

100
27-5-37
M.E.O. 1-88,000-16-10-20

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	1687	Press
		Mis.
Dated	14-11-	1971

Not to be folded or roughly handled

Read the following papers:—

No. 18. From J. A. C. BOSWELL, Esq., Collector of Kistna, and President, Masulipatam Municipality, to the Chief Secretary to Government, Fort St. George, dated Masulipatam, 6th September 1871, No. 2779.

It is much pain that I have to submit for the Orders of Government a demi-Official letter received from my Treasury Deputy Collector, Kaudi Rama Rao Pantulu Garu, who, as a member of the Municipal Commission of Masulipatam, justly takes exception at certain remarks made in writing by Mr. Cumming, Assistant Collector, which cast a most serious imputation upon his character.

2. These remarks were written by Mr. Cumming on the margin of a fair copy of the Proceedings of the last Municipal Meeting before they were brought to me as President for signature. They were taken by a peon to the Clerks, and handed round and perused by a number of employes in my office before they reached the Treasury Deputy Collector, who has kindly undertaken the duties of Honorary Secretary to the Commission. He at once forwarded the papers to me with the enclosed letter (A), requesting that I would submit the affair for the orders of Government, in order that an authoritative decision might be obtained as to the privilege possessed by one individual Commissioner (1) over another, (2) over the general body.

3. Before taking any further steps I wrote a letter to Mr. Cumming (C), pointing out the impropriety of the course he had adopted, and giving him an opportunity first, of withdrawing his remarks, and then of making an apology to K. Rama Rao Garu, as the remarks had been seen and read by many.

4. In his reply (marked D,) Mr. Cumming offered as his explanation that the remarks were intended only to fall under my eye, and requested to have them struck out, but he declined to offer any apology to the Commissioner whose honesty he had called in question.

5. I wrote again to him (letter marked E) pointing out that the course he had adopted was very different from making a private communication to me; that he had done what was tantamount to publishing defamatory statements regarding K. Rama Rao Garu; and that unless he apologised to him, I should have no option but to comply with that gentleman's request, and lay the matter before Government.

6. In his letter (marked F) Mr. Cumming adheres to his resolution not to apologise, and therefore, I am compelled to trouble Government with this affair, which ought to have been otherwise settled, had Mr. Cumming shown a proper gentlemanly feeling. It is not sufficient for him to say "you may inform Mr. Rama Rao (if you like to do so) that the remarks were not intended for him, and therefore could not have been, and were not intended to hurt his feelings." Mr. Cumming has brought a most serious charge against a fellow Commissioner, and an Officer holding a responsible post under Government, amounting to dishonesty and want of upright dealing, however he may endeavour to explain away his words now; and these imputations have been written upon an open paper sent into a large office, where it was only reasonable to suppose that, as occurred, they were seen and read by many of the Subordinates of the Treasury Deputy

Collector himself. I submit that unless he is prepared to come forward and establish his accusation, Mr. Cumming owes K. Rama Rao Garu an ample apology.

7. The facts of the case are briefly these. The contract for the supply of kanker for the repair of Municipal roads was given by the Commissioners to one K. Pradosham, not as Mr. Cumming insinuates in one of his letters, through any influence of K. Rama Rao Garu, but at a general Meeting of the Commissioners, where his tender was accepted as the lowest. The contractor supplied kanker for some months, but rumours being afloat of short measurements, a Sub-Committee was appointed to inquire into the matter. This Sub-Committee, of which Mr. Cumming was a member, measured only two heaps on one road, and three sent in a report in which two of the members did not concur. The Contractor also protested, and another Sub-Committee was appointed to investigate more fully and report again. This Sub-Committee was composed of Mr. Cumming, Captain Richardson, Mr. Brearey, Bank Agent, K. Rama Rao Garu, and K. Kamesvara Dikshitulu Garu. The Sub-Committee appointed a time and place of meeting, but were kept waiting for Mr. Cumming till so late that nothing could be done that day. They met again on several days, and spent much time in testing the heaps of metal supplied by the Contractor on different roads, but throughout Mr. Cumming never attended. The Sub-Committee finally drew up a report stating that no short delivery of material could be established, and recommending that further inquiry be stopped and orders issued for the prompt execution of the road work. This report was adopted by four members of the Sub-Committee, Mr. Cumming only dissenting, who would not even take the trouble to be present at the investigations which the other gentlemen carried out, and who was, therefore, incompetent to sign the report at all. At a general Meeting of the Commissioners held 31st August, the report of the Sub-Committee was read, and the following resolution passed:—

“Resolved, that as material deficiency in the supply has not been found,
“the quantity of kanker supplied be measured up and works be
“proceeded with without delay. The Commissioners approve of
“the suggestions of the Sub-Committee.”

8. From this general Meeting of the Commissioners Mr. Cumming again absented himself, and yet after the meeting he sends for the fair copy of the Proceedings and inserts in the body of the resolution these words, “Mr. Cumming dissenting,” as if he had been present at the meeting, and as if it was customary in a Proceedings of a public meeting to record the views of individuals composing a dissenting minority upon any resolution carried. Mr. Cumming, however, went further, and wrote on the margin of the same Proceedings, which I send in original (marked B), “I disapprove heartily of the whole thing, and consider that Rama Rao is hand and glove with the Contractor, and has persuaded the Commissioners
“out of 700 Rupees loss sustained.”

9. It is against this defamatory statement that Rama Rao protests, most justly as I consider, and so might the other Commissioners, whose common sense Mr. Cumming has insulted.

10. K. Rama Rao Garu is a son of the Board's late Sheristadar, K. Narsinga Rao Garu, who, in consideration of his long and faithful services, was honored with the Title of Rai Raya Rai, and a pension of Rupees 800 a month for three lives. His son is a B. A. of the Madras University, a man of considerable talent, and one who devotes himself heart and soul to his work. I took occasion lately to bring his merits prominently to the notice of Government (vide G. O., dated 22nd April 1871, No. 728, R. D.) He is further an official of high principle and integrity, with an unblemished reputation, and coming from Madras three years ago, has gained for himself the respect of the native community in this place. In consequence of the utter incompetency of E. Sunhadri Pantulu as a Sheristadar, and owing also to my having to entertain at the same time a new man as Head Clerk, who was unacquainted with the work of the office, I have had to ask the Treasury Deputy Collector to undertake much work which may not properly belong to his duties, but which he was the only man competent to undertake, and his aid has always been most obligingly afforded. Indeed, with the pressure of work under the circumstances, official business must have got into great arrears had not K. Rama Rao Garu taken the chief burden upon himself at my request.

11. This is one of the grievances which Mr. Cumming has set forth (in his letter F). “Your partiality” he writes, “towards the Treasury Deputy Collector has been freely noticed here, and while I have chiefly suffered by it, by your obtaining that assistance invariably from him, which I as your assistant am supposed to offer, and my being left in entire ignorance of the official work passing in your office, while he is permitted to learn every thing, and even to usurp what does not appear to me to be his proper work (such as drafting your official letters), &c.” The impertinence of these remarks is only equalled by the ignorance they display. I presume a Collector has authority to assign their special work to his assistants as well as to his other subordinates, and it is certainly a strange assumption for a young assistant to claim, that the Collector shall consult and avail himself of his very limited experience only, to the exclusion of all better qualified officers. Both branches, correspondence and accounts, in the Collectors' Office, are under the supervision of the Deputy Collector. To show that Mr. Cumming has no ground of complaint, I may mention that with the sanction of the Board, I have for long entrusted him with the independent Revenue charge of one Taluq and the Magisterial charge of two, that I have given him the supervision of two salt stations (which are very rarely visited). I have given him every opportunity of acquiring varied experience by sending him on tours of inspection, by deputing to him miscellaneous work of different kinds, from time to time, by placing him temporarily in charge of the Treasury, whenever an opportunity occurs, and by consulting him upon all questions when I have sought the individual opinions of other Divisional Officers. He has the freest access to all the current records of the office, and whatever papers he wishes to see are taken to him. I am sorry to add that though I have repeatedly spoken to him on the subject, his attendance at the office is most irregular. For many days he never comes at all, but insists upon doing his office work at his own house, a practice to which there is grave objection. His ignorance of what takes place in the office is owing in a great measure to this, and when I enquire for him he is seldom within reach.

*Proceedings of the Madras Government, Public Department,
14th November 1871.*

12. Another of Mr. Cummings' grievances is that I have used my influence to get K. Rama Rao Garu elected as Honorary Secretary of both the Masulipatam Municipal Commission and the Local Fund Board of this Circle. He was elected by a majority. Next that I interfere as President too much with the executive of both these bodies, while he is labouring under the impression that the whole executive should devolve on the Assistant Collector or Vice-President, as at Guntoor in the Sub-division. As I read the Act the Collector, as ex-Officio President of the Commission and Board at his Head Quarter Station, is bound to attend the Meetings and to take the executive, and this is a duty of which he cannot at his own will divest himself; and it is in his absence that the Vice-President takes the lead, except in regard to duties specially entrusted to him. At Mr. Cummings' request, however, I submit the following question:—"What executive powers under the Local Funds Act is a Vice-President entrusted with?"

13. I shall only be too glad to be relieved by Mr. Cumming of any work in connexion either with the Local Funds or the Municipality which he will be good enough to carry out, but unfortunately Mr. Cumming, though ready and anxious to undertake anything, is very slow in completing what he undertakes, and I am sorry to add, undertakes duties which he never makes an effort to fulfil. Though an *Ex-Officio* member of the Municipal Commission, appointed to represent the interests of Government, he justifies his conduct in absenting himself from Meetings because they are presided over by a Vice-President other than himself elected by the Commissioners with the permission of Government. When the Local Fund Board was formed, it was on my recommendation that Government appointed Mr. Cumming Vice-President. I appointed two clerks and requested him to take up the work, to which he expressed a ready consent. There was much work to be done, letters to be written, and information collected. As days passed by, I found Mr. Cumming very seldom came to office. I made inquiries and found he was doing nothing about Local Funds. As the day appointed for the meeting was approaching, I was compelled to ask the Deputy Collector to be so good as to draft some of the letters and to have a draft of the Budget prepared in the office. Consequently on the day of meeting all was ready and the Budget was passed. When I had entrusted the work to Mr. Cumming, I expected that he would take the necessary steps to carry it out, but he excuses himself by saying the clerks never came to him, the Honorary Secretary never assisted him, nor would they have come to me unless I had sent for the clerks and papers, and asked the Honorary Secretary's assistance. Such excuses as these are puerile.

14. One matter more alluded to by Mr. Cumming. An Officer at the station annoyed at a very small fine being inflicted in a police case in which he was interested, wrote a public letter containing some disparaging expressions in regard to Mr. Cummings' Magisterial decision. I wrote to the Officer and explained to him the grounds on which that decision was passed; whereupon he wrote a second public letter and withdrew the first. Mr. Cumming argues, because I advised him to let the matter rest there, that, therefore, the Treasury Deputy Collector should be satisfied with his (Mr. Cumming's) writing in a note to me that his remarks, charging the former with almost dishonesty, in a paper sent open into a Public Office, were only intended to fall under my eye, and that they were not intended for him, and not intended to hurt his feelings.

*Proceedings of the Madras Government, Public Department,
14th November 1871.*

15. I am sure that Government will not allow a Native gentleman holding the position and bearing the high character that K. Rama Rao Garu does, to be thus insulted in an open manner before his subordinates by an Officer holding Mr. Cumming's position, without requiring the latter to apologise to him as any gentleman ought to do, besides withdrawing the objectionable imputations or attempting to explain them away. I trust that Government will also be so good as to elucidate Mr. Cumming's difficulties in regard to the relative position which he holds to the Collector, and in regard to the perfectly voluntary character of the duties which devolve upon him when appointed as an ex-Officio Member of a Commission to represent the interests of Government, and further as respects the extraordinary powers with which he considers a Vice-President of a Local Fund Board is invested. I would request that Government would also state whether or not it is incumbent on an Assistant Collector to attend office daily or whether he is at liberty to do all his work at his own house.

P.S.—I am furnishing Mr. Cumming with a copy of this letter for his information.

(Signed) J. A. C. BOSWELL,
Collector and President, Masulipatam Municipality.

No. 19. From J. A. C. BOSWELL, Esq., President Municipalities, Kistna District, to the Chief Secretary to Government, Fort St. George, dated Masulipatam, 12th September 1871, No. 2844.

In continuation of my letter dated 6th September 1871, No. 2779, I have the honour to forward herewith a letter from Mr. Cumming containing his explanations in regard to the mode adopted by him in expressing his opinion of a Native gentleman, a Member of the Masulipatam Municipal Commission with himself, and as to the discharge of his duties generally. There is little in this letter that requires any notice from me, and what I shall say shall be very brief.

2. Mr. Cumming unadvisedly and hastily writes some remarks on a fair copy of a Proceedings of a Municipal Meeting. He argues that it was not a *public document*. All I can remark is that it could scarcely be considered a *private communication* intended to fall only under my eye, sent open into an office, where I was informed, on the best authority, that it had been seen by several persons before it was brought to the Deputy Collector, and where it was only natural to suppose it would be seen and commented on. The paper was intended for the press, and the peon was never told to take it to the Collector.

3. If Mr. Cumming did not intend to impute improper motives to K. Rama Rao Garu by his remarks, it is certainly difficult to read them in any other light. They were considered to be most defamatory by the gentleman to whom they referred and I consider that he was entitled to an apology unless Mr. Cumming intended openly to charge him with dishonesty.

4. The contractor is a man of quite different caste and social position from the Honorary Secretary, and I think Mr. Cumming would find it rather hard to justify by any facts the use of such an expression as "hand and glove," to describe their mutual relations. The Contractor is a common Banian.

*Proceedings of the Madras Government, Public Department,
14th November 1871.*

5. Mr. Cumming, again, is mistaken in supposing that Kotte Venkataswami Naidu, the Municipal Overseer, is in the habit of attending the Deputy Collector as a Medical practitioner. This is quite another man, Unima Venkataswami Naidu, Hospital Assistant in the Civil Dispensary.

6. Mr. Cumming says he was not present when the kanker contract was given to the present contractor or he would have objected. A reference to the Proceedings* of the Meeting held 6th October 1870 shows that Mr. Cumming was present, and his signature appears on the original. Further, at the Proceedings† of 8th December 1870, when Mr. Cumming was presiding, the contractor's agreement and security were accepted and an advance made to him of Rupees 1,000.

7. The Rev. M. Ratnam was never appointed a member of the first Sub-Committee, as will be seen by reference to the Proceedings of Meeting held 6th July 1871. I cannot say how he came to sign this report.

8. The view taken by the Honorary Secretary in regard to the kanker contract is simply the way any one would look upon it from a common sense point of view, and I am unable to see any thing like partiality in his opinion. The first Sub-Committee appointed came to the conclusions they arrived at on quite insufficient evidence, it was decided at a general meeting of the Commissioners. They started with a resolution to measure the kanker on different roads, but really only measured two heaps; one of them was a wrong heap altogether which had not been taken into account at all, and the other yielded nine parras, or above the average in dispute. Upon this and this only the first Sub-Committee proposed that the Contractor should be offered payment at a certain reduced rate for upwards of four thousand bandy loads, the balance of money due to him on the Commissioners' hands being taken as a set off for short delivery. The general meeting made the offer to the contractor, but it was declined by him, and, therefore, they came to the conclusion, not I individually, as Mr. Cumming states, (paragraph eight), that to adopt such a course as the Sub-Committee recommended, without any proof, might involve them in a Civil Suit with every possibility of being cast. At the proposal of an English Member I believe (not myself), a second Sub-Committee was appointed to test a larger number of heaps on different roads, and deduce an average therefrom. This the second Committee did, and the consequence was that when Captain Richardson, who was also a Member of the first Committee, came to see the heaps generally tested, he found reason to change his first opinion, but Mr. Cumming, who would take no part whatever in the further inquiries conducted by the second Sub-Committee, signed the report stating that he held to the first report. He gave no reasons whatever for his dissent from the conclusions entered in the second report, and as he had only measured two heaps, and only one of them was a heap of kanker actually brought to account, and as this heap was not short in measurement, that dissent looks very much like a declaration to the effect that he was so strongly prejudiced against the Contractor, that he could not even consider evidence or listen to reason.

9. Mr. Cumming lays great stress upon two of the Commissioners having only agreed to a part of the report. I enclose a copy of the report, from which it will

*Proceedings of the Madras Government, Public Department,
14th November 1871.*

be seen that the portion of the report with which they agreed was the material part, the results of the measurements, and the manner in which these measurements affected the average at which the kanker had been received by the Municipal Overseer. The Report went on to offer certain suggestions for checking the supply in future. As this matter had not been expressly referred to the Sub-Committee, two of the Members considered that these suggestions were superfluous. The opinion of the second Sub-Committee with regard to no material deficiency in the kanker delivered being proved, was unanimously adopted by all the Members who were present at the next general Meeting of the Commissioners when the Report was read. Mr. Cumming had no business to express his opinion at all in the report of the second Committee when he had taken no part in its inquiries or consultations, and he was quite out of order in inserting his dissent from a resolution unanimously adopted at a meeting which he did not attend.

10. The Commissioners were not persuaded by K. Rama Rao Garu to take any lenient view of the Contractor's case. They simply felt that as no short delivery could be proved it was inadvisable to incur litigation, because Mr. Cumming still held out, judging by his eye, and not by actual measurements, that the heaps of kanker were small.

11. I have instituted no comparison whatever between Mr. Cumming and any other Officer. When he has more experience he will know, that a Collector looks to the superior Native Officials in his office for assistance of quite a different kind from the aid which he seeks from his Covenanted Assistants. There are such things as local and special experience and official training. In allotting work to my Assistants, I have ever endeavoured to keep in view the object of giving them the opportunity of acquiring experience of that nature which will be most useful to them in their future career, and had Mr. Cumming ever expressed a wish to be entrusted for a time with any particular sort of work, I should certainly have endeavoured to comply with his wishes.

12. I think Mr. Cumming will find that he has been in charge of the Deputy Collector's office on at least three occasions, when the Deputy Collector was either ill or absent on emergent occasions.

13. When Mr. Cumming wishes to see any official correspondence, the proper course, I consider, would be for him to ask for it to be brought to him. It is an original grievance he has, that it has only been lately taken to him at his express request.

14. With regard to non-attendance at the office the Collector's house is almost as near the Kucheri as Mr. Cumming's, and the inconveniences of office accommodation are nearly as great as his, but my predecessors and myself have never felt that on these grounds we were justified in absenting ourselves from attendance at the office.

15. I do not consider it necessary to trouble Government with any further remarks upon Mr. Cumming's defence. Should explanation be required upon any of the several points he has taken up I shall be happy to afford it.

14th November 1871.

From C. L. B. CUMMING, Esq., Assistant Collector and Commissioner Masulipatam Municipality, to the Chief Secretary to Government, Fort St. George, dated Masulipatam, 8th September 1871.

With reference to a letter addressed by Mr. Boswell, Collector of this District and President of the Masulipatam Municipal Commission, to Government reporting on my conduct as a Municipal Commissioner (copy of which I have just received from that gentleman), I beg herewith to submit my explanations on the subject, and to request that you will kindly place them before Government in connection with that Officer's letter. For clearness' sake, I have taken the liberty of replying seriatim (paragraph by paragraph) to the allegations contained in Mr. Boswell's letter.

2. *Paragraphs 2 and 3 of Mr. Boswell's letter.*—In these paragraphs, Mr. Boswell states that the remarks of mine to which he takes exception were handed round and read by a number of the native employés of his office prior to their reaching Commissioner K. Rama Rao Garu, and implies (paragraph 3) that he mentioned this matter in calling upon me for an apology in his letter marked C. But I would respectfully request the Government to refer to Mr. Boswell's two letters C and E, in which it will be seen that no mention whatever is made of this. As this is matter now newly introduced by Mr. Boswell, and would be "matter of aggravation" to the original cause of offence, I have thought it proper to take statements from the Municipal peon to whom I gave the paper for delivery to Mr. Boswell, and the Municipal Head Clerk to whom he appears to have given the paper direct. These papers (marked No. 1) speak for themselves. I am not aware where Mr. Boswell obtained his information that the paper was hawked about his office, but I would venture to submit that even if it were so, I could not possibly have contemplated that a paper given by me to a peon for direct delivery to Mr. Boswell, should be taken by him to the Municipal office, and thence to Mr. Boswell's office, there to be opened and read by his clerks. Those clerks who are not on the Municipal Establishment could have no occasion to see it, and I would submit therefore that if such a breach of duty has occurred, it has been totally contrary to my intentions, and I am in no way answerable for it.

3. *Paragraph 4 of Mr. Boswell's letter.*—In this paragraph Mr. Boswell omits all mention of the reasons which I gave him for declining to apologize.

4. *Paragraphs 5 and 6.*—In these paragraphs, and throughout his whole letter, Mr. Boswell terms my remarks "defamatory," and persists in construing them as if they charged K. Rama Row Garu with "dishonesty," although I have repeatedly represented to him that such was very far from my intentions. He also insists that I should apologize unless I am prepared to prove my accusations. On this point, I need only remark that my allegations of bias against Commissioner K. Rama Row Garu were not made without grounds, as I have pointed out lower down. But I would venture respectfully to submit to Government that what construction my words were meant to bear is a matter for their decision alone, and I would also respectfully represent for the consideration of Government that they are not defamatory [or at any rate were not meant to be so, the intention to defame being, as I understand it, the essence of a libel] within the meaning of Section 499 ("Defamation") of the Indian Penal Code (which I suppose is the sense in which Mr. Boswell uses the term defamatory) read with the second exception to that Section. I would further venture respectfully to submit (if the Government will pardon the reiteration) that I can conscientiously affirm (what I have already affirmed to Mr. Boswell) that in writing the remarks excepted to, any imputation of dishonesty was very far from my intentions, and that I merely meant to attract Mr. Boswell's attention to my opinion of Commissioner K. Rama Row Garu's partiality as the reason for my dissent. I hope the Government will consider that my words (hastily penned) will bear this more liberal construction rather than the harsher one which Mr. Boswell has thought proper to put upon them, and which would have been (I apprehend) more justifiable if I had made use of a stronger term, such as "inveigled" or "defrauded"; but my use of the term "persuaded" shows, I respectfully submit, that I meant merely that he had talked over, influenced, or persuaded the other members of the Sub-Committee by reason of his being very friendly ("hand and glove") with the Contractor, (perhaps unconsciously to themselves) to accept his view of the matter (a lenient view), and to arrive at the conclusion that there was little or no loss proved. This he might have

14th November 1871.

done either from an honest conviction in his own mind that there was no loss shown, or from a natural bias or partiality to the Contractor as being a native and a friend of his. If I elected to take the latter view, it was not altogether without grounds, since—

- (a). At a meeting of the first Sub-Committee (present Messrs. Richardson, Cumming, and K. Rama Row Garu) held to examine into the accounts of kanker delivery and payments therefor, it was strongly suspected by Captain Richardson and myself that the Municipal Overseer (who had for months received the kanker on measurement and paid for it) had been in collusion with the Contractor to defraud the Commission. Commissioner K. Rama Row Garu, however, spoke strongly in favour of the Overseer (who, it is known, is in the habit of attending him professionally as a Medical Practitioner) and also seemed averse to our proceeding sharply against the Contractor.

- (b). The two European Members of the second Sub-Committee (excepting myself) were newly on the Commission (appointed April 1871), and while one, Mr. Breary, (together with a non-official Native Member) only agreed with the first page of its report, the other, Captain Richardson, agreed to the whole, thus accepting conclusions diametrically opposed to those he had formed and signed as a Member of the first Sub-Committee.

5. Under these circumstances, I hope the Government will not think it strange that I should have been led to suspect in my own mind that the European Members of the Sub-Committee should have been unconsciously influenced in their decision by the representations and persuasions of Commissioner K. Rama Row Garu (who is also Honorary Secretary and as such has considerable influence in the Commission), and should have informed Mr. Boswell of this as a reason for my dissent. As a Member of the Commission, and in the interests of the Government, and of the tax-payers, who, I consider, have seriously suffered by the kanker contract having been given to the present Contractor, I would respectfully submit that I am entitled to speak out my *bona fide* opinion on the matter without fear of offending the feelings of any individual Commissioner. If this is not to be allowed, and the free expression of opinion is to be stifled, and the motives and conduct of the Commissioners individually to be held to be above suspicion, it will be impossible either to discover or check any abuses that may occur. It may not be out of place to quote here some remarks bearing on this subject, which have just attracted my notice in a Leader headed "Indian Municipalities," in the "Friend of India" of 24th August 1871, and which has been much quoted in other journals, and if it is, I trust the Government will pardon me. The Journalist, speaking of how Indian Municipalities may be made to succeed, says:

"With a view to this, the first step is that the Commissioners as at present existing should 'do their duty and speak out like men, and speak the thing they believe regardless of who is 'pleased or offended.'"

6. As regards the contract, I would beg to inform the Government, that I was not present when it was given to the present Contractor, or I would have objected at the time, and further that I was the first person to bring to Mr. Boswell's notice the inferior quality of the kanker supplied (which inferiority was subsequently certified to by the 7th Range Engineer), and the question which the Commissioners had to decide was whether there had been short delivery and excess payments, and therefore considerable loss sustained by the Commission, or not. As the Members of the first Sub-Committee (including myself and excluding only those who were absent) unanimously found in the affirmative, after careful deliberation [as per copy (marked two) of their report which I have the honour to enclose] and the second Sub-Committee found, but not unanimously, (two only concurring and the other three, including myself, dissenting either wholly or in part, as can be proved by their report now in the Municipal Office) in the negative, I was naturally surprised at this unaccountable result, and as Commissioner K. Rama Row Garu (although absent at the measurement which had led to the framing of the report of the first Sub-Committee) had dissented at a subsequent Meeting of the Commissioners, and it was mainly owing to his dissent that Mr. Boswell had appointed a second Sub-Committee (of which K. Rama Row Garu was a member), I was naturally led to the inference contained in my remarks, viz., that he had persuaded the second Committee to adopt his views to the effect that there was no short delivery and no loss, and had thus been mainly instrumental in upsetting the decision of the first Sub-Committee.

*Proceedings of the Madras Government, Public Department,
14th November 1871.*

7. Mr. Boswell states that I was the only dissenting member of the second Sub-Committee, and that as I was absent from the measurements, he was justified in refusing to record my dissent, and in entering in the Minutes that "the Commissioners approved of the Sub-Committee's Decision"; but I would respectfully beg to refer him to the original Report of the second Sub-Committee now in the office of the Commissioners, in which it will be seen that two Commissioners dissented from all except the first page of the report, one (myself) from the whole, and that only two agreed to it, and yet Mr. Boswell states that their Decision was arrived at by a full majority* (letters C and E).

8. *Paragraph 7.*—But if Mr. Boswell rejected my dissent as "valueless" owing to my absence, I would respectfully submit that *pari ratione*, he should also have rejected as "valueless" the dissent of the two Native Members of the first Committee.

9. As regards Mr. Boswell's charge in this paragraph of my neglecting to attend the Meetings of the second Sub-Committee, I would respectfully beg to represent to Government that as I saw no grounds for rejecting the report of the first Sub-Committee, or any necessity for appointing a new one, I protested in that sense to Mr. Boswell at the Municipal Meeting, who took no notice, and proceeded to enter my name in the second Sub-Committee. The day fixed for the first measurement was a Monday. About 3 p.m. of the previous Saturday (which was a holyday) I received a note from one of the Members of the Sub-Committee stating that the day had been altered, and that the measurements would commence that afternoon about 4 or 5 p.m. As I had an engagement that day, I could not attend, and no notice of further measurements was given to me. Upon these facts, Mr. Boswell charges me with keeping them waiting and with not attending. But I was averse to attending from the commencement, as my doing so would have seemed to sanction the existence and proceedings of a Committee which from the first I protested against, as unnecessary. I entered a note at the foot of the Report of this second Sub-Committee as follows:—

"I dissent from the conclusions arrived at in this report, and keep to the former report signed
"by myself, Captain Richardson, and Commissioner Reverend Ratnam."

(Signed) C. L. B. CUMMING,
Member of the Sub-Committee.

The two native Commissioners who were absent, but whose minutes of dissent from the first Sub-Committee's report are recorded on the reverse side (vide copy enclosed marked No. 2), seemed to think it incumbent on the Sub-Committee to measure the heaps of kanker all over the town; but I would submit that this was not necessary, as after measuring a few heaps, one is able to estimate the size of the others pretty closely by the eye.

10. *Paragraph 8.*—In this paragraph, Mr. Boswell writes as if I had absented myself purposely from the general Meeting; but I was very busy with cases at the time, as I mentioned in my letter D.

11. *Paragraph 9.*—I would respectfully submit that in stating that the Honorary Secretary had persuaded the Commissioners that there was little or no loss, and therefore no cause to take up the matter seriously against the Contractor, I have cast no reflection on the good sense of the other Commissioners. It is quite possible to be persuaded and to change one's opinion where matters are put before one in another or more favourable light. As an instance of this, Captain Richardson, who signed the report of the first Sub-Committee, also signed the report of the subsequent one, which came to a diametrically opposite conclusion. Of course, I am not aware of that gentleman's reasons for so changing. But I think it might be well said that Mr. Boswell in accepting the totally opposed recommendation of the second Sub-Committee, and in rejecting the deliberately formed opinion of the Members of the first Sub-Committee, has cast a reflection on their judgment by a proceeding which was, I respectfully submit, not complimentary to ourselves.

* NOTE.—I may mention for the information of the Government that the report of the second Sub-Committee was circulated to me by the Honorary Secretary in common with the other Members, and that I took particular notice at the time, when entering my dissent, of the fact that two other Members of it had dissented in part.

*Proceedings of the Madras Government, Public Department,
14th November 1871.*

12. *Paragraphs 10 to 15.*—In the concluding paragraphs (paragraphs 10 to 15) of his letter, Mr. Boswell passes on to make certain charges against me in my other capacities of Assistant Collector and Vice-President of the Masulipatam Local Fund Circle. I beg to submit, therefore, my explanations upon these, and to express my hope that Government will pardon me if my statements appear to contradict those of my official superior, as I do not see how I can, in justice to myself, accept the alternative of allowing his remarks to go unchallenged.

13. *Paragraph 10.*—As this paragraph is mainly a commendation of K. Rama Row Garu, it needs no comment. I have never questioned this officer's merits or abilities, but when Mr. Boswell proceeds to state here that he was "the only man competent to undertake" the extra official work which did not properly appertain to his Department, and with manifest reference to the same officer in paragraph 11 names him as "better qualified" for such work than myself, I would respectfully beg to submit, that while I disclaim all desire to institute invidious comparisons between that officer's general abilities and my own, I cannot consider Mr. Boswell's remarks, as coming from a member of the same service, either complimentary to myself, or to Covenanted Assistants generally.

14. *Paragraph 11.*—With reference to the special remarks made in the early part of this paragraph, I would merely beg to affirm, for the information of Government, that I have never questioned Mr. Boswell's authority to depute his extra work to any subordinate he pleases. As he chose to depute it in the cases he speaks of to the Treasury Deputy Collector, although I was willing to undertake it, I remained silent, as stated in my letter F. Nor had I such presumption as to assume that Mr. Boswell should consult me or my limited experience in any way;—my only complaint was, and is, that while I was willing to learn the work, Mr. Boswell did not (I thought) show any desire to teach or train me, or to give me the benefit of his assistance and experience, which might have served me in good stead if I am spared to ascend the service.

15. As regards, further, the work alleged to have been assigned to me by Mr. Boswell, I would venture respectfully to submit the following explanations:

(a). *Supervision of two Salt Stations "which are very rarely visited."*—I beg to state that as Mr. Boswell himself several times inspected these Stations, I was not called upon to do so; nor did I think it necessary, as his visits furnished the information required in preparing the half-yearly reports. I have, however, visited the Mangenapudi Salt Station three or four times during the two and a half years I have been in this District, and twice weighed a heap of salt. As Mr. Boswell travels a great deal on Inspection Tours, I am unable (as being the only Assistant here) to leave the Head Quarters during his frequent absences, and while he has been present here, I have been twice deputed by him to make lengthy inspection tours through the Western Taluqs (Palnad, &c.,) on one of which occasions I visited the Nizampatam Salt Kotar under his charge and reported to him upon it. We are seldom, if ever, together for long periods in Masulipatam (Head Quarter Station).

(b). *Miscellaneous work of different kinds.*—I regret that as Mr. Boswell does not specify these, I can remember no miscellaneous work of any sort with which I was entrusted with the exception of the District Post, which was placed under my charge once for all in August 1869.

(c). *Charge of Treasury.*—I was only placed in charge of the Treasury during one day, the 16th March 1870. If I had been placed at other times, I should also have been in charge of the District Registrarship, which fact would have been reported to the Registrar General and inserted in the *Fort St. George Gazette*.

(d). It was only lately, and on my express request, that the Office Correspondence, Board of Revenue's Proceedings, &c., &c., were brought to me, but their reception by me has always been very irregular, owing, I suppose, to the Clerks not attending to Mr. Boswell's instructions.

16. As regards my attendance at Cutcherry, I freely admit that I have not been very regular (chiefly during this year 1871), owing at times to the weather, and to indisposition; but mainly

owing to the fact that the accommodation at office, consisting of one small room (stocked with almyrahs, containing old records), and in which my office establishment (three Clerks) is also located, and where there is barely room for all the parties in a cause to stand, is very insufficient. In my present house (which is one of the largest in the Station, and of which I only occupy about one-half as a residence) I have ample room to try cases comfortably, of which I, as a full power Magistrate, have often very many. It is moreover within a stone's throw of the Cutcherry, so that the parties in cases are not put to any inconvenience in attending. I only remember to have received one admonition from Mr. Boswell (which was in writing, June 1869) on this head, which I obeyed, and while fully admitting that I am to blame in not having attended more regularly, I hope the above reasons may plead as some excuse. When I did attend, however, which was pretty regularly during the year 1870, I seldom learnt what was passing in the District, as I often, during whole days had no communication with Mr. Boswell or his office, I being located in a separate room. As regards my non-attendance also at Municipal Meetings (a point also animadverted upon by Mr. Boswell), I would respectfully beg to submit that so long as he was present presiding to represent the interests of Government, I did not consider that my attendance also was so necessary, and I was often loath to leave in the middle of my cases (which I had often previously fixed for the same day as the meeting owing to the notice coming late) to spend three hours, which is the time the Meetings generally last (3 to 6 p. m.), often in the disposal of no more important business than the passing of some minor estimates. But I have generally informed Mr. Boswell when I have not been present that it was owing to my being busy with cases, on which occasions he has made no objections. Since my return from the Neilgherries on the 11th of June last, I have attended four out of the six general meetings that have been held.

17. *Paragraph 12.*—As regards the appointment of K. Rama Rao Garu as Honorary Secretary of the Masulipatam Local Fund Circle, I would respectfully request the Government to refer to my former letter to Mr. Boswell, marked F, in which the facts as they occurred are stated, and to support my statement (as Mr. Boswell omits all mention of it), I beg the Government should they think it necessary, to refer to the Reverend C. Tanner, C. M. S., or any other European Member of this Circle, for a report of what took place at the first Meeting of the Circle. The objections raised by the European Members to the appointment of a Secretary were:—

- (a). That the post is not recognized by the Act, nor are its duties defined therein:—
- (b). That the signature of such an officer would, therefore, be of no binding force in favour of or against the Circle in any judicial proceeding which might arise.
- (c). That there was no necessity for electing such an Officer, as the Officers created by the Act (President and Vice-President) could manage all the duties without other assistance.
- (d). Special objections were raised against the election of K. Rama Rao Garu in particular.

In face of these objections, however, Mr. Boswell elected K. Rama Rao Garu by his casting vote, expressly (as he said) to assist the Vice-President, although I neither requested nor required any assistance (which I should have felt more as a *gêne* than otherwise) and although I expressed my willingness to take up the work as Vice-President.

18. *Paragraph 14.*—With regard to the matter of Captain Rowlandson, alluded to in this paragraph, I beg to submit copies (marked Nos. 3 and 4) of his letter, and docket (termed *public letters* by Mr. Boswell) from which I would respectfully request the Government to observe with what sort of withdrawal, Mr. Boswell asked me to be content and let the matter drop. The Government will then be enabled to judge whether my withdrawal in the present case (my letters D and F), is not more full and free. I withdrew the remarks at the very first (as soon as Mr. Boswell brought the matter to my notice), and explained that I did not intend to hurt Commissioner Rama Rao Garu's feelings by them, and I feel sure that if Mr. Boswell had explained this to Commissioner Rama Rao Garu (with whom I am happy to be able to say I have always been on friendly terms) he would have been content without that formal apology which Mr. Boswell insists on demanding.

19. There is but one explanation more called for by Mr. Boswell's letter, and then I shall hope that this long letter, which I would not have so extended, but that I shall probably have no future opportunity of submitting my explanations to Government, will be brought to a close. Mr. Boswell states that I have made a grievance of Captain Richardson's being elected as Vice-President of the Masulipatam Municipal Commission, I beg in reply respectfully to state that out of the three only occasions on which Captain Richardson has presided at the general Meetings since his election I attended at two, and made no objections; but simply wrote a private note to Mr. Boswell pointing out to him that it was somewhat unpleasant for me to sit under the Master Attendant, and resign my tacit rights as presiding Commissioner, which I had generally exercised during Mr. Boswell's absence from Head Quarters as his representative (according to the good old customs), and requesting Mr. Boswell's advice on the matter. Mr. Boswell gave me no advice, and therefore, I do not understand how he now charges me with "justifying my conduct in absenting myself from meetings because they are presided over by a Vice-President other than myself," &c., unless he refers to the meetings and measurements of the second Sub-Committee appointed by him, and presided over probably by Captain Richardson, for my non-attendance at which I have already given my reasons in paragraph 9 of this letter.

20. In conclusion, I would respectfully beg to represent for the consideration of Government that (as the gravamen of my offence which in Mr. Boswell's eyes, appears to be its publicity), the document upon which I wrote was neither made public, nor itself a public document. A public document, as far as I understand the expression, is a document kept for reference in a public office. But the document in question was merely a fair copy (not recognized by the Municipal Act) of Mr. Boswell's rough minutes of the meeting, which after his signature, would in due course be taken to the District Press Office, there to form "copy" or "proof" for the District Gazette. After printing, it is destroyed, and never returns to the Municipal Office which supplied it to the Press Office. The copy of the Minutes of Municipal Meetings kept for general reference in the Municipal Office are entered in a book, in accordance with the provisions of Section 25 of the New Municipal Act 3 of 1871 (Section 21 of the late Act), and this alone could, I apprehend, be termed a "public copy" (as kept in a public copy for reference) in accordance with the usual meaning of the term. I would also respectfully submit whether individual Commissioners are not entitled to point out any inaccuracies they may notice in this proof copy, before it is converted into print and published.

21. I venture to express the hope that Government will not deem my second letter to Mr. Boswell *impertinent*, which is the strong term which Mr. Boswell thinks proper to use. I am sure I did my best to reply as courteously as I could under the circumstances, *hurt* as I could not help being by the unnecessarily harsh tone adopted by Mr. Boswell in his first letter; the charges of neglect of work, which I thought unjustifiable, and the high-handed manner in which he had taken the matter up. I can only truly assure the Government that during my past service of four years or so, I have endeavoured to discharge my duties faithfully, and to the best of my abilities. That I have not been idle, the fact that I passed my two "standards" within a year of my landing in India will show, and if Government will kindly take the trouble of enquiring from Mr. Fraser, the Collector of the Godavery District, or, in his absence, from any of the residents there, they will find that I exerted myself very considerably at Ocanada as a Municipal Commissioner, because Mr. Fraser allowed me some liberty of action, and took some notice of my recommendations and objections; whereas Mr. Boswell, on the contrary, has effectually discouraged me by invariably treating them, and this in the presence of the non-official members of the Commission, with very scant consideration. I was very unwilling that it should go forth to all the Residents here (who knew I had been concerned in the Kanker measurements) by publication in the District Gazette, that I approved of the matter being allowed to drop, and of no steps being taken to recover the loss; and I would respectfully submit for the orders of Government whether, in the case of a minority (or even of only one Commissioner) dissenting from resolutions or measures passed by the majority, it would not be more equitable, and satisfactory to their feelings, to enter in the minutes, and publish in the District Gazette, that a majority of the Commission resolved, or that such and

*Proceedings of the Madras Government, Public Department,
14th November 1871.*

such a Resolution was carried by so many against so many votes, than to enter that "the Commissioners approve," as occurred in the present case.

22. In forming judgment upon the character of my remarks, I would earnestly request the Government to consider that they were written hastily and while I was—

(i.) Much annoyed, not only at Mr. Boswell's persistently ignoring my dissent, but at seeing that he was at the point of publishing that all the Commissioners concurred in the proposals of the second Sub-Committee.

(ii.) Laboring under the conviction that the Commission had sustained a loss of about 700 Rupees, and that I was bound to keep myself alive to its interests.

23. I hope the Government will pardon me if I have said anything amiss in this long explanatory letter, and will attribute it to ignorance, as I have found it very difficult to reply to so many charges brought against me at one time, and in the limits of one letter; and very difficult to reply in self-defence to them without appearing to justify myself by recriminations on my immediate official superior, Mr. Boswell. I am sure I regret exceedingly having made such imprudent and hasty remarks, which have caused so much trouble and annoyance both to myself and others.

24. In conclusion, I respectfully desire to state my entire willingness to abide by the orders of Government in this case, but would venture to express my humble opinion that the tone of Mr. Boswell's letter evinces considerable *animus* against me, and that his first letter (written in his capacity of President of the Municipal Commission to a Commissioner) was unnecessarily harsh and severe, and such as he would not have adopted towards a non-official Member of the Commission, and to state that I would have shown much greater readiness to meet his wishes in regard to an apology which I did not think requisite, had he adopted a more conciliatory policy towards me.

No. 20. ORDER THEREON, 14th November 1871, No. 1687.

From the papers above recorded, it appears that Mr. Cumming, the Assistant to the Collector of the Kistna District, entered on the margin of a report of the Proceedings of a meeting of the Municipal Commission of Masulipatam, some remarks reflecting injuriously on a member of the Municipal Commission, Kaudi Rama Rao Pantulu Garu, who is also the Deputy Collector attached to the Kistna District.

2. The Collector, Mr. Boswell, immediately pointed out to Mr. Cumming that the reflections made on Kaudi Rama Rao Pantulu Garu were entirely without foundation; that he had been guilty of a grave impropriety in the course he had adopted, and required him to withdraw his remarks and to apologize to Kaudi Rama Rao Pantulu Garu, who had seen them, and in consequence had tendered his resignation of his office as a Municipal Commissioner.

3. Mr. Cumming in reply stated, that he had not intended his remarks to be seen by Kaudi Rama Rao Pantulu Garu; but that he had made them for the Collector's information only, and while agreeing to withdraw the remarks, declined to make any apology for the insult offered.

4. The Collector again remonstrated strongly with Mr. Cumming, but without effect, and has been compelled to refer the matter to Government.

5. His Excellency the Governor in Council has given his careful consideration to the whole correspondence above recorded, in which is also contained Mr. Cumming's defence of his conduct.

6. His Excellency in Council is of opinion that no other construction could possibly be placed on the remarks than that which has been placed upon them by the Collector. These remarks contained a very serious imputation on the character

*Proceedings of the Madras Government, Public Department,
14th November 1871.*

of the Municipal Commissioner, who is also a Government official of high character. For the charges thus made by Mr. Cumming it is clearly shown that there was no foundation. In making them, and in the manner in which they were made, Mr. Cumming committed a very serious offence. He has greatly aggravated this offence by his repeated refusal to apologize to Kaudi Rama Rao Pantulu Garu when called upon to do so by his official superior, the Collector, by the unsatisfactory character of his explanation, and by the insubordinate tenor of his letters to the Collector.

7. His Excellency in Council directs that Mr. Cumming be informed, that he has incurred the grave displeasure of the Government, and in order still further to mark the serious view the Government take of Mr. Cumming's conduct, His Excellency in Council directs that Mr. Cumming be removed from the Kistna to another District.

8. From the correspondence submitted with this case, His Excellency the Governor in Council notices with much dissatisfaction that Mr. Cumming has been in the habit of transacting his official business in his own house, in disobedience of the well-known orders of the Government, and that he has persisted in this after he was remonstrated with on the subject by the Collector. He has also shown negligence in the performance of the duties assigned to him as a Municipal Commissioner and as a Member of the Local Fund Board.

9. His Excellency the Governor in Council takes this opportunity to warn Mr. Cumming that the most serious notice will be taken by the Government of any future irregularities on his part in the conduct of his official business, and of any neglect of the duties assigned to him as a Member of a Municipal Commission or Local Fund Board. To these special duties the Government attach very great importance, and they expect that the officers of Government will devote to their discharge the same care and attention which is required from them in the transaction of the ordinary official business entrusted to them.

(True Extract.)

R. S. ELLIS,
Chief Secretary.

Statement of Municipal Peon - (Not Taken on Oath) -

Masulipatam

7th Sept. 1871.

Shree Madan Sahib

at
Shree

(No. I.)

"at 9 or 10 am on the morning of Saturday the 2d Sept. - I was told by the Municipal Head Clerk to go to your Honor, & fetch ^{copy of the} the Municipal Proceedings as you had sent for. - I came & asked yr. Honor for them, & on receiving them, took them straight without showing them to anyone - to the Municipal Head Clerk in the office. - I do not know what became of them afterwards. - I did not say - and do not remember saying to yr. Honor that they were wanted for signature. - This is all I know. -

11/25/71

Taken by me Charles R. Cumming

Municipal Commissioner read over the ^{and a language which understands the} witness in Telugu who ^{and} stated it to be correct, affixed his signature thereto - this 7th day of September 1871. -

(C.R. Cumming)

Meer Hazrat Ali

Member of the Masulipatam Municipality

"On Saturday morning about 10 am I sent Municipal Peon Shree Madan Sahib to Mr. Cumming to fetch the copy of the Municipal Proceedings in order that they might be submitted to the President for signature. - In about a quarter of an hour, he returned & gave me the paper. - I opened it, & read the remarks of Mr. Cumming. - While reading it my

2

Apt Clerk. Kotamangappa saw, & read it. I then replaced it
my desk with other papers - & went into the cash room to get cash for
the Permanent Advance Fund Box - I then returned, & as customary took
the Impl Papers & this with them to the Hon'y Secy (Commissioner R
Rama Rao Sahu) - I did not lock my desk when I went into the
cash room - I am not aware that anyone else the paper was seen
by others during my absence in the Cash Room. I have not heard of
I took it to the Hon'y Secy - in order that he might return to me
with orders to take it to the Resident for his signature. - All the
above is truthfully stated.

Shri G. S. S.

Taken by me this 8th day of Sept/71 at Masulipatam in the English
language which the witness understands. *Ch. N. N. N.*
Municipal Commissioner.

2288
Recd 7/24/71

N^o II.

Enclosure
- No 1
of a
Letter to Govt

S. Put. 2053/71

We the undersigned Municipal Commissioners having examined and measured some of the Bandy loads of Kunkaro placed upon Noble's Road, said Bandy loads of Kunkaro having been pointed out by the Contractor as those of the largest class he had supplied to the Municipal Commission, we found one load to measure nine Parahs and one load to measure seven Parahs, as there were but about seventy bandy loads of this size and description, and as on a previous occasion the measurements of twenty nine bandies were taken by the Supervisor and one of the Commissioners which yielded an average of six Parahs per Bandy, taking into consideration that upwards of four thousand Bandy loads have been delivered by the Contractor and that some of them measured $3\frac{1}{2}$ - 4 & 5 Parahs per Bandy load. We consider that it would be a very liberal offer to the Contractor to allow the whole of the Bandies to be averaged at seven Parahs per Bandy and in the event of the Contractor not agreeing to this proposal, to hold the balance of money in the Commissioners' hands as a set off for the short delivery

(Signed) Henry Richardson M.C.
Charles L. B. Cumming M.C.
M. Ratnam M.C.

Masulipatam
19th July 1871

No, I do not think we can come to this conclusion unless we can make out a good case in law. I think we must Take Legal Counsel before making this offer to the Contractor.

The resolution of the Sub Committee was that a further examination of bandy loads be made at different streets such as Saduk's road and if Kunkar found to be of the same average the Sub Committee recommend that the loss proved in past payment be recovered by stoppage "du". It does not appear that the Kunkar on more than one road was examined, nor were more than two bandy loads examined on the same road. It is admitted that one measured nine and the other 7 Parahs and that there were on the same roads 70 bandies of the same size and description. The data furnished by this examination do not authorize us to fix the average at 7 Parahs which appears to be arbitrary. The loss moreover has not been proved by the examination now made. The Head Inspector Keoti Venkatarawany Kaidoo said that the bandies he passed at an average of 8 Parahs a bandy would yield that average if now measured; this has not been disproved.

The Contractor admits that for reasons explained by him some of the bandies now measured less than 8 Parahs a bandy and that the low average obtained before was due to it. Unless we can prove that the bandies brought before are of the same average, I do not think we can legally take any steps. I am not aware that Shri Kathum gauris a member of the Sub Committee.

I have this day personally inspected the heaps of Kunkar lying on Noble's road and I am strongly of the opinion that there are more than a dozen heaps that will on measurement, each yield not less than an average of 9 to 10 Parahs and that there are more than 40 to 50 heaps that can yield an average of 8 or $8\frac{1}{2}$ Parahs. Besides I have seen more than a dozen large heaps from which ~~small~~ small pieces of Kunkar were already removed and I am inclined to believe that they were done so for the repairs that were effected in the road opposite to Captain Smalley's Bungalow. Moreover it appears that not more than two or three bandy loads were actually examined and that measurement was only in one road viz Noble's road; but it was resolved by the Kunkar Sub Committee to examine a reasonable number of heaps in different roads where bandy loads of various descriptions or classes are lying and then to strike the average. I am sorry I do not see how the measurement of two or three heaps in one particular road can enable and justify us to strike a general average at 7 Parahs. Keoti Venkatarawany Kaidoo was with me this day and he still confidently affirms that he will and can prove to the satisfaction of the Commissioners the average he struck at 8 or $8\frac{1}{2}$ Parahs by actual measurement if only allowed the opportunity of so doing in the presence of the members of the Sub Committee and I am equally sorry to observe how we will be justified in proceeding so arbitrarily against the Contractor having no sound basis for us to stand on when no fraud or actual discrepancy has been detected. Unless we find ourselves in a position to disprove the allegation of Venkatarawany Kaidoo and establish

(Signed) K. Ramaswami
Honorary Secretary
20 July 1871

establish some ground against the Contractor we cannot I think reasonably resort to any legal steps against the Contractor. In conclusion I have simply to reiterate the statement of the Honorary Secretary that I am not aware that Rev. Rethnam gauru is a member of the Ramker Sah Committee.

(signed) J. Trinivasaacharya

^{M.C.}
I hold to opinion already expressed. Effect of the Bandy loads on Noble's Road do not appear to be of more than 6 Parake. We have nothing to do with legal steps. If we stop the money now due to Contractor in order to ~~recomp~~ ourselves, the Contractor may sue us or do what he likes.

(signed) C. L. B. C.

21st July 1871.

(See Copy)

Amended
Ben G.

Enclosure
No 2

Letter to Govt
of a

No 3-

(signed) C.M.C.
Recd
24 Nov 1870

Commissioner's Office. P. D.
Masulipatam 18th Nov 1870

From The Executive Commissioner's Office
Masulipatam

To
R. Ramaswami Pantulu Garu
Honorary Secretary to the Municipal
Commission Masulipatam

No 1153
Memorandum

Has the honor to bring to the notice of the Municipal Commission the absurdly inadequate fine inflicted on Mangureddi Ranganayakulu for leaving the carcass of a buffalo exposed for more than 30 hours, between his (Captain Rolandson's) and Captain Smalley's houses.

Clear and conclusive evidence was produced in the case but Mr Cumming (after delaying the witnesses two whole days) on the offence being proved, fined the offender one Rupee

It would have cost the man more than this to remove the carcass, so he lost nothing whatever by his refusal to do so, and may therefore be said to have escaped punishment altogether.

Would suggest that such very ridiculous results as this to prosecutions by Municipal Commission before Mr Cumming, tend to make the Municipal Byelaws a farce.

This was a gross case that surely called for serious notice, the dead animal being in such close proximity to two officers' houses, and indeed before it was removed, having from the offensive smell that proceeded from it, effectually blocked up the only approach

Dr. Feb 20 53/71

to one of the said houses.

And the offender on being requested to remove it,
having positively refused to do so.

(Signed) Rolandson, Captain

S. A. Bowry General

No 113

Communicated to C. B. Cumming Esq. Municipal
Commissioner and Assistant Magistrate for information

(Signed) R. Ramarow

Mussulipatam
Municipal Office

24th November 1870

Honorary Secretary

(True Copy)

C. B. Cumming

Assistant Collector & Magistrate

15th 1870 No 4. Mussulipatam
5th December 1870
To The Honorary Secretary
Municipal Commission

Has the honor to withdraw
his No. dated
the collector of the District
having in a private, pointed
out a misapprehension as to
some of the facts, and the error
of the course taken in making
official comments on the
Assistant Collector's decision

(Signed) Rolandson Capt

S. A. Bowry General

(True Copy)

Forwarded to C. B. Cumming
Esq. Municipal Commissioner
and Assistant Magistrate
for his information.

(Signed) Rama Row
Honorary Secretary

(True Copy)

C. B. Cumming

Assistant Collector &
Magistrate

Enclosure

No 3

of a letter to

In Part 10053

Enclosure
No 4
of a letter to Govt

In Pub 2058/71



2d Sept/71.

Masuly

My dear Mr. Boswell -

I ~~was~~ ^{am} very much

surprised at yr. note just received - My
remarks were intended merely for yr. eye
(not for publication) ^{as a} ~~to~~ protest against
what you had written for publication vizt. that
the Commissioners approved of the recommendation
of the Subcommittee - seeing that I dissented
from the very first - & wrote my dissent
~~at~~ the foot of their report - I cannot understand
how you cd. write for printing that the
Committee approved. I think I am entitled
both to dissent from the Report of the Sub-
committee - ^{to have my dissent recorded} - seeing that altho' I was a member
of it, I was not consulted in it - & that my
report signed conjointly with Capt. Richardson &

b 41

41

Remarks This was merely done for want of space - & I am only surprised that you should impute it to other motives - I do not think it necessary to write "Santalus" after his name every time I have occasion to write it - as you seem to think I should. "Santalus" or "H." is quite enough - & in writing in a hurry I will want a space - it does not seem to me a grave matter whether these are inserted or not. I am much pained by your

Remarks about my attendance at meetings which I think most unjust & uncalled for - I am sorry to say that I have little cause to attend - as I find no weight given to my vote - & the transactions of the Commission seem mainly managed by yourself & the Army Secy an officer not recognized by the Act, & who appears to take upon himself ~~many~~ ^{the} duties by a sort of tacit consent - & this leads me to a matter which the knowledge alone of your doing leaves broader has hitherto led me to be silent upon. I speak of the Local Funds Act. The Vice President as far as I understand the act, & the intentions of it is intended mainly to be the Executive officer to carry out the act - but altho' no Secy is recognized

142
149
7-641

known to him. I may have failed him, as I did not at all intend to represent that Radnor attacked me for explanations before showing them to him. But officials' feelings are not hurt here. As I told you explained they were only meant for your eye - if your disapproval of them you might have done so. As they were written in a private letter my only objection is to the matter being looked upon publicly when not so intended. If I had wished to make a formal complaint against Radnor I should have addressed you formally as a President of the Commission - I merely wished to intimate that as I had not been present at the measurements - & as I believed Radnor to have taken the measurements personally for the Committee, I deposited in the hands of the Committee of the Committee to have been the meeting members. As regards turning him for shooting the "Raccoon" I am not in my power.

Denit official

Manipal
22 Sept / 78

My Dear Mr. Boswell,

I was at Chapel when
yr. last letter came so I did not reply
to it before. I have little to add to what
I before stated, except that having been
absent at the last meeting I myself went
to see the minutes before you signed them.
By the time they came I was busy with cases
so put them by — until ^{a Municipal} ~~the~~ ^{John} ~~the~~ ^{who brought}
came & said they were wanted for signature.
I supposed he meant to take them to you ^{to sign} &
has I objected to yr. stating & publishing in
the Gazette that all the Comms^{rs} approved
of the 2d report of the sub-committee — when
I had all along disputed both at the 1st
meeting & subsequently by writing — I wrote
hastily (by no paper by me for a note) the
remarks (expressing my dissent & reasons for
it) on the margin — As the paper was fairly

[illegible]

2

aided by the Bydell (C.M.) - whom you selected & I only see by yr casting vote (altho' I expressing willingness to undertake ~~the~~ my duties of Vice-President, & altho' all the European members were apt to) to abstain from all interference: knowing as I did that you were leaving the District soon & hoping that the next (C.M.) wd not thus obstruct my proper claims to carry out the duties of this Res^{ts}. - I do not think I have anything more to say on this head: but if you think fit to hand the matter up to Govt. (for advice) I think there is not sufft occasion) I hope you will forward ^{in justice to myself} these my letters wth with atleast explain matters; & exhibit my defence.

In conclusion I wd only remind you that on the occasion of Capt. R. H. Anderson's insulting me some time back by an open letter addressed to the ^{the} Commissioners of Massachusetts (w^{ch} was on the face of it far more insulting than ^{present} any remarks cd possibly be construed to be) you asked me to be content with a very reluctant withdrawal of his letter - & not to press you to hand the matter up to Govt. for fear it might be thought you were quarrelsome.

I have abstained from making any remark - except the silent one of absenting myself - or at least of not interfering myself in work w^{ch} I was being done ~~by~~ you & him - viz w^{ch} I was never consulted -

As regards the Local Fund - yr claims never came to me for instructions - or brought me the papers - they were not placed by you in any way under my eyes - they did not occupy the office w^{ch} I placed see to the Local Fund - nor did you send the Committee in at you had brought for the Local Fund - She Bydell (C.M.) who was elected ~~the~~ they very expressly to assist the Vice President for the duration of his term at the Local Fund meeting I have been once appointed for these duties or consulted me in any way - yet you know that I rejected the duties, or you never instructed me once as to what was to be done & I finished me without information as to the Local Fund centre in yr office - yet without any help I was to procure a Budget. I had sufft good sense when I saw that you wished to take the whole Executive power into yr own hands -

To,
The Inspector General of
Ordnance and Magazines.
Fort St. George.

Sir,

With reference to the Proceedings of the Madras Government in the Public Department No 1487, dated 30th September 1871, sent for remarks with your Office docket No. 3242, of 16th October following, I have the honor, in reply to state that in bringing to notice in his Annual Report, that complaints continued to be made of the inferiority of the supply of the Machine made paper, the Superintendent of Stationery complied with the order of Government directing him to do so.

2. Without questioning what is alleged of the superior quality of the tub sized Machine made paper in England, there can be no doubt it is generally disliked by the Heads of public Departments in this Presidency and considered by them unsuitable to India, on account of its extreme brittleness, causing it almost immediately to break at the folds.

3. The Government Secretariats in the Public, Revenue and Military Departments all had returned the Machine made paper issued to them, to be exchanged for the Hand made, and with the instructions conveyed to this Department there was

1. I shall be happy to be over Mr. Campbell's Office when it arrives —

2. If you decide to refer the matter to Madras I shall feel obliged by you furnishing me as early as possible with a copy of your letter to Govt in order that I may have an opportunity of replying thereto —

3. I am not aware that I am not permitted to receive either my Secretary or the Publicity or Local Tel. — (C.M.) I do not see how you can call the paper public and deny that after printing it is torn up — I shall be in the more in the process of recording the case might have been different (C.M.)

no alternative, but to mention this circumstance in the Annual Report.

4. Regarding the *Ment Knife* I have only to annex an Extract of the letter received from the Consulting Engineer for Railways dated 25th July 1879, No 434, - which I think proves that the steel of the knife was too brittle.

"The knife was broken by one of the Clerks in the act of mending a Quill as will be seen from the enclosed pen half mended with the blade of the knife in it."

5. Regarding the French paper it is clear the Controller Her Majesty's Stationery Office is mistaken when he states a preference is expressed regarding the supply of French paper, I submit my Reports will not admit of this construction, on the contrary when a comparison was made, at all, a decided preference was given by me for the supply of Printing paper from England, rather than purchasing French paper locally.

6. French paper was known here to be of inferior quality to the supply from England. Its quality, although inferior to English paper, was nevertheless considered equally well suited for the purposes for which cheap papers are largely used, the Article was ordered to be purchased locally and the saving of 30000 Rupees per Annum, alluded to in my Report was pointed out as consequent upon the

the change of system in obtaining the Article by Contract direct from Bordeaux instead of as heretofore purchasing it locally in several Mofussil Markets.

7. That the Remark of the Controller "If papers similar in quality were to be ordered through us, I have no doubt we could supply them as cheaply, but whether in that case they would be found satisfactory" I think is very questionable is one which is not applicable to the Madras Stationery Office is best shown by our several communications, for years past which are of a direct opposite tendency.

7th June 1864.

"The supply of Printing paper from England has proved advantageous to Government, the issues from Madras during the year shew a gain to Government of Rupees 12402-1-10, upon comparing the cost of the supply from England including freight and packing charges with that for which similar descriptions of paper was purchased last year in the local market. See Statement in Appendix Marked B

1st July 1865.

"The unthrifty proceeding of making purchases of Europe Stationery in this market has been avoided with but two exceptions viz: printing ink for the Collectors, and yellow paper for the General Post Office these exceptions were owing to

no estimates having been received of such wants
"in time to include the articles in the requisition
"on the Home Government for supplies for 1864-65"

"The supply of Printing paper direct from 18 June 1868
"England is very advantageous to Government.

"The cost including Freight and Packing materials
"of one item only" Double Double post paper 26,850
"Reams shows a saving of not less than 6,000 Paper
"when compared with the price of the same
"quantity purchased locally.

"This obviated the purchase of Europe Stationery 11th August 1870.
"Articles in the local market at rates very much
"higher than they can be obtained direct from
"England particularly when competitors take
"advantage of any emergent demand for special
"requirements"

"If however the quality of French paper 12th May 1871
"then considered suitable has after trial been
"found otherwise, the present time presents
"the most fitting opportunity to regulate future
"supplies, as Messrs. Arbuthnot & Co. Contract for
"its three years supply will expire with the
"Current Official year 1871-72."

"If this (Printing) paper be approved of as 16th August 1871
"suitable for the purpose for which the paper
"(French) complained of was issued, then no contract
"for the latter kind need be contemplated, only an
"increased supply of the printing paper got from
"England"

"England, and as a rule, I think it better to limit
"supplies got locally to such as could not con-
"veniently be got from England."

Shew Ho

101 St. George
Stationery Office
October 1871

Signature of E. W. Childers
As. Supt. of Stationery

(True Copy +
Manufacturing Co. R.A.
As. Supt. Inspector Genl. of Ordnance & Mag.
(In Charge Ordnance Office)

Comp. R.H.

Emb. D. A. G. 27. 1871
1871 27. 1871

From

The Dy. Dept. of Stationery
Post Office

Oct 10th October 1871

1871 27. 1871

1871 27. 1871

French papers and books

Delivered, some 1871 on, with
reference to G. O. 27. 1871 of
36th September 1871.

In Feb. 1871

In a letter from the
Collector of the Town St.
7 6th Sep 1891
No 2779

See Enclosures

Copy of letter from W. Boswell & W. Cunningham

Un-Official

My dear Cunningham

I have just had brought to my notice certain remarks written by you in the margin of the fair copy of the Proceedings of the last Municipal Meeting, and the Honorary Secretary K. Ram a Ras Pantulu has very properly protests against such reflections being made upon his motions.

1. You did not attend that Meeting and I am sorry to remark that it is very few Meetings you do attend. The Proceedings of what took place at that Meeting were authenticated and signed by me, and you were quite out of order in adding a single word thereto.

2. You were appointed a Member of the Sub-Committee to report upon the supply of Kankeer. You attended once I believe after keeping the other members waiting a long time and saw two heaps of Kankeer measured. You did not I believe attend again. The Sub Committee sent in their Report and the conclusions of the majority were adopted at a general meeting of the Commissioners, who were of opinion that no short delivery had been found.

3. Your remarks besides being informal and irregular

are insulting to one of the Commissioners

It was most improper to write of the Honorary Secretary, a Native gentleman, in the manner you have done as simply "Ramakao" in a public document. Has you further have imputed to him disgraceful motives by stating that "he is hand and glove with the Contractor and has persuaded the Commissioners out of you no loss sustained."

4. By these imputations you have insulted the sense and understanding of your fellow Commissioners generally.

The Honorary Secretary has requested me to lay the matter before Government, and I am prepared to do so,

1st Unless you withdraw your remarks recorded in the fair copy of the Proceedings not yet signed.

2nd Unless you write at once a proper and simple apology to the Honorary Secretary K. Ramakao Pantulu for the gross and totally unjustifiable insult you have offered him.

As an ex-officio member of the Municipal Commission you have certain duties entrusted to you, but as President I regret to have to comment on the manner in which they are systematically shirked. The Commission

ers are under much obligation to their Honorary Secretary for devoting so much time and labor to the interests of the Commission, and as President I have much pleasure in testifying to the upright and efficient manner in which his duties are discharged. It would be well if you could show your interest in Municipal matters in some better way than in finding fault with those who devote their best energies to the work with the best results.

Yours sincerely

/Signed/ J. A. C. Boswell

/True Copy/

J. Boswell

Collector

From
The Sub Committee of Bandar
Municipality.

To The President of Masulipatam
Municipality.

Sir, We have the honor to report that
we have had some of the heaps on the Noble
& main road ^{measured} on 7th 8th & 11th Instant. The result
of the measurement are contained in the annexed
Memorandum from which it will be seen
that the average per bandy amounted
to $7\frac{13}{16}$ or nearly 8 Pannahs which is
less than the average papered by Kotte Venka-
taswami Waidu by about one third Parra.

This difference is alleged to be
owing to Kanbur washed down by
the rains having caused some wastage.

The measurement now made do not enable us to arrive at the conclusion that there has been material short delivery & over payment. There can however be no doubt that no system was observed in accepting the Kankar delivered by the Contractor.

The Sub Committee find that a very large quantity of Kankar was brought by donkey loads but the present enquiry has been confined solely to Kankar brought by bandy loads. If the number of bandy loads said to have been received be correct, the average now found by actual measurement will be very fair; whether or not this account is correct, it is impossible to say. As a major portion of this quantity has been used up no useful end will be gained by protracting this enquiry. It is however stated that the old overseer Venkataswami Naiddo when relieved by the new Supervisor furnished him with a stock of account to which exception however does not appear to have been yet taken by the Supervisor. The Supervisor moreover admitted before the last general meeting that Venkataswami Naiddo furnished him with the account and promised to explain any discrepancies which may be noticed, that he actually examined the stock which he found to correspond with the account with some slight difference.

Under these circumstances the Sub Committee would recommend that further enquiry be stopped
and

and orders issued forthwith for the prompt execution of the road work: Care however being taken in future measurements.

The Sub Committee observe that a large quantity of Kankar was brought into the Town which has not yet been measured. The Sub Committee recommended that the supervisor be directed to measure the material without delay obtaining the order of the Vice President in cases in which the Contractor and the Supervisor may disagree.

As it is too much to expect that any Commissioner can devote the necessary time for superintending the measurements daily, the sub Committee propose that the supervisor should be directed to specify in the receipts which may be given by him the number of bandies brought & the quantities for which they were passed. Similar receipts should be given in the case of Donkey loads. Each bandy load should be deposited in a separate heap.

A fixed number of donkey loads should be made to count as one heap & these heaps should be kept distinct from those of bandy loads. Daily memo showing the particulars of Kankar should be sent by the Supervisor to the Vice President, Honorary Secretary, Divisional Member & any others who may take an interest in the matter. No

heaps

heaps should be used up without being exposed
for three days after the mounds may be sent to the Com-
missioners in order that they may have an opportunity
of seeing whether the statement made to them is correct or otherwise.

We have the honor to be,

Sir,

Your most obedt servants.

(signed) J.E. Breary - I agree with the first page of this letter only.

The object of the appointment of the
Sub Committee being only to fix the average
number of Panas per haundy, I think the
first page alone of the accompanying Rough
letter is quite sufficient.

(signed) L. C. D. L.

I agree with the above.

(signed) J.E. Breary.

(signed) R. Ramakow.

I agree with Mr Breary.

(signed) L. C. D. L.

(signed) L. C. D. L. Cunningham. I dissent from

the conclusions arrived at in this report. I keep to the former
report signed by myself, Captain Richardson & Humphreys
and Putnam.

(signed) L. C. D. L. Cunningham

Member of Sub Committee

(signed) Henry Richardson

(Same copy)

L. C. D. L.

President M.C.

Thunkar measured on Kollis road
7th August 1871.

Baudies Korraks.

1	9	} Sub Committee
1	7 $\frac{1}{2}$	
1	7 $\frac{1}{2}$	
1	7 $\frac{1}{2}$	

1	6 $\frac{1}{2}$	} K. Venkata - swami Kairao
1	7 $\frac{1}{2}$	
1	7 $\frac{1}{2}$	
1	8 $\frac{1}{2}$	
8	67 $\frac{1}{2}$	

Main Road
8th August 1871.

1	7	} K. Venkata swami Kairao
1	7 $\frac{1}{2}$	
1	8 $\frac{1}{2}$	

2	12 $\frac{1}{2}$	} Sub Committee
1	5 $\frac{1}{4}$	
6	42 $\frac{3}{4}$	

Opposite Sini Zamindar's house
11th August 1871

1 - 7	} Sub Committee
1 - 7	
1 - 6 $\frac{3}{4}$	

1 - 10 $\frac{1}{2}$
1 - 6 $\frac{1}{2}$
1 - 8 $\frac{1}{4}$

6 - 46

Baudies 20 Panas 156 $\frac{1}{4}$ (7 $\frac{13}{16}$ Panas a haundy
140

(Same copy) L. C. D. L.

President M.C.

No 2844
This District Collector
Office Masulipatam September 1871

From J. A. C. Boswell Esquire
President, Municipalities Kistna District.
To The Honorable R. S. Ellis. C. B.
Chief Secretary to Government
Coimbatore.

Sir, In continuation of my letter dated 6th
September 1871 No 2779, I have the honor to forward
herewith a letter from Mr Cumming containing
his explanations in regard to the mode adopted by
him in expressing his opinion of a certain gentleman
a Member of the Masulipatam Municipal
Commission with himself, and as to the discharge
of his duties generally. There is little in this letter
that requires any notice from me, & what I shall
say shall be very brief.

2 Mr Cumming unadvisedly & hastily
writes some remarks on a fair copy of a proceedings
of a Municipal Meeting. He argues that it was
not a "public document". All I can remark is that
it could scarcely be considered a "private Communi-
cation" intended to fall only under my eye, sent
open into an office, where I was informed on the
best authority that it has been seen by several
persons before it was brought to the Deputy
Collector, & where it was only natural to suppose
it would be seen & commented on. The paper
was intended for the Press & the person was never
told to take it to the Collector.

3 If Mr Cumming did not intend to
impute improper motives to Mr Ramesh Rao's firm
by his remarks, it is certainly difficult to read them
in any other light. They were considered to be most

1871

Public -
J. A. C. Boswell
of the 14th November 1871.

G. O. No 1087-

18-2-19-

1871

In a letter from the
President, Municipalities
Kistna District
12th September 1871
No 2844

Copy forwarded of the
letter containing the
points & measures
suggested for the
time.

In Feb 2003/1971

defamatory by the gentleman to whom they referred, & I considered that he was entitled to an apology unless Mr Cumming intended openly to charge him with dishonesty.

The Contractor is a man of quite different caste & social position from the Honorary Secretary, & I think Mr Cumming would find it rather hard to justify by any facts the use of such an expression as "hand & glove", to describe their mutual relations. The Contractor is a Common Banian.

Mr Cumming again is mistaken in supposing that Kotte Venkataswami Naion the Municipal Overseer is in the habit of attending the Deputy Collector as a Medical Practitioner. This is quite another man Vinna Venkataswami Naion Hospital Assistant in the Civil Dispensary.

Mr Cumming says he was not present when the Kankar Contract was given to the present Contractor as he would have objected. A reference to the Proceedings of the Meeting held 6th October 1870 shows that Mr Cumming was present & his signature appears on the original. Further at the Proceedings of 8th December 1870 when Mr Cumming was presiding, the Contractor's agreement & security were accepted & an advance made to him of Rs 1000.

The Revenue M. Ratnam was never appointed a member of the first Sub Committee as will be seen by reference to the Proceedings of a Meeting held 6th July 1871. I cannot say how he came to sign this report.

The view taken by the Honorary Secretary in regard to the Kankar Contract is simply the way any one would look upon it from a common sense point of view, & I am

unable to see any thing like partiality in his opinion. The first Sub Committee appointed in came to the conclusions they arrived at on quite insufficient evidence it was decided at a general Meeting of the Commissioners. They started with a resolution to measure the Kankara on different roads, but really only measured two heaps one of them was wrong heap altogether which had not been taken into account at all, & the other yielded 9 Parras or above the average in dispute. Upon this & this only the first Sub Committee proposed that the Contractor should be offered payment at a certain reduced rate, for upwards of 4000 bany loads, the balance of money due to him in the Commissioners hands being taken as a set off for short delivery. The general Meeting made the offer to the Contractor, but it was declined by him & therefore they came to the conclusion (not individually as Mr Cumming states) (para 8), that to adopt such a course as ^{the} Sub Committee recommended without any proof might involve them in a civil suit with every possibility of being cast. At the proposal of an English member, I believe (not myself) a second Sub Committee was appointed to test a larger number of heaps on different roads & to decide an average therefrom. This the 2^d Committee did & the consequence was that when Captain Richardson who was also a member of the first Committee came to see the heaps generally tested, he found reason to change his first opinion, but Mr Cumming who would take no part whatever in the further enquiries conducted by the 2^d Sub

* Vide Kistna District Gazette of 15th October 1870 "Second Supplement" page 3, para 17

② Vide Kistna District Gazette of 4th February 1871 "Supplement" page 2 para: 6.

Dr. Feb 20/5/71

Committee signed the report stating that he held to the first report. He gave no reasons whatever for his dissent from the conclusions entered in the 2^d Report, & as he had only measured two heaps & one of them was a heap of Kankar actually brought to account, & as this heap was not short in measurement, that dissent looks very much like a declaration to the effect that he was so strongly prejudiced against the Contractor, that he could not even consider evidence or listen to reason.

Mr Cumming lays great stress upon two of the Commissioners having only agreed to a part of the report. I enclose a copy of the report from which it will be seen that the portion of the report with which they agreed was the material part, the results of the measurements & the manner in which these measurements affected the average at which the Kankar had been received by the Municipal Overseer. The Report went on to offer certain suggestions for checking the supply in future. As this matter had not been expressly referred to the Sub Committee, two of the members considered that these suggestions were superfluous. The opinion of the 2^d Sub Committee with regard to no material deficiency in the Kankar delivered being proved, was unanimously adopted by all the members who were present at the next General Meeting of the Commissioners when the Report was read. Mr Cumming had no business to express his opinion at all in the report of the

2^d Committee when he has taken no part in its enquiries or consultations, & he was quite out of order in inserting his dissent from a resolution unanimously adopted at a Meeting which he did not attend.

The Commissioners were not persuaded by K. Ramaswami to take any lenient view of the Contractor's case. They simply felt that as no short delivery could be proved it was unadvisable to incur litigation because Mr Cumming still held out, judging by his eye, & not by actual measurements, that the heaps of Kankar were small.

I have instituted no comparison whatever between Mr Cumming & any other officer. When he has more experience he will know that a Collector looks to the superior & native officials in his office for assistance of quite a different kind from the aid which he seeks from his European Assistants. There are such things as local & official experience & official training. In allotting work to my Assistants I have ever endeavoured to keep in view the object of giving them the opportunity of acquiring experience of that nature which will be most useful to them in their future career, and had Mr Cumming ever expressed a wish to be entrusted for a time with any particular sort of work, I should certainly have endeavoured to comply with his wishes.

I think Mr Cumming will find that he has been in charge of the Deputy Collector's office on at least three occasions when the Deputy Collector was either ill or absent on emergent occasions.

When Mr Cumming wishes to see any official correspondence the proper course to consider would be for him to ask for it to be brought to him. It is an original grievance he has, that it has only been lately taken to him at his express request.

With regard to nonattendance at the office
the Collectors house is almost as near the Kucheri
as Mr Cummings's & the inconveniences of office
accommodation are nearly as great as his, but
my predecessors & myself have never felt that
on these grounds we were justified in absenting
ourselves from attendance at the office.

I do not consider it necessary to trouble your
Government with any further remarks upon Mr
Cummings's defence. Should explanation be required
upon any of the several points he has taken up
I shall be happy to afford it.

I have the honor to be
Sir
Yours most Obedt Servt
John H. Brown,
Collector

Kistna District Collector's Office
Masulipatam, 6 September 1871

No 2779

From J. A. C. Powell, Esquire

Collector, Kistna
& President, Masulipatam Municipality

To The Honorable R. S. Ellis, Esq, C. B.

Chief Secretary to Government
Fort St George.

Sir,

It is with much pain that I have to submit for the orders of Government a demerit - official letter received from my Treasury Deputy Collector Kandi Rama Rao Pantulu Garu, who is a member of the Municipal Commission of Masulipatam justly takes exception at certain remarks made in writing by Mr Cunningham Assistant Collector, which cast a most serious imputation upon his character.

2. These remarks were written by Mr Cunningham on the margin of a fair copy of the Proceedings of the last Municipal Meeting before they were brought to me as President for signature. They were taken by a Person to the Clerk, and handed round and perused by a number of employees in my office before they reached the Treasury Deputy Collector, who has kindly undertaken the duties of Honorary Secretary to the Commission. He at once forwarded the papers to me with the enclosed letter / A / requesting that I would submit the affair for the orders

27-9-19

Received by the Municipal Commission
Masulipatam
11/10/1871
J. A. C. Powell
Secretary to the Commission

Received 12. September 1871
No 2844
J. A. C. Powell
Secretary to the Commission

Received 14/10/1871
From the President, Municipal Commission, Kistna
J. A. C. Powell
Secretary to the Commission

of Government in order that an authoritative decision might be obtained as to the privileges possessed by one individual Commissioner (1) over another (2) over the general body.

3. Before taking any further steps I wrote a letter to W. Cunningham (C) pointing out the impropriety of the course he had adopted, and giving him an opportunity first of withdrawing his remarks and then of making an apology to K. Rama Rao Garu, as the remarks had been seen and read by many.

4 In his reply marked **D** W. Cunningham offered as his explanation that the remarks were intended only to state under my eye, and requested to have them struck out, but he declined to offer any apology to the Commissioner whose honesty he had called in question.

5 I wrote again to him (Letter marked **F**) pointing out that the course he had adopted was very different from making a private communication to me, that he had done what was tantamount to publishing defamatory statements regarding K. Rama Rao Garu, and that unless he apologised to him, I should have no option but to comply with that gentleman's request, and lay the matter before Government.

6 In his Letter marked **E** W. Cunningham adheres to his resolution not to apologise, and therefore I am compelled to trouble Government with this affair which ought to have been otherwise settled, had W. Cunningham shown a proper gentlemanly feeling. It is not sufficient for him to say "You may inform 'N' Rama Rao if you like to do so, that the remarks were not intended for him and therefore could not have been and were not intended to hurt his feelings." W. Cunningham has brought a most serious charge, against a fellow Commissioner, and an Officer holding a responsible post under Government, amounting to dishonesty and want of upright dealing, however he may endeavour to explain away his words now, and these imputations have been written upon an open paper sent into a large office, where it was only reasonable to suppose, that as occurred, they were seen and read by many of the Subordinates of the Treasury Deputy Collector himself. I submit that unless he is prepared to come forward and establish his accusation, W. Cunningham owes K. Rama Rao Garu an ample apology.

7 The facts of the case are briefly these. The Contract for the supply of Kankeer for the repair of Municipal roads was given by the Commissioners to one

R. Pradosham, not as W. Cumming, insinuates in one of his letters through any influence of R. Rama Rao Garu, but at a general Meeting of the Commissioners, where his tender was accepted as the lowest. The Contractor supplied Ranker for some months, but numerous being afloat of short measurements, a sub-Committee was appointed to enquire into the matter. This sub-Committee, of which W. Cumming was a member, measured only two heaps on one road, and three sent in a report in which two of the members did not concur. The Contractor also protested, and another sub-Committee was appointed to investigate more fully and report again. This sub-Committee was composed of W. Cumming, Captain Richardson, M. B. Carey, K. Agrat, R. Rama Rao Garu, and K. Rameswar a Dikshi-tulu Garu. The sub-Committee appointed a time and place of meeting, but were kept waiting for W. Cumming till so late that nothing could be done that day. They met again on several days, and spent much time in testing the heaps of metal supplied by the Contractor on different roads, but throughout W. Cumming never attended. The sub-Committee finally drew up a Report stating that no short delivery of material could be established, and recommending that further enquiry be stopped and orders issued for the prompt execution of the road-work.

This report was adopted by four members of the sub-Committee, W. Cumming only dissenting, who would ~~not~~ even take the trouble to be present at the investigation which the other gentlemen carried out, and who was therefore incompetent to sign the report at all. At a General Meeting of the Commissioners held 31st August the Report of the sub-Committee was read and the following resolution passed:—

"Resolved that as material deficiency in the supply has not been found, the quantity of Ranker supplied be measured up and works be proceeded with without delay. The Commissioners approve of the suggestions of the sub-Committee."

8 From this general Meeting of the Commissioners W. Cumming again absented himself, and yet after the Meeting he sends for the fair copy of the Proceedings and inserts in the body of the resolution these words,—"W. Cumming dissenting," as if he had been present at the meeting and as if it was customary in a Proceeding of a Public Meeting to record the views of individuals composing a dissenting minority upon any Resolution carried. W. Cumming, however, went further, and wrote in the margin of the same Proceeding which I send in original (marked B) "I disapprove heartily of the whole thing, and consider that

"Rama Rao is hand and glove with the Contractor
"and has persuaded the Commissioners out of
"700 Rs loss sustained."

9. It is against this defamatory statement that Rama-
Rao protests most justly as I consider, as well as the
other Commissioners whose common sense Mr. Cumming
has insulted.

10. K. Rama Rao Garu is a son of the Board's late
Sheristadar K. Varsinga Rao Garu who, in consideration
of his long and faithful services was honored with the
title of Rai Raja Rai and a pension of Rs 800 a month
for three lives. His son is a B. A. of the Madras U-
niversity, a man of considerable talents and one who
devotes himself heart and soul to his work. I took occasion
lately to bring his merits prominently to the notice of
Government / vide G. O. dated 22 April 1871 No 720 B.D.
He is further an official of high principle and integrity
with an unblemished reputation, and coming from Ma-
dras three years ago has gained for himself the respect
of the Native Community in this place. In consequence
of the utter incompetency of E. Srinivasu Pantulu as a
Sheristadar, and owing also to my having to entertain
at the same time a new man as Head Clerk, who was
unacquainted with the work of the office, I have had
to ask the Treasury Deputy Collector to undertake much

work which may not properly belong to his duties; but
which he was the only man competent to undertake,
and his aid has always been most obligingly afforded.
Indeed with the pressure of work under the circumstances,
official business must have got into great arrears
had not K. Rama Rao Garu taken the chief burden
upon himself at my request.

11. This is one of the grievances which Mr. Cumming
has set forth / in his letter F/ "Your partiality" he
writes, "towards the Treasury Deputy Collector has
been freely noticed here, and while I have chiefly
suffered by it, by your obtaining that assistance
invariably from him, which I as your Assistant, am
supposed to offer, and my being left in entire ignorance
of the official work passing in your office, while he
is permitted to learn every thing and even to usurp what
does not appear to me to be his proper work / such as
"drafting your official letters &c". The importuness of
these remarks is only equalled by the ignorance they
display. I presume a Collector has authority to assign
his special work to his assistants as well as to his other
subordinates, and it is certainly a strange assumption
for a young Assistant to claim, that the Collector shall
consult and avail himself of his very limited experience
only, to the exclusion of all better qualified officers. Both

branches, Correspondence and Accounts, in the Collector's Office are under the supervision of the Deputy Collector. I do not think that Mr. Cumming has no ground of complaint. I may mention that with the sanction of the Board I have for long entrusted him with the independent Revenue Charge of one Taluk, and the Magisterial Charge of two, that I have given him the supervision of two salt stations (which are very rarely visited). I have given him every opportunity of acquiring varied experience by sending him on tours of inspection, by deputing him miscellaneous work of different kinds from time to time, by placing him temporarily in charge of the Treasury whenever an opportunity occurs, and by consulting him upon all questions when I have sought the individual opinions of other Divisional Officers. He has the free access to all the current records of the office and whatever papers he wishes to see are taken to him. I am sorry to add that though I have repeatedly spoken to him on the subject his attendance at the office is most irregular. For many days he never comes at all but insists upon doing his office work at his own house - a practice to which there is grave objection. His ignorance of what takes place in the office is owing in a great measure to this, and when I enquire for him he is seldom within reach.

12 Another of Mr. Cumming's grievances is that

I have used my influence to get R. Ramakrishna - elected as Honorary Secretary of both the Municipality and Municipal Commission and the Local Fund Board of this circle, he was elected by a majority. Next that I interfere as President too much with the Executive of both these bodies, while he is laboring under the impression that the whole Executive should devolve on the Assistant Collector or Vice-President as at Guntur in the Sub-Division. As I read the Act the Collector as Ex-Officio President of the Commission and Boards at his Head Quarters Station, is bound to attend the Meetings and to take the Executive, and this is a duty of which he cannot at his own will divest himself; and it is in his absence that the Vice-President takes the lead, except in regard to duties specially entrusted to him. At Mr. Cumming's request, however, I submit the following question: - "What Executive powers under the Local Funds Act is a Vice-President entrusted with?"

13 I shall only be too glad to be relieved by Mr. Cumming of any work in connection either with the Local Funds or the Municipality which he will be good enough to carry out, but unfortunately Mr. Cumming, though ready and anxious to undertake anything is very slow in completing what he undertakes.

And I am sorry to add, undertakes duties which he never makes an effort to fulfil. Though an Ex-officio Member of the Municipal Commission, appointed to represent the interests of Government, he justifies his conduct in absenting himself from Meetings because they are presided over by a Vice-President, other than himself, elected by the Commissioners with the permission of Government. When the Local Fund Board was formed, it was on my recommendation that Government appointed Mr. Cumming Vice-President. I appointed two Clerks and requested him to take up the work, to which he expressed a ready consent. There was much work to be done, letters to be written, and information collected. As days passed by, I found Mr. Cumming very seldom came to office. I made enquiries and found he was doing nothing about Local Funds. As the day appointed for the meeting was approaching I was compelled to ask the Deputy Collector to be so good as to draft some of the letters and to have a draft of the Budget prepared in the office. Consequently on the day of Meeting all was ready and the Budget was passed. When I had entrusted the work to Mr. Cumming, I expected that he would take the necessary steps to carry it out, but he excuses himself by saying the Clerks never came to him, the Honorary Secretary never assisted him; nor would they have come

to me unless I had sent for the Clerks and papers, and asked the Honorary Secretary's assistance. Such excuses as these are puerile.

14 One matter more alluded to by Mr. Cumming. An Officer at this station annoyed at a very small fine being inflicted in a Police case in which he was interested, wrote a public letter containing some disparaging expressions in regard to Mr. Cumming's Magisterial decision. I wrote to the Officer and explained to him the grounds on which that decision was passed; whereupon he wrote a second public letter and withdrew the first. Mr. Cumming argues because I advised him to let the matter rest there, that therefore the Treasury Deputy Collector should be satisfied with his / Mr. Cumming's / writing in a note to me that his remarks, charging the former with almost dishonesty, in a paper sent open into a Public Office, were only intended to fall under my eye, and that they were not intended for him ~~and~~ not intended to hurt his feelings.

15 I am sure that Government will not allow a Native Gentleman holding the position and bearing the high Character that K. Rama Rao Chari does to be thus insulted in an open manner before his subordinates by an Officer holding Mr. Cumming's position without requiring the latter to apologise to him as any gentleman ought to do, besides withdrawing

the objectionable imputations or attempting to explain them away. I trust that Government will also be as good as to elucidate Mr Cummings' difficulties in regard to the relative position which he holds & the Collector, and in regard to the perfectly voluntary character of the duties which devolve upon him, when appointed as an Ex-Officio Member of a Commission to represent the interests of Government, and further as respects the extra-ordinary powers with which he considers a Vice-President of a Local Fund Board is invested. I would request that Government would also state whether or not it is incumbent on an Assistant Collector to attend office daily or whether he is at liberty to do all his work at his own house.

I have the honor to be, Sir,

Your Most Obedient Servant

J. M. M. M.

Collector

President M. M.

P.S.

I am furnishing Mr Cummings with a copy of this letter for his information

J. M. M. M.

Collector &

President M. M.

Copy of letter from W Bowditch to J Cummings

Unofficial

My dear Cummings

The fair copy of the Proceedings of the Municipal Commissioners' Meeting being prepared in the office was naturally taken to the Honorary Secretary before it was brought to me to sign.

If you had any remark to make you could have written to me, but to make a statement in the margin of a fair copy of the Report of a Meeting imputing dishonorable motives to one of the Commissioners and that the Honorary Secretary who superintends the work of the office was offering him a gross insult.

I have no alternative but to send the matter to Government if you decline to make a proper apology to him. As President I cannot allow a Commissioner and a Native gentleman to be insulted in this manner. Your remarks made on an open copy of Proceedings could be in no sense a private communication.

As you neglected to attend the Meeting, your dissent could not be recorded. As you neglected to attend the measurements, your dissent from the opinion of the majority of the sub-committee was valueless. The Meeting adopted the recommendations of the majority of the sub-committee.

Public 1871 Sept.

1277
The Collector of Revenue
of the Presidency of Madras
The Chief Secretary
to Govt Secy to Govt

Recd 6th September 1871

50 No 1687. 21st Sept

No 2, 779

Encl. 6/11

18
Mr. Cummings produce the same.
The right conduct of
the Civil Commission.
may be made by the following
Commissioner in the above
of the Municipalities 1871
12. 1871. 1871. 1871. 1871.
1871. 1871. 1871. 1871.

I have already pointed out to you that being an Ex-officio member of the Commission you are not at liberty either to resign or to neglect your duties as you have been doing.

Captain Richardson was elected Vice-President by the Commissioners after the permission of Government was accorded. You as an Ex-officio member are therefore bound to attend the meetings when he presides.

Until the new Act was passed, in the absence of President and Vice-President the Commissioners were empowered to choose a Chairman. You therefore suffered no injury if Dr. Rickard was elected at a meeting to fill the chair.

Your duties in connexion with Municipal matters have been so systematically neglected that the only thing that has kept the Commission going has been that the Honorary Secretary has kindly undertaken the chief burden.

It was precisely the same with Local Funds. I asked you as Vice-President to take up the work. I asked the Clerk each day whether you had done so, whether you had drafted any letters or were preparing the Budget. As I found you were doing nothing and as I was ill myself I was obliged to ask the Deputy Collector, whom a majority of the Board had elected to be Honorary Secretary, to be so good as to take up work. Consequently it was all ready for the

meeting, which it would not have been otherwise.

I have got an Honorary Secretary appointed in both the Municipal Commission and Local Fund Boards, because I find it absolutely necessary that the office work should be in the hands of one who has practical experience of accounts and the Commissioners have voted against a paid Office Manager.

I have repeatedly told you that we shall be very glad if you would take up as much work as you are able to do. If from pique you /an ex-officio member/ won't do any thing, it either remains for me to report the matter to Government or make other arrangements. I have preferred to adopt the latter course hitherto, but, if you decline to withdraw the insulting language which you have used in regard to the Commissioner who has really been doing all the work and doing it most satisfactorily, I shall be compelled unwillingly to report to Government the whole case. He is entitled to an apology from you and I am quite sure that Government will take the same view of the case as I do.

Yours sincerely,
J. A. C. Howells

/True Copy/

E. H. Howells

Collector

Public Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from
the President of the Municipal
Commission, Masulipatam,
of 6th & 12th Sept. 1871. Nos 2779 & 2844.

Order thereon. 14 Nov. 1871. No 1687.

From the papers above
recorded, it appears that
Mr. Cumming the Assistant
to the Collector of the Krishna
District, entered on the
margin of a report of the
Proceedings of a meeting
of the Municipal Commission
of Masulipatam some
remarks reflecting injuri-
ously on a member of
the Municipal Commission
Kandi Rama Rao Pantulu
Gann, who is also the
Deputy Collector attached
to the Krishna District.

The

Pub/71-10/1933

2. The Collector, Mr. Boswell, immediately pointed out to Mr. Cumming that the reflections made on Kandi Rama Rao Pantulu Garu were entirely without foundation; that he had been guilty of a grave impropriety in the course he had adopted, and required him to withdraw his remarks and to apologize to Kandi Rama Rao Pantulu Garu, who had seen them ~~and~~ and in consequence had tendered his resignation of his office as a Municipal Commissioner.

3. Mr. Cumming in reply stated, that he had not intended his remarks to be seen by Kandi Rama Rao Pantulu Garu; but that he had made them for the Collector's information only and while agreeing to withdraw the

the remarks, declined to make any apology for the insult offered.

4. The Collector again remonstrated strongly with Mr. Cumming but without effect, and has been compelled to refer the matter to Government.

5. His Excellency the Governor in Council has given his careful consideration to the whole correspondence above recorded, in which is also contained Mr. Cumming's defence of his conduct.

6. His Excellency in Council is of opinion that no other construction could possibly be placed on the remarks than that which has been placed upon them by the Collector. These remarks contained a very serious imputation on the character of

of the Municipal Commis-
sioner who is also a Govt.
official of high character.
For the imputation thus made
by Mr. Cumming it is
clearly shown that there
was no foundation. In
making these ^{im}putations,
and in the manner in
which they were made,
Mr. Cumming committed
a very serious offence. He
has greatly aggravated
this offence by his repeated
refusal to apologize to
Kandi Rama Rao Pantulu
Garu when called upon
to do so by his official
superior the Collector,
by the disingenuous cha-
racter of his explanation
and by the insubordinate
tenor of his letters to the
Collector.

His Excellency in
Council directs that Mr.
Cumming be informed
that

~~Person~~
grave N

that he has incurred the
severe displeasure of the
Government, and in order
still further to mark
the serious view the Govt.
take of Mr. Cumming's
conduct, His Excellency
in Council directs that
Mr. Cumming be removed
from the Kistna to another
district.

From the correspondence
submitted with this case,
His Excellency the Governor
in Council notices with
much dissatisfaction that
Mr. Cumming has been
in the habit of transacting
his official business
in his own house in dis-
obedience of the well known
orders of the Govt., and
that he has persisted
in this after he was
remonstrated with on
the subject by the collector.
He has also shown ^(great)
negligence

ambiguous ? unsatisfactory ?

omit

negligence in the performance of the duties assigned to him as a Municipal Commissioner and as a member of the Local Fund Board.

9. His Excellency the Governor in Council takes this opportunity to warn Mr. Cumming that the most serious notice will be taken by the Govt. of any future irregularities on his part in the conduct of his official business, and of any neglect of the duties assigned to him as a member of the Municipal Commission and Local Fund Board. To these special duties the Govt. attach very great importance, and they expect that the officers of Government will devote to their discharge the same care and attention which is

Memorandum.

It does not appear that, either under the Municipal or local funds act, the Vice President as such has any executive power in the ~~absence~~ sense contemplated for.

10. Appointment or election of Vice President.
11. In the absence of the President 1871 in which the Vice President is mentioned, as noted in the V.P. to certify contracts.
22. In the absence of the President. the margin. Except as regards the V.P. may call meetings & under
23. (by implication) provision as to the appointment of municipal servants, no special
27. In the absence of the President and in case of emergency, the V.P. can exercise all the powers of the executive authority is assigned to the President under this Act. The section giving funds to be drawn under the signature of the V.P.
37. In the absence of the President this Act. The section giving funds to be drawn under the signature of the V.P.
48. The President, or Vice President (28) does not mention the Vice President. In case of emergency the President may exercise all the powers of the Com^{rs} save those reserved to a meeting; & in the such case, if the President is absent, the V.P.
65. The President, or Vice President may exercise all the powers of the Com^{rs} save those reserved to a meeting; & in the such case, if the President is absent, the V.P.

has the same power.

3. Thus, in the presence of the President, the V. P. has no more voice or authority (with the trifling exception made in sec 48) than any other commissioner. But by a convenient fiction the President, in many hazard situations, is considered to be permanently absent & all the ordinary work such as issuing answering notices, ^{demand} notes, & bills, drawing funds, &c. &c. is carried on in the intervals of meetings by the Vice President.

4. Under Act of 1871 the Vice President of the local fund board is a still more shadowy person. This act expressly vests

the whole executive power & responsibility in the President, ^(section 23) but the law makes no provision for substituting the Vice President in the President's absence.

The Vice President is mentioned only in the sections marginally noted. The duties to certify contracts. 18. President, or Vice President only substantial power ^{may call meeting, & under given to the V. P. is that} 19. (by implication) is to preside ^{he may call a meeting irrespective of the presence or absence of the President.}

~~Text~~

5. The President may under section 35, authorize any officer to sign cheques in his absence, & ordinarily he would probably authorize the V. P. but he is not obliged to do so.

6. Under the local fund

6. Vice President to be appointed by Govt.

12. The President, or Vice President is to certify contracts.

18. President, or Vice President only substantial power ^{may call meeting, & under given to the V. P. is that} 19. (by implication) is to preside ^{he may call a meeting irrespective of the presence or absence of the President.}

Memorandum for Orders.

Letter from the Collector
to the District dated 6th
September 1911. No.
2779, with enclosures.

These papers relate
to the exceedingly impro-
per and insubordinate
conduct of Mr. Charles
Cunningham the Assistant
Collector of the Kistna
District.

I have carefully read
through this correspondence
and am sorry that Mr.
Cunningham has behaved
very badly in the
matter. His attempt
to explain away the
misleading character
of his remark regarding
the Deputy Collector
is in my opinion quite
& very disingenuous.
In remarking that the
Deputy Collector was
"kind & good" with a
sneering smile he
has shown his
consciousness of
cheating his
superior by his
false statement
that the Deputy Collector

It would appear
that a question arose as
to the manner in which
a Contract for Roadwork
was made by the mu-
nicipality was being
carried out. The matter
was referred to a Sub-
Committee, of which Mr.
Cunningham and the As-
sistant Deputy Collector
Kandli Rama Rao Pan-
kajam were mem-
bers. Mr. Cunningham
appears to have only
attended one meeting
of the Sub-Committee, and
when

Rules, the President or Vice
President must be a member
of the Committee appointed
to draft the budget & the
report, & certain bills
must be countersigned by
one or other of these officers;
but no executive power is
given to the Vice President.

H.C.

M.C.

When a fair draft of the
Proceedings of the main
: cipal meeting, at which
the Sub Committee's report
was considered, was pre-
: pared for the President's
signature, Mr. Cumming
sent for this paper and
entered upon it his dissent
from the decision of the
meeting (which he did
not attend) exonerating
the Contractor from blame,
and not content with
this irregularity, Mr. Cum-
: ming entered on the war-
: fare the following remarks.

"I disapprove heartily
of the whole thing and
consider that Hanna
has is hand and glove
with the Contractor, and
has persuaded the Com-
: mission out of 700 \$ to be
sustained."

His report with
these most objectionable
remarks

was an abridgement of the
alleged journal
his refusal to apologize
to the Deputy Collector
after his error - and
was printed out to
him was altogether
inexcusable and his
apology was approved
by the membership
in view of his letter
to the Collector.

I think that Mr.
Cumming should be
severely censured
a transcript of another
Dr. Hunt - Karnool as
suggested by the Chief
meeting, and to a
first place to send
him to. I would not
now require him to
apologize - a temporary
apology to satisfy
members would be of
no value.

Mr. Cumming's ~~abridgement~~
abridgement of the
& practice of transacting
business in this manner

in his absence
house ~~in his absence~~
of his (Mr. Cumming's) remarks was carried into
effect. It should be noticed that the Collector's Office was
it should be distinctly
explained to him that
he is bound to attend
to his duties as a mem-
-ber of the Commission
and member of a Local
Board of Health and
that the present report
his neglect of other
duties with the present
disparagement.

At the same time as
Mr. Cumming was in the President's office
that an appointment
such as that of Honorary
Secretary should be
provided for in action -
plotted by either
that is imprudent
& should be cancelled.
Each of the members
should be as not dis-
-tinguished by the
President should be
performed by the Vice
President.

remains was carried into
the Collector's Office, & was
seen by a number of the
Establishment, before it
reached the Deputy Col-
: lector, as Army Secretary,
and the Collector as Pres-
: ident. The Deputy
Collector naturally re-
: sented the conduct of the
Assistant Collector, and
placed his resignation as
a Municipal Commissioner
in the President's hands, and re-
: quested him to lay the
matter before Council.
went.

Mr. Doornell
pointed out the improp-
: riety of his conduct to
Mr. Cumming, and told
him that he should report
this matter to Council
unless Mr. Cumming
withdrew the offensive re-
: marks, and at once
wrote a proper and
ample

16th Oct (7) R. V.

ample apology to the Council - but I do
know Secretary R. Rama Rao to be
Rao Pantulu from - Mr Chas is quite
gunning in his reply.
Enclosure marked 2, stated that his remarks
were not made on what
he considered a public
document, that they were
only intended for the Pres-
ident's information - he
expressed his willingness
that they should be struck
out. ^{intended that he} did not think
that any apology to
the Deputy Collector was
needed, and declined
making any.

Mr Dowell
again remonstrated
and told Mr Summing
that he ought to apologize,
and that he was certain
the Government would
take this view of the
matter. Mr Sum-
ming in his letter
marked

I do
concur in Mr Arundale's
remarks respecting Mr
Summing's behaviour.
I doubt whether it is
desirable to notice the
app. of an honorary
Secretary to the
Committee. May it not be
a convenient arrangement
for the transaction of
business that such an
app. should be made
and may it not be left
to a Committee to make
such an app. or not
as they please. N

marked H, says that as he
has consented to withdraw
his remarks, he thinks he
has done all that is necessary
and adds - "You may in-
form Mr Rama Rao, if
you like to do so that the
remarks were not intend-
ed for him, and therefore
could not have been in-
tended to hurt his feel-
ings." Mr Summing
distinctly declines to ad-
dress Rama Rao Pantulu
in form on the subject.
Mr Summing in his
letter takes upon himself
to lecture the Collector
on his marked partiality
for the Deputy Collector,
criticizes the nature and
amount of work assign-
ed to the Deputy Collector
and notices the fact
that the Collector allows
Rama Rao Pantulu

to draft the Collector's
Official letter. In
his letter Mr. Jennings
enters generally into a
defence of his conduct,
and attempts to justify
his neglect of the duties
assigned to him in con-
nection with the Muni-
cipal and Local Funds,
&c. Mr. Jennings
also raises questions con-
nected with the inter-
pretation of the provisions
of the Law as regards
his position of Vice Presi-
dent.

Mr. Boswell in
submitting the matter for
the decision of Government
comments severely on
Mr. Jennings' general
neglect of business confided
to him, his irregularity
in attending office, and
his

his practice of transact-
ing all his official busi-
ness at his own house.

The interpretation
of the Law is discussed
in the enclosed Memo-
by the Under Secretary,
the substance of which
may, it is submitted, be
communicated to Mr.
Boswell.

Mr. Boswell may
be informed that if, after
remonstrance, the Assistant
Collector failed in the
exact performance of his
duties, and in regular
attendance at office, such
misconduct should have
been reported to Govern-
ment.

As regards the
main subject of this cor-
respondence, it is submitted
that Mr. Jennings should
be informed that he has
incurred the severe dis-
pleasure of the Government.

He should be required on pain of suspension to make an ample apology to Ramesh Rao Pantulu Jannu, and in order to mark the sense the Government entertain of his misconduct, Mr Jannu should be removed to some other district (say Kurnool.).

It will be observed that the Deputy Collector Ramesh Rao Pantulu Jannu is represented to be a very excellent and zealous public servant. He is the son of the Board's late Charitadar K. Narsingh Rao Jannu, who, in consideration of his long and faithful services, was honored with the title of Rai Raja Rai, and a pension of 800 Rupees a month for three lives. He is himself a well educated man. A graduate

graduate of the University and from enquiries made, seems fully to deserve the very high character given him by Mr Boswell. His position and high character make the treatment he has received from Mr Jannu: very inexplicable.

is required from them
in the transaction of the
ordinary official business
entrusted to them.

To the collector of the
Kistna District, dist^o 21
Revenue Depto }

Cont. of 187 1 22nd.

To

Dated
Recd.

}

187 , No.

18 Nos. 20