

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Railway.

Read again the following :—

G.O., dated 16th August 1889, No. 901 R., Public Works.

From the Consulting Engineer for Railways, dated Madras, 9th August 1889, No. 316-B.

From W. PENDLEBURY, Esq., Agent and Manager, His Highness the Nizam's Guaranteed State Railways Company, Limited, to the Consulting Engineer for Railways, dated Secunderabad (Deccan), 12th July 1889, No. 1453 W.

With reference to your endorsement No. 928 of the 23rd May last on a letter from the Secretary to Government on the subject of the levy of income-tax on the employes of this railway who are engaged in working the British section of the line from the frontier of His Highness the Nizam's dominions to Bezvada, I have the honor to state that the levy of this tax caused the service on the Bezvada extension to be so unpopular with our employes who are not subjected to such a tax in Hyderabad territory, that I asked the Directors to agree to the Company refunding the amount so paid, and they have agreed to do so, but are of opinion that as no such item enters into the working expenses of this Company, and considering the peculiar circumstances of the case, that the amount should be debited to the working expenses of the British section.

2. I think you will agree with me that this is only fair, as the British Government will receive the money on the full pay of the men concerned.

3. Take, for instance, the cases of the Locomotive Foreman and the Traffic Inspector who have about 200 miles of railway under them and income-tax will be levied on their entire salaries, while they only look after about 22 miles of line in British territory, and the share debited against the British Government would only be 22 miles, while they had received a tax on 200 miles.

4. As I think I have before explained, the engine-drivers, guards and others were previously stationed at Dornakal and Kagipett where they paid nothing in the way of income-tax, so that you can readily understand how unpopular the service in the British section is when, immediately a man is transferred into it, he has this tax levied on his pay.

5. The amount in question is very small, not more than about Rs. 175 to 180 a half-year, but there is a matter of principle involved, and I trust that you will agree to the proposal to debit the amount to the British section.

Submitted for the orders of the Government of India.

Order—dated 16th August 1889, No. 901 R., Public Works.

Ordered to be forwarded for the orders of the Government of India with copies of the undermentioned Government Orders :—

No. 2452 Revenue, dated 16th April 1889.

„ 2946 Revenue, „ 10th May „

(Here enter No. 902 R., dated 16th August 1889.)

(True Extract.)

(Signed) C. J. SMITH, Colonel, R.E.,
Joint Secy. to Govt., P.W.D.,
Railway Branch.

Endorsement—dated 16th August 1889, No. 902 R., Public Works.

Forwarded.

(By Order.)

(Signed) C. J. SMITH, Colonel, R.E.,
Joint Secy. to Govt., P.W.D.,
Railway Branch.

Read also the following paper :—

From G. H. D. WALKER, Esq., Under-Secretary to the Government of India, Public Works Department (General), to the Joint Secretary to the Government of Madras, Public Works Department, Railway Branch, dated Simla, 25th October 1889, No. 3065 G.

I am directed to acknowledge the receipt of your No. 902 of the 16th August 1889, and, in reply, to communicate the sanction of the Government of India to those employés of His Highness the Nizam's Guaranteed State Railway who are engaged in working the British section of the line from the frontier of His Highness' dominions to Bezvâda being exempted from the payment of the income-tax by the amount of the tax leviable being charged against the working expenses of the line.

ORDER—dated 14th November 1889, No. 1263 R., Public Works.

Communicated to the Consulting Engineer for Railways with reference to his endorsement No. 316-B., dated 9th August 1889.

(True Extract.)

(Signed) C. J. SMITH, Colonel, R.E.,
Joint Secy. to Govt., P.W.D.,
Railway Branch.

To the Consulting Engineer for Railways.

„ Revenue Department, with reference to Proceedings in that

Department, Nos. 2452 and 2946, dated 16th April and 10th May 1889.

„ Examiner, Public Works Accounts, Hyderabad.

RAILWAY.

Govt. of {1889} Madras.

PUBLIC WORKS.

Dated November, 14th.

Recd.

Encl.

G.O., 14th Nov. 1889, No. 1263 R.

NOVEMBER.

Income Tax

Letter from the Government of India sanctioning the exemption of the employés of the British section of His Highness the Nizam's Guaranteed State Railway from the payment of the —, and directing that the amount of the tax leviable be charged against the working expenses of the line.

13TH NOVEMBER 1889, Nos. 574, 575, POLITICAL.

GOVERNMENT OF MADRAS.

POLITICAL DEPARTMENT.

READ—the following paper:—

From Colonel J. PENNYCUICK, R.E., Superintending Engineer, Periyár Project, to the Chief Engineer, Public Works Department, dated Periyár, 27th July 1889, No. 1311-P. R.

With reference to G.O., No. 523 W., of 20th February 1889, I have the honor again to invite attention to the anomalous and inconvenient position of the camps connected with this project as regards magisterial control.

2. An unfortunate occurrence which has lately taken place has brought this position into greater prominence than before.

3. On the 2nd instant, Mr. Keeling, Assistant Engineer, fired at a tiger which had come into the camp at night; the bullet went into the hut occupied by Mr. Taylor's gardener (a private servant), and wounded the man in the knee. It was at first thought that the wound was slight, but ten days later (on the 12th instant), the man sank suddenly and died.

4. The matter was reported to Mr. Maltby, the Travancore Magistrate at Peer-made (simply because it seemed necessary that some inquiry should be held, and there was no one else to hold it), who sent over an Inspector of Police to inquire into the matter. The latter's report will doubtless be sent to me by Mr. Maltby, and will be sent on to Government when received. According to present information, the occurrence was pure misadventure, and Mr. Keeling was but very slightly, if at all, to blame.

5. It is not, however, clear what further action can be taken, and the occurrence illustrates the absolute necessity of the camps being placed under the British magistracy; "panchayats and departmental fines" are all very well for trifling offences, but something more is wanted, not only for cases such as the one under reference, but for serious offences such as may occur any day. At present, there is no one to deal with such cases; the Madura magistracy will not acknowledge us, and we cannot acknowledge, and cannot be expected to acknowledge, that of Travancore.

6. This latter point is one on which it is necessary to lay stress. We are not here on our own private business, but on that of the State, and it is out of the question that we should consent to divest ourselves of our rights as Englishmen, and place ourselves under the authority of a Native State. Moreover (and this argument appears conclusive), we continue to pay taxes to the British Government.

7. The whole difficulty, and many others, would be got rid of at once by the course, which I have recommended long ago, of declaring the camps connected with the project to be temporarily British territory for administrative purposes; and no other course, as far as I can see, will get rid of them. This question is one entirely distinct from that of posting a resident magistrate for the project camps; that is a mere matter of convenience, the important point is that they should be placed definitely under the magisterial control of the District Magistrate of Madura.

8. To prevent misunderstanding, I think it desirable to state clearly that we have no complaint to make of any action on the part of the Travancore officials; on the contrary, Mr. Maltby, the only one with whom we have much to do, has acted throughout with a courtesy and consideration which deserves our warmest acknowledgments, but the position is such that, with the best will in the world on the part

of the officers concerned, a serious conflict of authority may at any moment arise, and it is eminently desirable that such a position should be brought to an end as soon as possible.

—
No. 632 D.

Transferred to the Judicial Department for consideration, with reference to Government Order in that department, No. 282, dated 15th February 1889.

(By order.)

(Signed) R. R. E. DRAKE-BROCKMAN, Lt.-Col., R.E.,
Ootacamund, Acting Joint Secy. to Govt., P.W.D.
6th August 1889.

ORDER—dated 13th November 1889, No. 574, Political.

Certain expressions in Colonel Pennycuik's letter make it probable that he is under a misapprehension regarding the jurisdiction of the Native Sarkar over European British subjects residing in Travancore, and it is desirable to state, for the information of himself and other English officers and their subordinates employed on the Periyar works, how the law stands.

2. In 1874, after a prolonged discussion, and with special reference to the efforts which the Governments of Travancore and Cochin had made to conduct their judicial administration on enlightened principles, the Governor-General in Council consented to allow certain of their magistrates, being themselves European British subjects and Christians, to exercise (subject to such control as the Resident had previously possessed and to such advice as he was by treaty empowered to offer) the same jurisdiction over European British subjects as might be exercised over them in British territory by European British subjects who were Magistrates of the first class and Justices of the Peace.

3. At the same time, the Government of India agreed to confer on such magistrates the necessary powers to enable them to commit to the High Court of Judicature at Madras such cases as in British territory were punishable with death or transportation for life; while, lastly, the Resident was invested with the powers of a Court of Session, in view to the committal to him of such offences as, in the opinion of the adjudicating magistrate, could not be adequately punished by himself and were not such as could be committed to the Madras High Court.

4. In pursuance of this decision, the then Maharaja of Travancore nominated four English gentlemen to exercise the magisterial powers above described, and by notification in the *Gazette of India*, dated 9th August 1875, the necessary powers were conferred upon them. Mr. Maltby, to whom reference is made in Colonel Pennycuik's letter, exercises jurisdiction over European British subjects under the limitations which have been specified.

5. Briefly stated, the final powers of such a magistrate as Mr. Maltby in this respect are confined to imposing three months' imprisonment or a fine of one thousand rupees or both. An appeal lies from his decision to the English barrister Judge of the Travancore High Court. Both the original and appellate proceedings are, however, subject to the control of the British Resident. More serious offences have to be committed by him to the British Resident, and offences of the gravest order are committed to the High Court of Madras. In both cases, his powers of committal are derived from the English Government.

6. It will thus be seen that the jurisdiction of the local magistracy is exercised by a special arrangement initiated by the English Government; that their proceedings are subject to the control of the Resident; and that the more serious offences, the possibility of the occurrence of which is contemplated in Colonel Pennycuik's letter, would be committed to the Resident or the High Court of Madras for trial.

7. The suggestion that the camps should be declared to be British territory would not, without the assent of His Highness the Maharajah, be feasible; and, having regard to the special provisions which have been devised for safe-guarding the interests of British subjects residing in Travancore, His Excellency the Governor in Council would not be prepared to ask such a concession. So long as the powers of the specially-appointed European magistrates of Travancore are confined to petty cases, and even then are under the control of the British Resident from first to last, their jurisdiction will, the Government does not doubt, be cheerfully accepted by the officers and subordinates who have been called on to reside within the Travancore State in performance of their duties.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Public Works Department.
" Military Department.
" Resident in Travancore.

ENDORSEMENT—dated 13th November 1889, No. 575, Political.

Copy to the Government of India, Foreign Department.

J. F. PRICE,
Chief Secretary.

Govt. of (1889) Madras.

POLITICAL.

No 3356 of 26-11-1889

Comd to The Chief
Engineer Periyar Project.

1st / R.R. & D. B.

W.

Issued.

Recd.

Encl.

G.O., &c., 13th November 1889,
Nos. 574, 575.

NOVEMBER.

**Jurisdiction of Travancore Sarkar
over European British Subjects.**

Stating the law regarding the — with reference
to the request of Colonel Pennycuik, Superintend-
ing Engineer, Periyar Project, that the camps
may be declared to be British territory. Copy to
the Government of India.

C. E. Periyar Project
S.C. IV Circle for
information

Communicated to

Suptg. Engrs for information
and guidance.

Sd/ W. L. C. B.

Suptg. Engineers.
Chief Engr. P. Project.
Cons. Archt to Govt.
Engrs, P. W. Accts.

No. 3191 G.
GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.
GENERAL.

Calcutta, the 14th November 1889.

Documents to accompany applications for furlough from Non-Commissioned Officers on the Unattached List.

The following is forwarded to the Local Governments, Administrations

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab. and Officers noted
The Chief Commissioners of the Central Provinces, Burma, Assam and Coorg. in the margin, for
The Resident at Hyderabad. information and
The Agents to the Governor General for Central India, Rajputana and Baluchistan. guidance.
The Accountant General, Public Works Department.
The Director General of Railways.
The Consulting Engineers to the Government of India for Railways, Calcutta, Central Division and Lucknow.
The Director General of Telegraphs.

By order,

G. H. D. WALKER,

Under Secretary to the Govt. of India.

No. 5775—C., dated 23rd October 1889.

Memo. from—The Adjutant General in India.

To—The Secretary to the Government of India, P. W. Dept.

**Furlough and Leave.
Non-Comsd. Officers.**

Pending the revision of India Army Form 46, and paragraph 1676, Army Regulations, India, Volume II, only the undermentioned documents will in future be required with applications for furlough to Europe on Medical Certificate on behalf of Non-Commissioned Officers on the Unattached List :—

1. Medical Certificate, and statement of case.
2. Certificate that the applicant intends to return to India on expiration of furlough.

No. 3191 G.
GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.
GENERAL.

Calcutta, the 14th November 1889.

Documents to accompany applications for furlough from Non-Commissioned Officers on the Unattached List.

The following is forwarded to the Local Governments, Administrations

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab. and Officers noted
The Chief Commissioners of the Central Provinces, Burma, Assam and Coorg. in the margin, for
The Resident at Hyderabad. information and
The Agents to the Governor General for Central India, Rajputana and Baluchistan. guidance.
The Accountant General, Public Works Department.
The Director General of Railways.
The Consulting Engineers to the Government of India for Railways, Calcutta, Central Division and Lucknow.
The Director General of Telegraphs.

By order,

G. H. D. WALKER,

Under Secretary to the Govt. of India.

No. 5775—C., dated 23rd October 1889.

Memo. from—The Adjutant General in India.

To—The Secretary to the Government of India, P. W. Dept.

**Furlough and Leave.
Non-Comsd. Officers.**

Pending the revision of India Army Form 46, and paragraph 1676, Army Regulations, India, Volume II, only the undermentioned documents will in future be required with applications for furlough to Europe on Medical Certificate on behalf of Non-Commissioned Officers on the Unattached List :—

1. Medical Certificate, and statement of case.
2. Certificate that the applicant intends to return to India on expiration of furlough.

No. 3191 G.
GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.
GENERAL.

Calcutta, the 14th November 1889.

Documents to accompany applications for furlough from Non-Commissioned Officers on the Unattached List.

The following is forwarded to the Local Governments, Administrations

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab. and Officers noted
The Chief Commissioners of the Central Provinces, Burma, Assam and Coorg. in the margin, for
The Resident at Hyderabad. information and
The Agents to the Governor General for Central India, Rajputana and Baluchistan. guidance.
The Accountant General, Public Works Department.
The Director General of Railways.
The Consulting Engineers to the Government of India for Railways, Calcutta, Central Division and Lucknow.
The Director General of Telegraphs.

By order,

G. H. D. WALKER,

Under Secretary to the Govt. of India.

No. 5775—C., dated 23rd October 1889.

Memo. from—The Adjutant General in India.

To—The Secretary to the Government of India, P. W. Dept.

Furlough and Leave.
Non-Comsd. Officers.

Pending the revision of India Army Form 46, and paragraph 1676, Army Regulations, India, Volume II, only the undermentioned documents will in future be required with applications for furlough to Europe on Medical Certificate on behalf of Non-Commissioned Officers on the Unattached List :—

1. Medical Certificate, and statement of case.
2. Certificate that the applicant intends to return to India on expiration of furlough.