

- (1) பக்கங்களின் எண்ணிக்கை 20  
 (2) புதுக்கித் திருப்பிய நாள் 8/92  
 (3) ஆதாரங் குறிப்பவர் கருக்கொப்பம் 3

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

P. W. துறை

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| அரசாணை எண்.            | 3309        | அச்சகம் |
| மு. கோப்புத் தாள் எண். |             | பலவகை   |
| நாள் :                 | 2. 12. 1892 | 199     |

மடிக்கவேண்டிய கையாளவே கூடாது.

25TH NOVEMBER 1892, No. 680, POLITICAL.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

POLITICAL DEPARTMENT.

READ again—

G.O., dated 23rd June 1892, No. 393, Political.

Read—the following papers:—

From J. C. HANNYNGTON, Esq., Resident in Travancore and Cochin, to the Chief Secretary to Government, dated Camp Pirmed, 12th May 1892, C. No. 80.

I have the honour to forward, for orders of Government, copy of a letter No. 245/P.D.-352, dated 4th instant, from the Diwan of Travancore, and its enclosures.

If this matter had been brought to my notice at the time of the occurrences referred to (*i.e.*, early in April), I could have proceeded to the Periyár camp and made a full inquiry into the matter; but this is the first intimation which has reached me and the work at the camp has stopped and the officers having left I am unable to personally interfere.

I trust Government will be good enough to call on the officers concerned for a full explanation of their hasty and apparently illegal proceedings and will issue such orders as may prevent a repetition of similar disputes.

ENCLOSURES.

From M.R.Ry. T. RAMA ROW, Diwan of Travancore, to the British Resident in Travancore and Cochin, dated Trivandrum, 4th May 1892, No. P.D. 352.

In forwarding, herewith, copy of a letter from the District Magistrate, Cardamom Hills, No. 335, dated 22nd ultimo, with enclosures, in original (to be returned), and of my reply thereto No. P.D. 351, dated 4th idem, I have the honour to observe that, according to the statement given by Savarimuthu Pillai, the officers of the Periyár works appear to have gone far out of their way in searching his shop without a warrant and ordering him to leave the camp within forty-eight hours. Savarimuthu Pillai is one of the abkári sub-renters of this Government, and, if he had acted in contravention of any of the provisions of the Abkári regulation or of the license issued to him, the proper course was to proceed against him under that regulation. If he had committed theft of Government property—a charge by the way which he utterly repudiates—he should have been dealt with in due course of law for that offence.

I forward also a petition received from the abkári renter of the Meenachel taluk (under whom Savarimuthu Pillai holds his license), in which he states, among other things, that the action of the Periyár works officers has already caused and is daily causing him great loss.

I shall communicate to you the result of the inquiry which I have asked Mr. Sealy to make. Meantime I shall be obliged by your kindly taking such steps as you may deem fit in the matter.

I need hardly add that every day the abkári sub-renter is kept out of the camp, he would sustain a loss for which, in case he is eventually shown to have violated no provisions of the Abkári law, he will have to be compensated.



take any statements regarding the matter. In consequence of this Mr. deWinton gave me a written order to leave the Periyar camps within forty-eight hours; if not that I should be turned out. I did not move and Mr. deWinton did not execute his threat. I received this order on 6th April. On Monday, 18th April, Mr. Logan came with fifty men and forcibly removed all my liquor and things from the shop and placed them in the road and drove me out of the camp. I took all the saman to Kumili, but suffered much loss from thefts and leakage. The loss I can estimate from my books; it will amount to several hundreds of rupees; not only this, but owing to the shop being closed I can sell no liquor and therefore cannot pay any tax to the Sirkar. After driving me out of the camp Mr. Logan gave orders to the watchmen not to allow me in camp and that only his liquor should be sold. Mr. Logan has not a license to sell liquor; he sells European liquors and has done so ever since I have had the license. I know nothing of the rows that Mr. deWinton complains of. One of the measures had a hole in it but was not in use. I tried to mend it by filling up the hole with wax.

I have never had any explosives in my shop. No one has ever brought me cartridges and asked for liquor in exchange. I gave credit to the extent of some Rs. 4,000 to Rs. 5,000, but had to stop the credit system.

The cartridges are under strict control of the officers. I imagine the cartridges are placed in the barrel by some enemy to bring me into trouble. The cartridges would be of no use to me. My relative Abraham Pillai has not got a contract on the road.

Mr. Logan dug up the ground in my shop with pointed sticks.

I had an iron jumper, about 1½ molams long, to dig holes for putting posts in. Mr. Logan removed this. It had not got the Government stamp on it.

Mr. deWinton placed a watch on my shop from 6th April and prevented me selling liquor. Also in February my sales were forcibly stopped for more than a week. I did not then make a complaint. My sales amount on an average to over Rs. 2,000 and in fact to nearly 3,000 rupees per month.

From M.R.Ry. SAVARIMUTHU PILLAI, to the District Magistrate of Cardamom Hills, dated 22nd April 1892.

I beg to bring to your honour's kind consideration that I forgot to give in my statement given before your honour's presence that the doors and door-post of my shop were pulled up by force and thrown away by Mr. Logan and eight pieces of my anjaly planks of five molam long, ½ molam breadth and two inches thick; also one plank, five molam long, one molam breadth and two inches thick; in all nine planks which I bought and used as my bed which Mr. Logan took away by force. These planks Mr. Logan on his first search warrant did not ask of these planks even. These above few lines I beg your honour will kindly add with the statement I have given before your honour's presence about half-an-hour ago and oblige.

From M.R.Ry. T. RAMA ROW, Diwan of Travancore, to the District Magistrate, Cardamom Hills, dated Trivandrum, 4th May 1892, No. P.D. 351.

With reference to your letter No. 335, dated 22nd ultimo, with enclosures, I have the honour to inform you that Government cannot issue to the Periyar working club a license to sell country liquor, as the exclusive privilege of selling it was given for three years from the beginning of this year to the present abkari renter. No license appears to have been granted to Savarimuthu Pillai to sell European liquor. If the club wish to take out a license to sell such liquor they should apply for the same in the usual form, paying the prescribed fee.

With regard to the conduct of the officers of the Periyar works, I am addressing the British Resident on the subject and shall write to you again on hearing from him.

Meantime, I shall thank you to hold a thorough inquiry into the truth of the charges brought against the abkari sub-renter in so far as the Revenue laws are concerned and furnish me with a full and very early report.

If he is charged with theft the Periyar officers have jurisdiction to proceed against him; but, if they have acted in any illegal manner, I shall thank you to let me know. They certainly have no authority to turn him out of the camp.

Transferred to the Judicial Department.

18th May 1892.

(Signed) J. F. PRICE,  
Chief Secretary.

No. 934, Judicial.

Referred to the Public Works Department with the request that the necessary inquiries may be made into the matter and the result communicated to this department.

(By Order.)

(Signed) A. BUTTERWORTH,  
Ag. Under-Secretary.

26th May 1892.

To the Public Works Department.

*Note by the Chief Engineer, Public Works Department.*

The facts of the case in question are already well-known to the undersigned, having been brought to his notice during his last visit to the Periyar.

2. The question of the grant of a license to sell liquor and of the permission to use that license in the Periyar camps are entirely distinct and there appears no reason for confusing them.

3. The first is a matter for the Travancore Government, the latter for the officer in charge of the Periyar works. A man cannot, as the law stands, sell liquor in the camps or anywhere else within Travancore territory without a license, but, on the other hand, such license cannot override the right of the officers of the project to grant or refuse permission to reside in their camp.

4. This has never, so far as the undersigned is aware, been questioned, and it has always been the practice for the Travancore officials to obtain the consent of the officer in charge of the works before issuing any license for the sale of liquor in the camps.

5. Such consent must of necessity be given subject to good behaviour, and in the particular case in question the undersigned considers that the Superintendent of Works was perfectly justified in turning the man out of camp as there is no doubt whatever that the individual in question is a regular receiver of stolen goods.

6. The absence of a magisterial inquiry is beside the question. Mr. deWinton's action was not judicial but executive, and the evidence was amply sufficient to justify it. Moreover, at the time the occurrence took place, the transfer of criminal jurisdiction had not been completed and it has been found by practical experience that it is mere waste of labour to call for the assistance of the Travancore magistracy or to prosecute an offender in their courts.

7. The question of the fees paid to the Travancore Government for the license is one between the latter and the licensee, with which this department has no concern. Any loss which the licensee may have suffered is due to his own misconduct, and he has only himself to thank for it.

8. So far as the establishment of shops in the camps is concerned, the Superintendent of Works has the matter in his own hands; all he has to do is to refuse permission for the establishment of a shop by a person of whom he disapproves. The Travancore Government does not appear to have any *locus standi* in the matter.

9. It is, however, doubtful whether it will be found possible to work a large camp entirely on temperance principles, and it will be better to have the shops in the camps where they will be under control than in the neighbourhood, but outside our boundaries, where we have no control over them. We cannot ask the Travancore officials to refuse licenses outside our boundaries, nor in fact can we interfere in the matter of the grant of licenses at all, but only in their being made use of in our camps.

10. The Superintendent of Works has already been informed that the undersigned doubts whether it would be wise to utilise the Periyár club as an agency for the sale of liquor to the camp at large; that club, which the undersigned believes to be a most useful institution, was primarily intended for the benefit of the superior workmen and artisans and would lose its character altogether if it became a regular liquor shop.

11. All that seems practicable is to let it be distinctly understood that no one, whether holding a license from the Travancore Government or not, can reside in the camps and sell liquor or exercise any other trade without the consent of the Superintendent of Works or other officer in charge, and that this consent will not be given in future unless the applicant gives a written agreement to abide by such rules as may be necessary. It would be as well to draw up a few simple rules so that applicants should know what they are agreeing to.

12. The absolute control of the Superintendent of Works over the interior management of his camp must be strictly maintained.

30th May 1892.

(Signed) J. PENNYCUICK, Colonel, R.E.,  
Chief Engineer, P.W.D.

No. 2781 C.

Transferred to the Judicial Department with advertence to endorsement in that department No. 934, dated 26th May 1892, and the referred papers returned.

MADRAS,  
31st May 1892.

(Signed) J. PENNYCUICK, Colonel, R.E.,  
Secretary to Government, P.W.D.

From J. C. HANNYNGTON, Esq., Resident in Travancore and Cochin, to the Chief Secretary to Government, dated Trivandrum, 9th June 1892, Ref. on C. No. 456.

In continuation of my letter No. C. 80 of 1892, I have the honour to forward, for the information of Government, copies of further communications I received from the Diwan of Travancore, as noted in the margin, on the subject of liquor shops in Periyár Project works.

ENCLOSURES

From M.R.Ry. T. RAMA ROW, Diwan of Travancore, to the British Resident in Travancore and Cochin, dated Thakkalay, 14th May 1892, No. P.D./363.

In continuation of my letter No. P.D./352, dated the 4th instant, I have the honour to enclose copy of another letter from the Acting Superintendent and Magistrate, Cardamom Hills, No. 376, dated 4th idem, with enclosure, in original (to be returned), a petition from the abkari licensed vendor at the Periyár works, complaining of the loss sustained by him owing to the action of Mr. de Winton.

From J. S. SEALY, Esq., Acting District Magistrate, Cardamom Hills, to the Diwan of Travancore, dated Araday, 4th May 1892, No. 376.

I have the honour to forward you a petition received from the abkari licensed vendor at the Periyár works regarding his illegal eviction by Mr. de Winton, the Superintendent of Works, and request for instructions.

From M.R.Ry. T. RAMA ROW, Diwan of Travancore, to the British Resident in Travancore and Cochin, dated Camp Quilon, 20th May 1892, No. P.D./383.

In continuation of my letters noted in the margin, I have the honour to enclose copy of another letter No. 413, dated 14th instant, from the Acting District Magistrate, Cardamom Hills, regarding the sale of European liquors at the

Periyár works by Mr. Logan without a license from this Government. The records of the case have not yet been received and will be sent to you as soon as they come in.

From J. S. SEALY, Esq., Acting District Magistrate, Cardamom Hills, to the Diwan of Travancore, dated Araday, 14th May 1892, No. 413.

In reply to your letter No. P.D./351, dated 4th instant, I have the honour to inform you that the license to sell European liquors at the Periyár works is in the name of Appavu Pillai and is No. 15-B., dated Dhannu 22nd, 1067. The license has been produced before this court yesterday.

Appavu Pillai was also turned out of the Periyár camp at the same time as Savarinuthu Pillai was.

Appavu Pillai has to-day given a sworn statement that Mr. Logan is selling European liquors at the camp without a license from yourself. He hears this from passengers. I have therefore directed the Police Inspector to go to the place and demand the license and have armed him with a search warrant to be executed if necessary. I have further directed him to confiscate the liquor if it is being sold contrary to the laws of Travancore.

Records will be forwarded to you in the course of a few days when the evidence is complete.

From M.R.Ry. T. RAMA ROW, Diwan of Travancore, to the British Resident in Travancore and Cochin, dated Trivandrum, 6th June 1892, No. P.D./428.

In continuation of my letters noted in the margin, I have the honour to send, herewith, copy of a telegram, dated 3rd instant, from the abkari contractor of Meenachel, complaining of the very heavy loss which he is sustaining by the action of the Periyár project officers and

request the favour of an early disposal of my letters quoted.

Telegram from Kottayam-Meenachel Abkari Contractor to the Diwan of Travancore.

Executive Engineer, Periyár Project works, forcibly removed on the 18th April our attack, &c., from shop at Periyár. All sale stopped from 6th April, date of notice from Executive Engineer. Evidence laid before District Magistrate's Court, Firmid. No settlement yet. Losses so heavy that impossible to pay instalment. Pray for speedy help and relief. Answer prepaid. 4-6-92.

Order—dated 23rd June 1892, No. 393, Political.

His Excellency the Governor in Council is unable to accept the contentions set up on behalf of the Superintendent of the Periyár Works, that no one can be admitted to the camp without his permission. The camp is not the private property of Government and Government has no right, analogous to that of a proprietor, to exclude persons at will from its limits. The Government has, moreover, no rights in the site of the camp and no jurisdiction over it other than the limited police and criminal jurisdiction ceded by the Travancore Darbar. The Superintendent of Works and his subordinates must be made to understand this clearly.

2. The rights of the Travancore Darbar in respect of abkari revenue are unaffected by the recent cession and the Superintendent of Works should have been most careful to respect them. If the licensees of the Travancore Government are guilty of offences against law and order, they should be dealt with by the police and magistracy, British or Travancore. The Superintendent of Works has

no power whatever in these matters and had no right to take the law into his own hands and act in the arbitrary manner that he did.

3. Orders will issue in the Public Works Department by telegraph directing the re-admission into the camp of such abkari sub-renters as have been turned out and the discontinuance of the sale of liquors by the Periyar club.

4. The Superintendent of Works will, if any remedy is sought, have to bear the consequences of his illegal acts.

(True Extract.)

(Signed) J. F. PRICE,  
Chief Secretary.

G.O., dated 2nd July 1892, No. 413, Political.

Read—the following paper:—

From J. C. HANNYNGTON, Esq., Resident in Travancore and Cochin, to the Chief Secretary to Government, dated Trivandrum, 17th June 1892, Ref. on C. No. 706.

I have the honour to forward copies of a letter No. P.D./456, of yesterday's date, from the Diwan of Travancore and its two enclosures in continuation of my letter, Reference on C. No. 456, dated the 9th instant, relating to the liquor shops in the Periyar project works, and request the early orders of Government on the subject.

#### ENCLOSURES.

From M.R.Ry. T. RAMA ROW, Diwan of Travancore, to the British Resident in Travancore and Cochin, dated Trivandrum, 16th June 1892, No. P.D./456.

In continuation of my letters noted in the margin, I have the honour to enclose copies of further letters Nos. 424 and 476, dated 20th May and 7th instant, respectively, with enclosures in original (to be returned), from the Acting District Magistrate, Cardamom Hills, regarding the sale of European liquor by the

Periyar project officers without a license. This is an offence under the Abkari Regulations. I request the favour of a very early disposal of the matter as the contractor complains of heavy loss.

From J. S. SEALY, Esq., Acting District Magistrate, Cardamom Hills, to the Diwan of Travancore, dated Araday, 20th May 1892, No. 424.

In continuation of my letter No. 413, dated 14th instant, I have the honour to inform you that the police have seized the liquor at the Periyar camp. I enclose copy of the police report, also copies of the petition put in by Appavu Pillai, and the statement taken from him (letter not sent) and letter from the Superintendent of Works.

The Superintendent of the Periyar Works has sent me the following telegram: "Travancore police reported to have confiscated liquor of Periyar club. This liquor is private property sold only to members of the club. Police no right to touch. Please release at once."

I am going to the spot to make an inquiry, as I hear the club sell liquor to persons who are not members of the club, for which they receive cash; but, even if they sell only to the members, I believe a license is required.

From J. S. SEALY, Esq., Acting District Magistrate, Cardamom Hills, to the Diwan of Travancore, dated Araday, 7th June 1892, No. 476.

I have the honour to forward statements (a list of which is enclosed) regarding the forcible stoppage of the sale of Appavu Pillai's European liquors at the Periyar camp, though he holds your license B. No. 15, dated Dhanu 22nd, 1067, and the seizure of liquor at the camp, which is said to belong to Mr. Logan, who is one of the officers of the camp and which he is reported to be selling without a license from yourself.

Appavu Pillai complained before me on 13th and 14th May and asked that a search warrant be issued to verify the truth of his statement and that the sales by Mr. Logan be stopped. A warrant was accordingly issued as reported in my letter No. 413, dated 14th ultimo, and 424, dated 20th May (ultimo), when the liquor was seized and brought to the police station at Pirmed, as the Inspector found it was being sold without a license. The police report contains list of liquors seized.

On the 16th May Appavu Pillai put in the Malayalam petition. On 19th I received the following telegram from the Superintendent of Works, No. I Periyar division:—"Travancore police reported to have confiscated liquor of Periyar club. This liquor is private property sold to members of the club only. Police no right to touch. Please release at once." I replied by telegram as follows:—"Cannot release liquor. Seizure appears legal. Shall be at Periyar Sunday night."

There is no doubt of the existence of what is called a club at the Periyar camp, but there is also ample evidence to prove that they do not confine their sales to members of the club, but also sell liquor to contractors, maistries, and coolies, in fact to any one and every one who asks for liquor and offers to pay cash for it on the spot. Depositions from the following witnesses prove this and I see no reason whatever to doubt the truth of their statements:—Megal Fernandez, Anchykully Savarimuthu Pillai, George Shedden, Police Inspector Super Naicker, Allaghery Numbeicarren and M. B. Fernandez. They have all bought liquor at the so-called club or shop, and only the Inspector has any claim to be called a member of the club. Before confiscating the liquor, he satisfied himself that it was being sold to all who applied for it and paid cash. When it was confiscated, a sale book was also seized; the names of (22) twenty-two men appear in it, but Mr. Shedden's name has no place there, and he declares he has paid no subscription or entrance fee of any description.

Mr. Freeman is in charge of this so-called club and puts in a list of the members, which agrees with the names in the sale book. I observe in the sale book that seven names are entered as subscribers, three as members from 1st May, one as an honorary member; but against the other names there is no remark at all. I must further call attention to the fact that Lieutenant F. C. Aven, R.A., was in the neighbourhood of the camp on shooting trip; he may have been made an honorary member, but, if so, no mention of the fact is made in the sale book.

In the statement taken at the camp from Mr. Freeman he describes the nature of this club, but really appears very vague about the matter, and its character and system appear peculiar, for, though he is in charge of all the liquor and stores and keeps the accounts, yet he acknowledges that the "account sales" alone pass through his hands, while all the accounts of the purchases are kept by Mr. Logan. What then becomes of the profits of the club? The inference is that it is a club in name only and consequently it is virtually a shop and no club at all. Be this as it may, there is no doubt that liquor is freely sold for cash to contractors, coolies and maistries, and that there is no license authorising them to sell liquor. Consequently an offence is committed under the Abkari Act I. of 1054, section XVIII.

Mr. Freeman denies that liquor is sold to non-members and states the president has given strict orders that no sales should be made to non-members.

It is equally certain that Appavu Pillai's shop was forcibly entered without a search warrant and that his agent was illegally turned out of the camp and the shop closed, in consequence of which Appavu Pillai is a very heavy loser. He states the profits averaged about Rs. 200 per mensem and that he is now prevented from collecting the outstanding debts due to him. More evidence of the illegal sales would undoubtedly have been forthcoming had not this been the fever season when the camp is broken up and only a few hands are kept on the spot.

Order—dated 2nd July 1892, No. 413, Political.

Recorded with reference to G.O., dated 23rd June 1892, No. 393.

(True Extract.)

(Signed) J. F. PRICE,  
Chief Secretary.

READ—also the following papers:—

From W. B. DEWINTON, Esq., Superintendent of Works, No. I Periyar division, to the Chief Engineer, Public Works Department, dated Periyar, 18th July 1892, No. 82 C.E.

I have the honour to acknowledge receipt of G.O., No. 1869 W., dated 27th June 1892, and to express my deep regret that my action in the matter of the expulsion of the liquor-seller from Periyar camp in March last is so strongly disapproved by His Excellency the Governor in Council.



## ENCLOSURE.

From E. R. LOGAN, Esq., Superintendent of Workshop, Periyár Project, to the Superintendent of Works, No. I Periyár division, dated Periyár, 30th June 1892, No. 29.

I have the honour to report that, on the 16th May 1892, the Travancore police, acting under a warrant issued by Mr. Sealy, District Magistrate, Cardamom Hills, seized the liquor belonging to the members of the "Periyár Working Institute," and removed the whole to Pirmed.

The only reason that I have been able to find out why they did this is that the club had no license. I, as president on behalf of the club, request you will take the matter up and refer it, if necessary, to the Madras Government. The action taken by the Travancore Government is, I consider, very highhanded and, as far as I know of English law with regard to the club, illegal, as no license is required for a *bond fide* club throughout India.

The club was started by me last November and its objects were to afford to its members the means of social intercourse, mutual helpfulness and moral improvement, and rational recreation, and to supply stores of various descriptions.

The Periyár is situated in a very out-of-the-way place, and stores exceedingly difficult to obtain, and I am happy to say that ever since the club was started, drunkenness decreased, the men attended their work with more regularity, and with the good food obtainable at the club were better in health than I had ever known before.

This in a large work is of the utmost importance where labour is difficult to obtain and, when obtained, very hard to keep owing to the scare created by the prevalence of fever.

Each member pays an entrance fee and a monthly subscription, and is entitled to the full use of the club. Only good English liquor is supplied and to members only.

I understand that the liquor-seller whom you expelled from camp wrote to the Diwan and concocted false evidence to show that I was in possession of a shop at Periyár and sold liquor of every description to natives in the camp, and has added many other false statements.

It then appears, as far as I am capable of judging, that the Diwan, without making the very slightest reference to me into the truth of this man's statement, gave orders, which were carried out, that the liquor should be confiscated.

I request that the Madras Government be placed in possession of these facts and that they will take the matter up.

It is needless to add there is a great deal of dissatisfaction throughout the place at the action taken by the Travancore Government, and the sooner things are remedied the better for the work.

Note by the Chief Engineer, Public Works Department.

Submitted for the consideration of Government.

2. So far as the question of the expulsion of the liquor-seller is concerned, it appears to be unnecessary to offer any remarks. I can testify from personal knowledge to the absolute truth of every word of Mr. deWinton's statement, and when in charge of the project made more than one representation to the same effect. As, however, the orders contained in G.O., Political, No. 393, of 23rd June 1892, have been passed by Government with a full knowledge of the circumstances and of the terms of the lease of the land occupied by the camps, it would be unseemly to discuss those orders further; their probable effect upon the progress of the works has been noticed in connection with the monthly progress reports.

3. I may, however, be allowed to invite special attention to the last part of para. 6 of Mr. deWinton's letter and to express the hope that, in the event of any proceedings being taken against him, Government will take into consideration the facts therein stated, and the further fact that his proceedings had the entire concurrence of his immediate departmental superior, who, with a better knowledge of the conditions than any person living, firmly believes that no other action was possible in view of the peace and safety of the camp.

4. As regards the Periyár club, the case is altogether different. Whatever errors Mr. deWinton may have committed fade into insignificance beside the outrageous action of the Travancore officials as now reported, and it will be nothing short of a public scandal if this action is allowed to pass unnoticed.

5. It cannot be too emphatically stated that the club in question is as much a *bond fide* club as the similar institution at Madras or Ootacamund, and neither the Madras Government nor that of Travancore has any more right to interfere with it than with the Madras or Ootacamund Club.

6. In no civilised country is a license required for the sale of liquor by a *bond fide* club to its own members, and when an English Chancellor of the Exchequer, at the head of a powerful majority, proposed to alter the law so as to make a license necessary, the proposal had to be somewhat ignominiously withdrawn.

7. Not a particle of evidence has been produced, nor, knowing Mr. Logan as I do, do I believe that any can be produced, to show that liquor has been sold to other than *bond fide* members. A proposal was made some time ago to obtain a license for the general sale of liquor, but this was dropped on my pointing out to the Superintendent of Works, in much the same terms as those used in para. 10 of my note recorded with the G.O. quoted above, that such a course would interfere with the character of the institution as a *bond fide* club.

8. The subject is one on which plain speaking has become absolutely necessary, and I am obliged to say that the works cannot be carried on unless the officers and others employed on them are protected from the interference of the Travancore Government. From the very first I expressed, and have never ceased to hold, the opinion that no satisfactory arrangement was possible short of declaring the camps to be British territory so long as the works were in progress, and though, in deference to the wishes of Government, this view has not been pressed, the position has from the first been almost intolerable; that it has not been, as Mr. de Winton truly declares it now to have become, quite intolerable, is due to the devotion and self-sacrifice of the officers concerned, who have submitted to every conceivable annoyance, obstruction, and discouragement rather than embarrass the Government or appear to question the propriety of its decisions.

9. The men who have been injured by the action of the Travancore officials in this case are those whom, above all others, it is desirable to encourage and conciliate, namely, the superior workmen, foremen, fitters, and artisans. By a gradual process of selection we have got together a body of workmen who will bear comparison with any similar body in the country, who understand the work, and have become accustomed to the climate, and it will be fatal to the progress of the works if this body be broken up. It is, however, impossible that we should be able to keep them together if they are liable, on the one hand, to find a brothel, a latrine, or a liquor-shop prected at their very doors, or, on the other, to find that, while paying taxes to the British Government, their houses are broken into and their property stolen by the officials of a petty Native State.

OOTACAMUND,  
26th July 1892.

(Signed)

J. PENNYCUICK, Colonel, R.E.,  
Chief Engineer, P.W.D.

No. 65 D.

Transferred to the Political Department with reference to the order in that department, No. 393, dated 23rd June 1892.

(Signed)

J. PENNYCUICK, Colonel, R.E.,  
Secretary to Govt., P.W.D.

28th July 1892.

From the Resident in Travancore and Cochin, dated Trivandrum, 12th August 1892, Ref. on C. No. 1097.

ABSTRACT.—Forwarding copy of the Travancore Abkari Regulation.

Memorandum by the Chief Engineer, Public Works Department.

The undersigned has the honour to solicit the consideration of Government to the effect which G.O., No. 393 of 23rd June 1892 (Political Department), is likely to have upon the progress and cost of the works connected with the Periyár project.

2. In para. 1 of this order it is stated that "the camp is not the private property of Government and Government has no right, analogous to that of a proprietor, to exclude persons at will from its limits."

3. It is of course only in virtue of the very right which is herein repudiated that the officers in charge of the works can exercise any control whatever over the occupants of the camps, and, if they cannot on behalf of Government, exercise this right, they not only cannot exclude persons at will from the precincts of the camps but they cannot control the occupation of particular sites or the arrangement of buildings.

4. It is only in virtue of this proprietary right that any measures for the conservancy of the camp, or for the comfort, health or safety of their occupants can be taken, and, if these measures are rendered impossible, the undersigned fears that the difficulty, already considerable, of obtaining skilled and respectable workmen in sufficient numbers will be very seriously increased, with the inevitable result of a corresponding increase in the cost of the works and of the period occupied in their execution.

5. It is of course a matter of conjecture what the exact amount of this increase will be, but the undersigned believes it to be a moderate estimate that it will amount to two lakhs of rupees in point of money and a year in point of time.

6. The lease, printed with G.O. (Political Department), No. 1041 of 7th December 1886, devises and grants to the lessee "all such land in the immediate vicinity of the tract above mentioned" (the waterspread of the lake) "and not exceeding in the whole extent one hundred acres as may be required for the Periyar Project."

7. By a later clause in the lease "sovereign rights" and rights over minerals are expressly reserved, and it has always been understood that the rights conveyed by the lease were no other than the ordinary "proprietary" rights, precisely in fact those rights which are conveyed by the ordinary lease of a house, a farm or an estate; these latter certainly enable the lessee to keep out trespassers and to regulate the occupation of ground within the area leased.

8. These rights which are quite apart from sovereign rights, or those of criminal jurisdiction, have been exercised on behalf of Government for the last four years without the smallest objection, and the officers in charge of the works have more than once been asked by the Travancore officials to exercise them on their behalf.

9. The undersigned wishes to state distinctly that these remarks have no reference whatever to the particular case which gave rise to the order under consideration; whether the Superintendent of Works acted rightly or wrongly in this case is a matter on which the undersigned does not desire at present to offer any opinion, but the general principle that the Government possesses no proprietary rights at all over the ground in question will have such serious effects upon the future progress of the works that he thinks it necessary to ask Government to consider whether this principle is really in accordance with the terms of the lease.

10. In connection with this question the undersigned would also ask Government to consider whether an alteration cannot be made in the arrangement by which the abkari and forest jurisdiction has been left to Travancore, while the ordinary civil and criminal jurisdiction has been ceded to the British Government.

11. It so happens that nine-tenths of the disagreements which have arisen between the officers of the project and the Travancore officials have been due to one or other of these causes, and the undersigned is convinced that no arrangement will be satisfactory which does not absolutely and entirely prevent the exercise of any authority whatever by any Travancore official within the limits of the camps.

12. In considering this question it is necessary to bear in mind that so far as the abkari question is concerned, the very existence of any revenue is due to the

execution of the works and that it can be no hardship for the Travancore Government to forego a revenue which is derived entirely from operations with which they have no concern.

(Signed) J. PENNYCUICK, Colonel, R.E.,  
Chief Engineer, P.W.D.

OOTACAMUND,  
6th September 1892.

No. 400 D.

Transferred to the Political Department.

(Signed) J. PENNYCUICK, Colonel, R.E.,  
Secretary to Govt., P.W.D.

15th September 1892.

To the Political Department with original notes by Hon'ble Members.

From the Resident in Travancore and Cochin, dated Trivandrum, 30th September 1892, Ref. on C. No. 1415.

ABSTRACT.—Forwarding copies of two maps referred to in certain Political orders.

Extract from the inspection report of Periyar camp by the District Medical and Sanitary officer, Madura, dated 25th August 1892.

I would venture to pass remarks concerning the two toddy shops now established in the camp, one on the right bank of the river near the hospital and the other higher up on the left bank. The best interests of Government and of the coolies themselves are hardly consulted by permitting the free sale of liquor, which, beyond doubt, is adulterated in every conceivable manner. I am reliably informed that drunkenness has greatly increased since these shops were opened and this especially refers to the liquor depôt near the hospital. Coolies visit this depôt at night and are found in the morning lying anywhere on the wet ground in a drunken sleep.

No. 137 C.E.

Forwarded to the Chief Engineer, Public Works Department, for information.

PERIYAR,  
14th September 1892. (Signed) W. B. DEWINTON,  
Superintendent of Works, No. 1 Periyar Dn.

Note by the Chief Engineer, Public Works Department.

Submitted for the information of Government.

2. I have nothing to add to what I have said upon the subject already.

OOTACAMUND,  
21st September 1892. (Signed) J. PENNYCUICK, Colonel, R.E.,  
Chief Engineer, P.W.D.

No. 517 D.

Transferred to the Political Department in continuation of endorsement No. 400 D., dated 15th September 1892.

OOTACAMUND,  
11th October 1892.

(Signed) J. PENNYQUICK, Colonel, R.E.,  
Secretary to Govt., P.W.D.

To the Political Department with copy of notes by Hon'ble Members.

ORDER—dated 25th November 1892, No. 680, Political.

The Superintendent of the Periyár Works, in para. 2 of his letter forwarded with the first of the papers read above, complains that no opportunity was afforded him of explaining his conduct with regard to the expulsion of the liquor-seller from the camp, which was animadverted upon in G.O., dated 23rd June 1892, No. 393, Political. With reference to this, His Excellency the Governor in Council would observe that the complaint of the Travancore authorities, received through the Resident, was, on receipt, referred to the Public Works Department with the request that the necessary inquiries might be instituted and the result intimated. The Chief Engineer, in returning the papers, stated that the facts were already well known to him, having been brought to his notice during his last visit to the Periyár, and took upon himself the defence of the Superintendent's action. It was, therefore, evident that the head of Mr. deWinton's department considered that no further explanation from that officer was necessary, and, in these circumstances, none was called for.

2. Nor does His Excellency in Council consider that Mr. deWinton has in any way justified his conduct by the detailed account now submitted of his action in the matter.

Mr. deWinton does not deny any portion of the allegations originally made against him with regard to his treatment of the abkari renter. He endeavours to justify his conduct on the grounds of the frequency of the occurrence of crimes of various degrees, varying from drunken brawls and petty thefts to rape and murder, which were, in his opinion, almost entirely traceable to the liquor-shop; of the absence of police and magistrates; of the practice, prior to his arrival, under which the Superintendent of Works took the law into his own hands in all petty matters, and of the *bona fide* belief, on his part, that he had the right to expel all obnoxious characters from the camp.

Granting that matters were as bad as represented by the Superintendent of Works, it was the obvious duty of that officer to have at once brought them to notice and, either directly or through Government, requested the authority which granted the license to cancel it. This he did not do, though he assumed charge in December 1891, and the expulsion of the shop-keeper took place only in April 1892. Whatever action might have been taken by the Superintendent of Works when the liquor-seller first entered the camp, the fact remains that the officers of the Madras Government had, by raising no objections at the time of his entry, accepted this particular liquor-seller and, by implication, admitted the authority of the Travancore Government to dispose of the right to sell liquor within the boundaries of the camp.

As regards the absence of police and magistracy, it is observed that a court with jurisdiction did exist; distance from this was no more a lawful excuse for illegal procedure than was the fact that predecessors of Mr. deWinton's had been in the habit of taking the law into their own hands. The fact that Mr. deWinton believed *bona fide* that he had a right to do what he did—a point as to which there is no question—cannot legalize his proceedings.

3. The statement in para. 6 of the letter from the Superintendent of Works, that the Government suggested to the liquor-seller to prosecute him for damages incurred, is incorrect. No invitation whatever was given by Government to the liquor-seller to take proceedings against Mr. deWinton—that officer was merely informed that, if proceedings were instituted against him, he would have to bear the consequences. Mr. deWinton has, however, stated that his view as to his authority to expel all obnoxious characters from the camp had the concurrence of the Chief Engineer, and the latter officer, in para. 3 of his note, dated 26th July 1892, has confirmed this statement. In view of these facts para. 4 of G.O., dated 23rd June 1892, No. 393, will be withdrawn.

4. In regard to the matter of the Periyár club and the seizure of the liquor in its possession, His Excellency in Council is of opinion that the proceedings of the Travancore authorities, being based on a considerable amount of evidence as to illicit sales having taken place, whether with or without Mr. Logan's knowledge, were quite regular and in accordance with the law which applied to the case. The Government cannot, moreover, move in the matter until the camp authorities have established the fact that their own action was legal. It is for the Superintendent of the Works to show that the proceedings of the Travancore Government were undertaken on false evidence.

5. On a perusal of the memorandum by the Chief Engineer, dated 6th September 1892, and on reconsideration, His Excellency the Governor in Council is of opinion that the terms of para. 1 of G.O., dated 23rd June 1892, No. 393, were too wide. The following will, accordingly, be substituted for the second sentence of that paragraph:—"The Government has the right of controlling occupation or erection of houses within the camp; but, having created what is in fact a town there, attracted a population, devoted portions of the land to public uses in the way of streets, highways, markets, and the like, and having permitted the acquisition of private property in the site, it has certainly not the power of excluding whom it will from the camp limits. Anything of this nature would be in derogation of the sovereign rights reserved to Travancore, and persons resorting to the camp cannot be treated as trespassers on private property."

6. With reference to the question raised in para. 10 of the Superintendent of Works' letter, the Government is of opinion that the permanent cession of the Periyár camp site is impracticable. His Excellency in Council considers, however, that something might be done to mitigate the evils arising from the system of dual control in the matter of the purchase and sale of intoxicating liquors, and the Resident in Travancore has been communicated with on the subject.

(True Extract.)

(Signed) J. F. PRICE,  
Chief Secretary.

To the Public Works Department.  
Resident in Travancore and Cochin.

Exd. A. D. Xavier.

Gobt. of {1892} Madras.  
POLITICAL.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 25th November 1892, No. 680.

NOVEMBER.

Periyar.

Passing orders on papers connected with the  
expulsion of a liquor-seller from the — works by  
the Superintendent of Works, and the seizure of  
the liquor in the possession of the Periyar Club  
by the Travancore authorities.

*Open up*  
*(646)*  
*Confidential*

*No. 3309 of 2-12-92*

*Communicated*  
*to the Superintendents*  
*P. Project*  
*(Signed) E. J. V.*  
*W*

*Forward with*  
*P. 100 11/14/95*

*to the Superintendents*  
*P. Project*

*3309*  
*10*

Government of Madras.

1892

P. W. DEPARTMENT.

CURRENT No. 11905

From

Political Dept

5 8/100

ENCLOS. -

No. 680

Dated 25<sup>th</sup> Nov 1892

Received 1<sup>st</sup> Dec 1892

SUBJECT.

Permit order re-  
garding the expulsion  
of a lion from  
the Permit Camp &  
the seizure of lion  
in the possession of the  
Permit Club -

DISPOSAL.

No. 3309 dated 2.12.92

Commenced to  
the Sub. of Warden  
Permit Permit.  
(Initd) E. F. W.

2/12/92 27/12 W.  
10/12