128A/10

Ootacamund, *August* 23rd, 1879.

My dear Mr. Gilby,

I was very sorry to have to communicate to you the order of Government removing you from the Public Works Department. I wrote at once to enquire whether employment could be obtained for you in the Civil Engineering, but was told that there was no vacancy.

If the Government of India sanctions the payment of a gratuity to you, I shall have much pleasure in informing you.

Yours truly,

(Signed) E. A. Foord.

(True Copy,)

(Signed) H. F. Gilby.

[illegible]

COPIES OF TESTIMONIALS.

Courtallum, 24th *July* 1860.

Dear Mr. Gilby,

According to my promise I write a few lines, which I trust may prove useful in promoting your interests. I have much pleasure in saying that, whilst I was Principal of the Engineering College, I had every reason to be satisfied with the manner and the zeal with which you conducted your duties. This was to me the more gratifying, because I considered you greatly underpaid, in comparison with both your acquirements and your earnestness in imparting knowledge to others. I trust some opening may soon occur to enable you to procure an appointment more fitting your abilities, moral conduct, and zeal than that at the College on the very small pay of Rs. 70 per mensem, certainly is.

I shall be happy if this note does you any good, and shall if requisite be ready to state to any enquirer my good opinion of you.

With sincere good wishes,

Yours faithfully,
GEO. WINSCOM, Captain,
Late Principal, Engr. College.

C. E. College, Madras,
July 24th, 1861.

Office Memo.

Mr. H. F. Gilby has been confirmed in the appointment of Second Assistant Master, and at the recommendation of the Director of Public Instruction, Government have sanctioned his salary being raised to Rs. 250 per mensem from the 1st of August.

J. CARPENDALE, Captain,
Principal, C. E. College.

To

H. F. Gilby, Esq.

C. E. College,
2nd March 1863.

My dear Mr. Gilby,

As I am leaving the College for a time, it affords me much pleasure to acknowledge your services as Surveying and Drawing Master, the duties of which you have discharged to my complete satisfaction. With best wishes,

Believe me,
Yours sincerely,
J. CARPENDALE, Lt.-Colonel,
Principal.

21788/4

C. E. College,
27th April 1865.

My dear Sir,

With regard to your request that I should give you my written sanction to your Application to the Municipal Commission for employment under them, I can only say that as the appointment you seek is very considerably more valuable than the one you hold in this College, I can have no right to throw any impediment in your way. I am aware in what high estimation your services have been always held by the Principal of this College, and what a very severe loss your resignation would be. Still I cannot regret that you have an opportunity of so materially improving your prospects, much less use my influence to prevent you from taking advantage of it. I sanction therefore your application, and in my private capacity, though not in my public one, wish you every success.

Yours sincerely,
H. T. ROGERS.

To

H. F. GILBY, Esq.,
C. E. College.

Englefield Green, Staines, Surrey,
16th August.

My Dear Mr. Gilby,

I was so much pressed for time on leaving Madras in April last that I could not then give you the Testimonial I knew was your due, and since arrival in England I have up to this time been so busy that I have been unable to do what I wished for you. Now, however, I have very great pleasure in saying that during the period of my Principalship in which you served as Head Master in Surveying, Drawing and Estimating, viz., 8¼ years, I believe you worked honestly and faithfully for the good of the College. I have ever found you punctual in attendance and zealous in the discharge of your onerous duties, which duties I am of opinion you were not adequately compensated for, and which you are aware I tried on more than one occasion to have fairly regarded by the Government. I need not say how great is the pleasure I have in granting you this certificate and with my wishes for your future success and happiness,

Believe me,
Yours very truly,
W. H. EDGCOME, Capt., R. E.,
Principal.

G. O. No 2128 R. Tr. of 13-8-79

8b. A

[illegible]

P. W. SECRETARIAT—1879-80.

KEEP-WITH.

2128
R

Current No.

Petition

~~Letter No.~~

Dated the 15 July

from ~~the~~ Mr. A. J. Gilby

G. O. 572. 6-3-74.
" 1667 W. 2-4-78.
" 1968 W. 26-4-78.
" 3187 W. 8-8-78.
" 3188 W. 8-8-78.
R. 4117-13-9-78.

With reference to His Grace's remarks, copy of Public Dept. Order No. 628 of the 8th April 1878, is circulated, from the rules recorded in which it will be seen that all memorials addressed to the Secy. of State should be forwarded through the Local Govt.

Mr Gilby should not have sent a copy direct, and the this memorial can, if Govt. think fit, be lodged in accordance with rule I.

Recd 8. 8. 79. Rtd 13. 8. 79
Cir 24. 7. 79. Retd 7. 8. 79
V. L. Sheet 47 July

[illegible]

And, under rule XII, the memorial could be withheld, if it is considered that the absurd language contained in the 8th paragraph is "disrespectful ~~and~~ or improper."

It may be noted that this portion of the rules refers in all probability to cases – which are of very frequent occurrence in petitions from natives – where bad faith is ascribed to Govt. or their officers. This has not been done in the present instance.

This appeal may be regarded rather as one from the decision of the Madras Govt. than from that of the Govt. Genl. in Council. The Govt. of India's decision was passed on an aside question – the grant of a gratuity.

It will be seen from Colonel [illegible] letter recorded with G.O. No. 1015 W. 1st April, 1879, that no such practices as those introduced by Mr Gilby were allowed in his Circle. The 9th paragraph of the memorial will× therefore be communicated to the Collector of Bellary for report. No further enquiry need apparently be made in the P.W. Dept.

× has been done [illegible] See memo. No. [illegible] 1879 dated 8th July [illegible] 23/7

23/7/79

Of these [illegible]
I forwarded the
G.O. of 1879
and Col [illegible]

P. W. SECRETARIAT—1879-80.

KEEP-WITH.

Current No. ____________

Letter No. ____________

Dated the ____________

from the ____________

[illegible]

letter 8 July 1878

[illegible]

[illegible] forward

G.O. No. 2128 W. d/ 13-8-79

Madras 15th July 1879

2128 W
T4

To
His Grace
The Duke of Buckingham
and Chandos
Governor of Madras.

May it please Your Grace

I herewith enclose a Memorial to the Secy: of State for India and I most respectfully solicit that Your Grace will be pleased to order its being forwarded in due course.

A copy has been forwarded direct.

P. W. SECRETARIAT—1879-80

KEEP-WITH.

1879

I beg to subscribe
Myself
Your Lordship's most
humble and Obedient Servant

21.4/14A

and containing such
expressions as to a
Superior Officer? 18/7

I do not think this is a
~~proper matter of commencement~~
~~an appeal~~ agst. Gov. Gen.
decision —
a copy having been sent direct

The allegation as to paym
allowed in Bellary s^d be
investigated —
Do. not - memorial [illegible]
sanction [illegible]
memorial [illegible]

1879

21 2/8 [illegible]
15 [illegible]

To No. 46 d/ 13th Aug/79
the Secy. of State
for India.

My Lord.

We have the honor to forward a Memorial from Mr. H. F. Gilbey, some time an Assistant Engineer in our Public Works Department, praying that he may be reinstated in it.

2 The immediate reason which led to Mr Gilbey's dismissal was the employment by him of certain persons ~~ex contractors~~ as paymasters to relief labourers in the Salem District; ~~these paymasters being under the orders of Mr Gilbey~~ allowed

Rd. 13-8-79.
Cir. 8-8-79.
O.h. Sheet 47 July

25 per cent on all sums they might disburse. In this way three of these ex-contractors earned, on an average, Rs. 600, a month.

3 ~~Seriously incompetent.~~ A proceeding of this nature was in itself sufficient warrant for Mr. Gilby's immediate removal from the Department, for which his previous career rendered it no less evident to us that he was in every way unfitted.

4 So long ago as the spring of 1874, Mr. Gilby was warned that as he had hitherto failed in the qualities required for successful management of a Range Officer

the remuneration being fixed by order of Mr Gilby
[illegible]
[illegible]

2121A

with his future promotion would depend entirely on his more fully qualifying for them. This he failed to do; and the opinion of Mr Gilby's general conduct (expressed by Major Pennycuick in the 11th paragraph of his letter of the 14th March 1878, only confirmed that held by the Officers under whom he had previously served.

5 Agreeing with Major Pennycuick in the belief that Mr Gilby, in allowing this commission of 25 per cent to paymasters, had acted in good faith, we should not have objected to permit Mr. Gilby to revert to his old post of Drawing Master in the Madras Civil Engineering College, formerly held by him;

but your Lordship will observe from the accompanying demi-official letter from Col. Rogers, the Principal of the College, that he declined to take back Mr. Gilley on any account.

6 Mr. Gilley, as he states in his Memorial, had been 20 years in Govt. service, and while ~~[illegible]~~ considering it necessary to remove him from the P.W. Dept., we were unwilling to cast him adrift without any means of subsistence.

7 We therefore thought his case might fall among those in which special pensions are occasionally sanctioned by Your Lordship, and recommended the grant of a gratuity of six months' pay or Rs: 2,100. But, looking to the circumstances of Mr. Gilley's dismissal, and the opinion formed of him by the experienced officer under whom he had been serving, the Govt. of India declined to support the recommendation.

7. We have the honor to forward in connection with this case the marginal correspondence.

G.O. No 592 d/6 March/74
" 1667 W of 2d Apl/78
Letter to Govt of India No 3188 W d/8th Aug/78
G.O. No. 4786 W d/17 Dec/78.
G.O. No 1015 d/1st Apl/79.
Letter to Govt of India No 1016 W d/ do
Demi Official letter from Col Rogers d/8th July/78

Orig[l] despatch & the memorial in Duplicate together with all Correspondence sent to the Secy of State per Overland Mail on the 27th Aug/79.
D.Ln

A.S.P.
7/8

8/8/79

1879

Egenl Exclud

2128A/11

Petition from Mr. Gilby
dated 15th July 1879.

No. 2128A W a/13th Augt/79
Order thereon.

Mr. Gilby will be informed that his Memorial will be forwarded to the Secretary of State.

A.G.
7/8

2/5
Mr H. F. Gilby. by
Endorsement in
Petn. Dept.

Cr 5792

1

Govt. of {1879} Madras.

PUBLIC WORKS.

Complete file for Home Dept

in the same [illegible]

Sent 20/8

15/8

To

Dated

Issued

Recd.

Encl.

G. O. 13 Aug 1879, No. 2128 A W

2/2/79

Nos. 86 A - 86 B

Mr Gilby, late Asst Engr Salem Dt informed that his memorial will be forwarded to the Secty of State

—

S of S

Forwards a memorial from Mr H. F. Gilby, late an Asst Engr in the P.W. Dept Madras