

MADRAS RECORD OFFICE.

Government of Madras.

Revenue

DEPARTMENT.

G.O. No.	1168	Press Mis.
Dated 31st August 1859.		

Not to be folded or roughly handled

48 32/5-11

*Proceedings of the Madras Government, Revenue Department,
from 27th August to 2d September 1859.*

No. 34. Read the following letter from J. D. SIM, Esq., Secretary to the Board of Revenue ;
to J. D. BOURDILLON, Esq., Secretary to Government, R. D., dated 15th August
1859, No. 3179.

*Dated 2d July 1859, No. 567, in Con. 4th
July 1859, No. 3197.
Do. 9th July 1859, No. 596, in Con. 11th July
1859, No. 3349.*

*Vide Official Gazette, page 83.
Reprinted in C. O. of D. P. W., page 22.*

I am directed by the Board of Revenue to submit, for the orders of Government, the accompanying letter from the Director of Revenue Settlement, on the subject of carrying on the operations of the Survey Department on Sundays.

2. Relying on the orders passed by the Government of India in 1847, Mr. Newill insists on the total cessation of work on those days. Captain Priestley does not acquiesce in this decision, fearing that the annual out turn of work would thereby be reduced about 150 square miles for the whole number of Ameens, and that the rest on Sundays would only afford the latter an opportunity of quitting their work, and going about to see their friends at a distance, the fatigue of which would unfit them for the next day's duty. Captain Priestley also protests against the orders issued by Mr. Ballard, Deputy Director of Revenue Settlement in Masulipatam, for the stoppage of the supply of village labour to the survey Ameens on Sundays as an interference with the operations of a department placed exclusively under his control.

3. The Board do not deem it necessary to discuss the merits of the arguments adduced on both sides, as it appears to them evident, without reference to their consideration, that the orders of the Supreme Government apply to all ordinary works carried on under the authority of the State, in which category the survey operations must be included ; and that, therefore, Mr. Newill was correct in the opinion expressed by him on the reference made by Captain Priestley.

4. As regards the question of interference, the Board are satisfied that it was not the intention of Mr. Ballard to go beyond the province of his own duties ; and it is clear from the second of the letters, herewith submitted, that his instructions to the villagers did not amount to more than that their attendance on Sundays was not compulsory, an intimation which, as the supply of labour was vested in his hands, the Board think he was at liberty to give in the discharge of his own functions.

5. The Board have alluded to the question of discontinuing work on Sundays in para. 56 of their review of Mr. Newill and Captain Priestley's annual reports for 1858. But as this review is in the Press, and it may take some days before it is ready for submission, they have deemed it proper to lay the matter separately for the consideration of Government.

No. 35. ORDER THEREON, 31st August 1859, No. 1168.

The Government concur in the view expressed by the Board of Revenue in para. 3 of this letter. The order of the Government of India referred to is general and imperative as regards all Public establishments.

2. The Governor in Council agrees also in Mr. Newill's reasoning in para. 8 of his letter of the 1st July. The seventh day's rest is a privilege which all public servants have ; and if it is ungrudgingly accorded, more work will be obtained from them in consequence of it.

(Signed) J. D. BOURDILLON,
Secretary to Government.

IN CON. 11TH JULY 1859, No. 3349.

From H. NEWILL, Esq., Director of Revenue Settlement,

dated Madras, 9th July 1859, No. 596.

MEMORANDUM.

The Director of Revenue Settlement begs to enclose copy of an Extract from a letter from his Deputy, in Masulipatam, which he requests may be included with the correspondence enclosed in his letter of the 1st instant, No. 567.

ENC. 1.

EXTRACT of a letter from G. A. BALLARD, Esq., Deputy Director of Revenue Settlement, Masulipatam, dated 4th July 1859, No. 44.

Para. 6. The Superintendent has made a mistake in para. 6 of his letter in assuming that the people have been forbidden to attend on Sundays. They have never been "forbidden to attend," (by me at least), though in accordance with the express views of Government. I told them that attendance and supply of coolies on Sundays, was not compulsory. Should they wish to get speedily rid of the work, and voluntarily supply coolies on Sundays, I should not interfere; nor could any thing that has issued from my office possibly lead to the supposition that interference would be exercised.

7. How an intimation to the people that their labor on Sundays would not be compulsory; could give them the idea that they do not incur the displeasure of the Civil authorities by a disregard of the requisitions made by the survey, I am quite at a loss to conceive. I am happy to state that no such idea does exist among the people, and it shall be my endeavour to prevent its ever rising.

(True Extract.)

(Signed) H. NEWILL.

Director of Revenue Settlement.

IN CON. 4TH JULY 1859, No. 3197.
From H. NEWILL, Esq., Director of Revenue Settlement,

dated Madras, 1st July 1859, No. 567.

In para. 14 of my letter of 9th April 1859, No. 326, the subject of conducting field operations on the Sunday by the Survey Department was noticed, with the view to the orders of Government being obtained on the question. The matter has since been brought forward by the Superintendent of Revenue Survey in the original correspondence, which I have the honor to enclose, as a question of interference on the part of the Settlement Department with his departmental operations, and it may therefore be thought desirable that it should be disposed of separately.

2. It seems only necessary to remark, that during the experimental Survey in South Arcot and Trichinopoly, the Survey Department being invested with no formal authority over the village servants, it looked to the Collector to supply, through the Revenue Officers, the requisite aid for conducting the Survey including village labor for the measurement of the fields. When the Settlement Department was started, it took the place of the Collector in this respect, the Deputy Directors of Revenue Settlement being invested by Government with the powers of Sub Collector and Joint Magistrate, for the express purpose of exercising authority over the village servants and the ryots for the purposes of the demarcation of boundaries and of the Survey.

3. My Deputy in Masulipatam, Mr. Ballard, considering that the standing order of the Governor General of India, prohibiting all public work on Sundays, applied to the Survey and Settlement Departments, made arrangements that village labor should be available for every day in the week, except Sundays. This is now complained of by the Superintendent of Revenue Survey as an interference. I cannot but consider, as expressed in my letter to Captain Priestley, that Mr. Ballard was called upon to take the course he did in the faithful discharge of his official duty.

4. It is perhaps unnecessary for me to urge the point on the higher grounds that a Christian Government should repudiate the unnecessary employment of Sunday labor in a great national work such as the Survey.

5. In the Department of Public Works, Surveying and other Engineering works are not conducted on Sundays, and it would be difficult to shew any special plea as an exception for Surveying in the Survey Department, which would commend itself to those in authority, or appear consistent in the eyes of the people.

6. If the Amceens work on Sunday, it involves some provision for the superintendence of their work, and this must rest in a great measure with the European subordinates and the Artificers from the Ordnance Department, and other Christians employed as Surveyors.

7. I have already explained that no inconvenience has been experienced, by observing the Sunday as a day of rest from the commencement in the Settlement Department. I have learnt also that this course is adopted in the Bombay Survey Settlement.

8. The number of working days entering into the Estimates of the Survey and Settlement Departments are the same, and the deduction of Sundays may therefore be expected to affect each Department equally. Captain Priestley points out, that the loss in the annual out-turn of work by the non-employment on Sundays would be about 150 square miles for the whole number of Amceens. But as the unremitting work of field measurement from day to day without any cessation, is a matter of physical impossibility, this Estimate cannot I think be accepted, and it is my conviction that in the long run, nothing is lost by submitting to physical laws such as that which apply to Sunday rest, sanctioned as it is by Divine authority, notwithstanding ostensible arbitrary calculations to the contrary.

9. Captain Priestley further argues, that the rest on Sunday affords the Amceens an opportunity of quitting their work, and going to see their friends at a distance, the fatigue of which unfits them for the next day's duty. This is evidently an abuse of the cessation of work and the remedy seems to lie in proper supervision.

ENC. 1.

From CAPTAIN F. J. B. PRIESTLEY, Superintendent of Revenue Survey,
To H. NEWILL, Esq., Director, of Revenue Settlement,

dated Madras, 21st May 1859, No. 339-72.

It has been brought to my notice by Captain Pratt, Deputy Superintendent, Revenue Survey in Masulipatam, that in consequence of Mr. Ballard, Deputy Director Revenue Settlement, having taken upon himself to "intimate to the villagers that they were not bound to supply coolies on a Sunday," 160 working days would each month be lost.

2. The "intimation," as you must be well aware, is looked upon as an order.

3. One of the consequences of the enforced idleness of the Amceens and their Goomastahs is that (having no object or interest in this unsought for leave), they cannot resist the opportunity of quitting

*Enclosed copy of
letter from his Deputy
in Masulipatam
regarding the Sundays
question.*

*Printed Copy of
No 3349
The Director of Revenue
Settlement*

*2
to 3199 of 1859*

their villages often on the Saturday afternoon, and for the purpose of visiting their friends going such distances as prevent them from returning to work perhaps before noon on the Monday.

4. Thus they arrive tired and altogether disinclined for out-of-door work, and in order to screen themselves most probably state as the cause of the small quantity performed that the villagers failed to attend or supply coolies till late in the day.

5. It therefore happens that Sunday, instead of being a day of rest to recruit them for a week of toil, is actually the day of all others on which they perform the greatest labor and recruit themselves on the following days at the expense of the Survey.

6. Unfortunately also no steps can be taken to prevent the Ameens and Goomastahs from passing the weekly holiday given them by Mr. Ballard's intimation in any manner they may think fit and by going on the Saturday night and returning on that of Sunday they can manage to be present at their villages in proper time, though incapacitated by fatigue from performing anything but a nominal day's work.

7. Under these circumstances I have the honor to request that you will instruct Mr. Ballard to withdraw the intimation (looked on as an order) made to the villagers.

8. If I were of opinion that the cause of religion were in any way served by this interference, I should be less inclined to remonstrate, but as far as I can learn from Captain Pratt the only result has been what I have stated above.

9. I may also add that the proceedings of Mr. Ballard in this matter appear to me to be an interference with the working of the Survey, not warranted by his position as Deputy Director Revenue Settlement.

ENC. 2.

From H. NEWILL, Esq., Director of Revenue Settlement,

To CAPTAIN F. J. B. PRIESTLEY, Superintendent of Revenue Survey,

dated Madras, 23rd May No. 420.

In B. 23rd May 1859, No. 441. I have the honor to acknowledge the receipt of your letter of 21st instant, No. 389-72 and in reply to state that there is a standing order of the Government of India that no public works are to be carried on on Sundays, nor any contracts entered into on the part of Government, for work to be executed on that day. The Madras Government has also, in accordance with that view, recently objected to public work being carried on in the talooks in some few localities which formed the exception to the general rule. It seems, therefore, that Mr. Ballard was acting in accordance with the orders of the higher authorities in arranging that labor should not be provided for the Survey on Sunday.

2. I may add that from the commencement Sunday has been considered a "dies non" in all branches of the Settlement Department and that no inconvenience has been reported, and I hope you will see the propriety under the above explanation of recognizing the same principle in the Survey Department.

ENC. 3.

From CAPTAIN F. J. B. PRIESTLEY, Superintendent of Revenue Survey,
To H. NEWILL, Esq., Director of Revenue Settlement,

dated Madras, 28th May 1859, No. 411.

No. 420. With reference to your letter of the 23rd instant, I have the honor to point out that the average number of days lost each month by delays already amounts to seven.

2. Now therefore that Mr. Ballard has made such use of the authority entrusted to him as to put a stop to work on four additional days in the month, the average number of working days is reduced to 19 or 20.

3. After the representation I have made the serious diminution in the out-turn of work thus caused (amounting in the year for one party at 60 acres per diem, to 150 square miles), must not be put down to the negligence of the Survey.

4. In conclusion, I must observe that I had certainly expected from you some expression of disapprobation at the arbitrary interference of one of your Deputies with the working of the Department nominally under my control. Against this and any similar proceedings I beg to make my protest.

5. I cannot for one moment imagine that you intend me to understand that it lies with the Deputy Director of Revenue Settlement to dictate to the Survey the number of days it shall or shall not be employed in field work.

From H. NEWILL, Esq., Director of Revenue Settlement,

To CAPTAIN F. J. B. PRIESTLEY, Superintendent of Revenue Survey,

dated Madras, 30th May 1859, No. 461.

I have the honor to acknowledge the receipt of your letter dated 28th instant, and in reply to state that the principle which is involved in the matter of this correspondence has been submitted for the orders of Government, viz., whether the Survey operations are or are not to be carried on on Sundays.

2. I confess that I am unable to see "the arbitrary interference with the working of the Survey Department under your control," in Mr. Ballard's declining to supply labor on Sundays in accordance with a standing order of Government which has long been in practice. "Had he acted otherwise he would clearly have infringed the order."

No. 3179.

From

J. D. SIM, Esq., Secretary to the Board of Revenue.

To

J. D. BOURDILLON, Esq., Secretary to Government, R. D.

Sir,

Dated 2d July 1859, No. 567, in Con.
4th July 1859, No. 3197.
Do. 9th July 1859, No. 596, in Con.
11th July 1859, No. 3349.

Vide Official Gazette, page 83.
Reprinted in C. O. of D. P. W., page 22.

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3. The Board do not deem it necessary to discuss the merits of the arguments adduced on both sides, as it appears to them evident, without reference to their considerations, that the orders of the Supreme Government apply to all ordinary works carried on under the authority of the State, in which category the survey operations must be included; and that, therefore, Mr. Newill was correct in the opinion expressed by him on the reference made by Captain Priestley.

4. As regards the question of interference, the Board are satisfied that it was not the intention of Mr. Ballard to go beyond the province of his own duties; and it is clear from the second of the letters, herewith submitted, that his instructions to the villagers did not amount to more than that their attendance on Sundays was not compulsory, an intimation which, as the supply of labour was vested in his hands, the Board think he was at liberty to give in the discharge of his own functions.

5. The Board have alluded to the question of discontinuing work on Sundays in para. 56 of their review of Mr. Newill and Captain Priestley's annual reports for 1858. But as this review is in the Press, and it may take some days before it is ready for submission, they have deemed it proper to lay the matter separately for the consideration of Government.

REVENUE BOARD OFFICE,
Fort St. George,
15th August 1859.

I have the honor to be,
Sir,

Your most obedient servant,
(Signed) J. D. SIM,
Secretary.

Copy to Director of Revenue Settlement.

Printed Copy of
1859 No 3197
Recd by Mr. B.

From

The Director of
Revenue Settlement

To the Secretary to the

Board of Revenue

For Mr. George

Dated 12th July 1859.

Recd 4th July 1859.

Enclosed: 4th July 1859

Enc. 3. 11/19/59

Submitting with

observance as is

correspondence with

the Superintendent of

Revenue Survey on the

subject of conducting

field operations on the

Sunday by the Survey

Department.

In 1859 No 3197 of 1859

Aug 1859 Defunct
No of 1859 2nd 1492

The Secy to the

Board of Revenue

The Secy to Govt

Revenue Defunct

Oct 15th Aug 1859

Dec 24th 1859

1859

Ms 125

Calcutta with
the 13th Revenue Bill
from the Director of
Revenue Settlement
the subject of carrying
on the operations of the
during Department on
Sunday -

Aug 31st Aug 1859

With an order

Ms 125

The Govt order in the
view expressed by the Board of Revenue
in favour of the Bill. The order of
Govt of India referred to in the
and impugned in regard to
the establishment.

The Governor in Council

will agree in the Bill
passing in favour of the Bill
the 13th Aug. The order of
the Privilege which will be
conceded to the Bill is
being accorded, more with
with the Bill. The Bill is
consequence of it.

31st Aug 1859

31st Aug 1859

Copy to the Secy to Govt