M.R.O. 14—18,000—27. 6. 24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1169	Press ~~Mis.~~
102-104	
Dated 6 - 7 -	1864.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
6th July 1864.

Read the following papers :—

No. 102. From Lieutenant-Colonel T. THOMPSON, Agent for Remounts, to Colonel H. MARSHALL, Secretary to Government, Military Department, Fort Saint George dated Ossoor, 13th May 1864, No. 23.

SIR,

1. I have had the honor to receive the Government Order dated 12th April 1864, No. 619, and as from its tenor my letter on which it was based appears to me to have been in some degree misapprehended, I request you will be so good as to submit the following few explanatory remarks, which I trust may have the effect of showing my action in the matter in a different light from what it was evidently viewed on the issue of the Order.

2. The first paragraph observes "that I should have addressed the Collector before applying to Government," and adduces as a reason for this, that the subject of my letter was unconnected with my duties as Remount Agent. In reply to this paragraph I beg to explain that in paragraphs 7, 8 and 9 of my letter, I stated that I had twice applied to the Revenue authority on the spot by letter, and once personally ; that I had forwarded for his perusal the correspondence* that had taken place in 1845, regarding this same subject ; and in paragraph 11, that I had also forwarded him a copy of the Medical Officer's official letter, but all without success, and then only did I trouble Government by bringing the case before them. At the date of my letter cholera was raging in the villages referred to, and knowing that an application made by me for a tank in the centre of the Depôt, two years before, had not to that date met with any reply, I conceived I was justified in taking the speediest and most direct course to have the pressing want supplied. That the conclusion of the paragraph has been written under a misconception, I need only refer to the 3rd and 8th paragraphs of my letter, where I stated "that on this tank the entire population of the Depôt, and about 500 Government horses depend for water." I therefore respectfully submit that the subject of my letter was connected with my duties as Remount Agent in a most essential degree, and that this view of the case appears to be admitted from the next paragraph of the Order, which declares that "the case is one of urgency, and consequently directs that the Revenue Board will at once instruct the Sub-Collector to adopt measures for economizing the water.

* Forwarded with my letter, but not returned.

3. With reference to the 5th paragraph of the Order, I would respectfully observe that there is not any appeal from the summary jurisdiction of a Magistrate, unless in cases where the fine is above 50 Rupees, or the sentence of imprisonment beyond a month; the parties whose cases I brought to notice in paragraphs 13 and 14 of my letter, had therefore no redress on this occasion.

4. The latter part of this paragraph then observes "that the mere fact of residence within the Stud Farm precincts does not exempt any person from amenability to the ordinary tribunals, and it is very undesirable that the Remount Agent should go beyond his proper duties and interfere with the action of the Magistracy." If His Excellency in Council will be so good as to refer to paragraph 16 of my letter, he will observe that I fully admit the legality of the Sub-Collector's proceedings regarding these people, all of whom both European and Natives have been for years residents on the Stud Farm. I only ventured to remark that his exercising his legal authority at that particular crisis appeared to me ill-judged, and ill-timed, and that in doing so at any time, under the peculiar circumstances of my position as Remount Agent, without any communication with me, either personally, or by note, was an act of discourtesy, and as I cannot suppose that I have gone beyond my proper duties, or interfered with the action of the Magistracy in the course I have adopted, of bringing to the notice of Government, after they had taken place, facts connected with the Department which they have placed under my charge, which I conscientiously believed were injurious to its interests, I respectively look to His Excellency in Council to relieve me from the censure, which I cannot but deeply feel to be implied throughout the Order now referred to.

Transferred to the Revenue Department.

Fort Saint George,
17th May 1864.

(Signed) H. MARSHALL, Colonel,
Secretary to Government.

No. 103. Proceedings of the Board of Revenue, dated 2nd June 1864, No. 2,341.

Read the following letter from the Collector of Salem, dated 3rd May 1864, No. 78:—

1. With reference to the Proceedings of the Board dated the 15th instant, No. 2,294, I have the honor to transmit for the information of the Board, copy of the Sub-Collector's letter* dated the 23rd instant, No. 79.

* With two enclosures.

2. The report called for in paragraph 4 of the Government Order under date the 12th instant, No. 619, will be submitted in a few days.

ENCLOSURE No. 1.

From H. S. THOMAS, Esq., Sub-Collector of Salem, to the Honorable D. ARBUTHNOTT, Collector of Salem, dated Oossoor, 23rd April 1864, No. 79.

1. I am in receipt of an extract from the Proceedings of the Board of Revenue, No. ——, dated 15th April 1864, and have the honor accordingly to report on the subject of Colonel Thompson's letter, referred to in the Order of Government, No. 619, dated 12th April 1864.

2. Colonel Thompson's letter is emergent, the demand for water is said to be emergent, and the expected consequences most alarming, I cannot see that any such emergency exists.

3. That you may be satisfied as to whether my view is correct, I have this day had the tank in question measured with a chain, and the result shown is that it still contains a body of water about a quarter of a mile square, and averaging 6½ feet deep, and this after including from the account all the upper part which in every tank is shallow. It should further be borne in mind (see paragraph 5 of Colonel Thompson's letter) that it is to the 6th instant that his complaint has reference. Since that date the water in the tank has for fifteen days been subject to daily diminution by evaporation and irrigation, so that the body of water contained on the 6th must have been considerably greater than it now is on the 21st instant.

Actual measurements.
28 Chains long.
29 ,, broad.
Depth 5½, 6½, and 7 feet.

4. I have therefore thought interference with the cultivation quite uncalled for as yet. I shall however personally watch the decrease of the water, and when an emergency does exist, will, I think, be time enough to act. At present the sky is threatening, and there is every prospect of immediate rain. Two slight premonitory showers have already fallen.

5. Apart from the question of emergency, on which we unfortunately differ so widely, Colonel Thompson has represented my personal conduct in the matter in a light which has apparently led to the conclusion that I shrunk from meeting the emergency properly, hesitated because I had no proper funds, feared the responsibility of being sued for damages in the Salem Civil Court and so called forth the remarks in the concluding sentence of the second paragraph of the Order of Government, and thought Government has not remarked on it; I am further represented as having made an uncalled for and wilful display of power at the expense of good taste and courtesy in my magisterial dealings. I may perhaps be allowed therefore a few remarks not in recrimination, but simply in my own defence.

6. I confess myself exceedingly surprised to be in such an unsual position as to be compelled to refer to private correspondence as the basis of an official report; but I have really no alternative, as no other correspondence has passed, and it is to this alone that Colonel Thompson refers in paragraphs 5, 7, and 8, and it was at my dinner table that he met me in paragraph 9.

7. The light in which Colonel Thompson first represented the matter to me was a very different one from that in which it has now been laid before Government. Though villagers and horse-keepers were mentioned, it was the Government horses that were mainly put forward, two-thirds of them were dependent, he said, on this tank, and a very valuable Government interest was at stake; some lacs he said it was. No other representation would have led me to suggest that his Department (paragraph 8) should pay the compensation necessary, and if only the villagers were concerned, how could some lacs be at stake. He objected to paying compensation because the charge would have to be shown against his horses, and they would appear in his

accounts as costing the State about six Annas a head more than they otherwise properly would. This was no affair of mine, and there was left with him the option of paying compensation to the Ryots whose water he wished to obtain from them.

8. That I had every readiness to meet Colonel Thompson will be seen from the following circumstances. He represented the emergency such that in eight days the tank would be dry. I was ill at the time, unable to write myself, or rise from my bed; so I naturally took for granted that he could not have made a mistake, and I at once ordered that bathing, fishing, and irrigation should be stopped, and stopped they were, and matters laid in train to settle the fair compensation. Then I learnt that the supply of water in the tank was calculated as sufficient to last at the lowest estimate, not for eight days but for three months. Unable to credit such a statement and being better in the evening, I rode to the spot to see it myself, and found the body of water was not over-estimated. At the same time Colonel Thompson declined to give compensation. I therefore ordered the irrigation to go on as usual till compensation was agreed upon. Keeping up the prohibition to bathing and fishing with nets, and informing Colonel Thompson, that though I could not view the emergency as he did, I will do all in my power to forward his wishes if only he would give compensation, and still further to meet him I added that if he would make the request *officially*, I was ready to go so far as to take the responsibility of advancing the compensation out of my Talook Treasury till such time as Government should decide by which Department it should be borne. But officially he never applied for my intervention.

9. All this time there were some 12 or 14 wells in the Depôt some of them very large, and specially adapted by pump and long built troughs for the watering of horses, and I thought that some at least of the Depôt cultivation under them, such as Sugar-cane, Coffee, Betel and such like, might be temporarily left unwatered, instead of putting Government to the expense of paying for the destruction of the Sugar-cane garden and a Cocoanut and Betel tope of the Ryots.

10. Colonel Thompson told me he was determined and positive he would have that tank added to the Stud Farm. This only can account for the urgent manner in which the subject has been pressed, and for paragraphs 2 and 3 of his letter which are otherwise foreign to the point at issue, which he explains in paragraphs 8, 9, and 10 to be the supply of drinking water to the surrounding villagers.

11. The official letter from Colonel Thompson's medical subordinate was, it appears, suggested by himself, for two days prior to it. Colonel Thompson warned me that he would obtain the written opinion of two medical men that the water was positively unwholesome, and that in comparison with their opinions my word would go for nothing. I see that only one of these medical men has written on the subject and that he too refers only to future possibilities and not present evil. As far as Doctor Wells' general remarks go, I would not undervalue them, but I submit that they only bear on the subject prospectively, and that it is more the business of a Revenue Officer than of an Apothecary to estimate how low the water in a tank is likely to be brought in a certain time by the irrigation of a certain area.

12. With reference to the question raised in paragraph 10 of Colonel Thompson's letter and paragraph 4 of the Government Order, I am of opinion that Government intervention on behalf of the villagers is not fairly called for. It will be seen from the above correspondence that the tank is a large one (paragraphs 3 and 4 of Colonel Thompson's letter); that there has been no similar difficulty since 1845 (paragraphs 6 and 8 of Colonel Thompson's letter); that this season is an unusually dry one (paragraph 4); that nevertheless there is still a fair supply of water in the tank (paragraph 3 of this my letter); and that for the use of the horse-keepers and Depot servants which form the bulk of the population, there are plenty of wells in the Depôt itself (paragraph 9 of my letter above); some of these are capable if necessary of being deepened and enlarged. There are also a few private and village wells open to the Ryots generally. The Remount Agent has also applied to have the remainder of the Papareddi tank made over to him, on which subject, I beg to refer letters No. 230, dated 28th October 1862, No. 321, dated 25th September 1863, from this office, and again to recommend that this tank be made over to the

mount Depôt. Its position is so central that it would be very convenient for the watering of all the horses, as well as useful for the cultivation of lucerna and guinea grass.

13. At present about 400 or 500 horses are watered twice a day at the Chinnappareddi tank, the tank under report. Of course they consume a considerable quantity of water, more indeed than the neighbouring public, and cannot help befouling a great deal more by trampling and dunging in it. I think it would be an advantage to the villagers if this practice were discontinued, and this one tank left to them without any such impurities, and the horses watered at the Depôt wells fitted for the purpose; at the Papareddi tank applied for by the Remount Agent, and at the other tanks to which he refers in paragraph 2. The villagers will then be in as good a position as other villagers, and in that the Chinnappareddi tank is a large one, and conveniently situated, they will be in a better; and if they still require water in exceptional years, the only aid that could be fairly expected from or given by Government, would be such as was liberally given in Oossoor, namely, a sum equal to the subscriptions raised by the community. If further aid than this were given, it could with equal and more justice be sought by one-half of the villagers in South India, and the people would learn to look more to Government and less to themselves.

14. With reference to the befouling of the water of this important tank by Government horses I have addressed the enclosed letter to the Remount Agent (No. 75, dated 21st April 1864), but having not yet been favoured with a reply I will not delay this letter. You will probably be aware that very few horses will drink at the brink of a stream or shallow reservoir; the almost invaluable rule is that they prefer to walk up to their knees or further, and such are the known habits of horses, that the natural consequences of a belly-full of water is that they dung immediately and the result of 400 or 500 horses dunging twice a day in the tank must be something very much akin to carting a heap of manure into it daily, and as I have observed to Colonel Thompson cannot tend to render it a wholesome beverage for the village community. It must indeed be a much more fertile source of impurity than the washing and fishing of natives.

15. Colonel Thompson animadverts on my magisterial proceedings. With reference to his story of the baker, it will be sufficient here to state that it is a very incorrect one, and naturally so, as it was picked up on hearsay from the parties interested. With reference to the charge of wilful discourtesy, I will say more. Cholera having shown itself in Madekeri in my absence on a Jammabundy tour, Colonel Thompson's Apothecary, Doctor Wells, went through the village instilling cleanliness, and warning the villagers that if they did not listen to his advice, he would call in my authority to aid him. I being still absent my Sub-Magistrate issued a proclamation that all who persisted in heaping up human excrement and other offensive matter, and keeping open privies, &c., would be punished. After this I returned to Oossoor, and giving three days time wherein to obey the proclamation, and again sending warning, I made examples of the two first that were reported to me. There I had hoped the matter would end; but being ill myself, I was attended through Colonel Thompson's courtesy by his Apothecary, as well as my own Dresser. This Apothecary represented to me that Cholera was on the increase, that Doctor Wells and his instructions and my Sub-Magistrate's proclamation and my two examples had all been equally disregarded; that in vain had he been round from house to house, and he begged me to interfere again. I promised him I would send up three or four respectable witnesses and the village authorities, to whom he could point out the worst cases; I delayed to do so. He reminded me again; I did so and in that way he sent me twenty-five cases. All this time Colonel Thompson was perfectly aware of what I was doing in pursuance of his Apothecary's wishes, and I was told approving, and he himself wrote for me to interfere with reference to some unburied corpses, which I did accordingly. It will be seen then that I took no special action in the matter, but followed the lead of his Medical officers that out of twenty-eight cases twenty-six were cases in which I was expressly desired to interfere, and I was never more surprised than when I learned, on receipt of the Government order, that Colonel Thompson was annoyed at the trouble taken by desire for the Remount community,

16. The visit of my Sherishtadar and Thasildar (see paragraph 12 of Colonel Thompson's letter) was a visit of courtesy. It was to wait upon Colonel Thompson that I sent them, because

I myself was, as I have shown above, too ill to ride eight miles to see him as I had intended to do. They laid before Colonel Thompson information about the tank and the necessary compensation.

17. Though it is impossible to account by strict rule for the appearance and exit of cholera, I may add that though the vexed tank has been getting lower, cholera has markedly decreased and now disappeared from Madikery, and this has been subsequent to these sanitary measures before which the offensive ordour of Madikery was quite overpowering. Oossoor, where the Municipal Sanitary Association has been working well, has been with one or two slight exceptions exempt.

P. S.—Since drafting the above I have recived the enclosed letter from Colonel Thompson declining to water his horses elsewhere as formerly proposed by himself. His opinion is that 300 or 500 horses marched twice a day up to their knees in the reservoir and watered there will not befoul it or dung in it, and his bowries, he says, are not now equal, as then stated, to watering his horses. As it is not my province I will not reply to these objections. I will only say what concerns the subject which I am called to report (on paragraph 4 of Government Order) that such internal arrangement for the watering of its horses can and should be made in the Stud Farm as to make the Depôt independent of the water of the village community, and that this one tank which Colonel Thompson has so forcibly shown to be of great importance to the public as drinking water, and to be their only reservoir, should be left to them free of such drain and such impurities.

(True Copy.)
(Signed) D. ARBUTHNOTT, *Collector.*

ENCLOSURE No. 2.

From H. S. THOMAS, Esq., Sub-Collector of Salem, to Colonel T. THOMPSON, Remount Agent, dated Oossoor, 21st April 1864, No. 75.

1. You told me that two-thirds of your horses were watered at the Chinnappareddi tank. This amounts I suppose in round numbers to about 500 horses per diem.

2. It will be apparent to you they must drink a considerable quantity of water, more indeed than the villagers in the neighbourhood; and what is of much more importance that they naturally cannot avoid befouling a great deal more by trampling and dunging in it. This cannot tend to render it a wholesome beverage.

3. Till the receipt from Government of your letter No. 527, dated 9th April 1864, I was under the impression that this tank was a necessity for your horses. I therefore looked upon it as an unavoidable evil, but as I learn from paragraph 8, and more especially paragraph 3 of that letter that it is not a necessity, and that it is for the villages that you are anxious, I beg to suggest that you should arrange for the watering of the horses in the manner you have shown to be feasible, as I doubt not you will agree with me on consideration that it will be a great point gained for the public health.

4. May I request the favor of an early reply that I may be in a position to report more fully on the steps taken for the preservation of healthy drinking water for the community.

5. You will be aware that I have taken steps to prevent the stirring up of the mud by much fishing and dirtying by washing of men and clothes in the tank.

(True Copies.)
(Signed) D. ARBUTHNOTT, *Collector.*

ENCLOSURE No. 3.

From Lieutenant-Colonel T. THOMPSON, Agent for Remount Depôt, to H. S. THOMAS, Esq., Sub-Collector of Salem, dated Oossoor, 22nd April 1864, No. 547.

1. I have the honor to acknowledge late last evening your letter No. 75, dated yesterday the 21st.

2. Five hundred is above the number of horses that require water from the Chinnapareddy tank, but for some time past about two hundred of these have been watered from the bowries in

the gardens belonging to the centre and Remount lines, which bowries have also supplied water for the gram-boiling sheds, and for the stable-yards and horse hospital.

3. The result of this drain upon these bowries, coupled with the continued absence of rain, has been such that on visiting them this morning, I found only nine inches of water in one and about eighteen inches in the other, so that no greater call can be made upon them than that mentioned above; the water in the large bowry in the garden on Simpson's road has sunk upwards of four feet since the 6th instant, the date on which I first brought the subject of water supply to your notice.

4. I am aware that horses drink a good deal of water, more particularly when picketted in the open air in weather like this; but I do not think they befoul a tank of any size, and depth, much, if at all, because the horse-keepers have positive orders not to allow the horses in beyond their knees, and the instances of dunging in the water are, I may say, very rare. This of course is not the case with cattle that are driven in and can go as far as they please, or lie down in the water, as is frequently done by buffaloes. The Depôt horses are merely ridden in to their knees at furthest, drink, and are ridden out again.

5. If you will be so good as to refer again to paragraph 3 of my letter to Government, you will find that as I stated in it that on the Chinnapareddi tank, the entire population of the Depôt, and of the villagers close to it in round numbers two or three thousand souls, as well as about five hundred Government horses depend for water, I merely added that on an emergency the bowries could supply water for a short time, and this they have done for many days to about two hundred horses per day, but when the letter was written it was not contemplated that rain would have held off so long. The precaution of husbanding the water was only asked for in the event of its doing so.

6. In like manner a further reference to paragraph 8 of my letter to Government will show you that I only said if absolutely necessary for the few days that might intervene before rain fell, I could provide elsewhere for my horses, but the rain has not fallen yet, and thirteen days have passed since my letter was written, meantime I have drawn to the utmost on my own bowries, and beyond what I have mentioned, they cannot supply.

7. I am happy to add that I have had no report of fresh cases of sickness within the Depôt from the officer in medical charge for some days past.

(True Copy.)

(Signed) H. S. THOMAS, *Sub-Collector.*

(True Copy.)

(Signed) D. ARBUTHNOT, *Collector.*

Ordered to be submitted for the consideration of Government, with reference to their Order dated 12th April 1864, No. 619, Revenue Department.

No. 104.

Miscellaneous.

ORDER THEREON, 6th July 1864, No. 1,169.

The Order of 12th April last was not intended to convey censure on Colonel Thompson, but only to indicate to him the course proper to be pursued under the circumstances stated by him.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.
„ the Military Department.
„ the Agent for Remounts.

Exd. S. T. Augustin.

Revenue Department

4

Memo

The accompanying papers are an appeal from Colo. Thompson against G. O. dated 12th April/64 No. 619, and Mr. Thomas' statement of his proceedings on the matter. As the merits of the case will be sufficiently apparent from a perusal of these papers I need only by note on what the G. O. was founded.

The points of the G. O. to which Colo. Thompson objects, are the following.

1. He was told that, as previously directed he should

should have addressed
the Collr. He answers that
he twice applied to the
"Revenue authority on the
spot" but this was the
Sub Collector. Had he ad-
dressed the Collector, the
matter might have
been arranged without
application to Government.

II. Government said the
matter was "unconnected
with his duties as Remount
Agent". Colr. Thompson
replies that in paras 3 and
8 he stated that the entire
population of the Depôt
and about 500 Govt. horses
depended on the Sambo Cut
in para 8 he distinctly
said that he did not

seek

but this Allen was at Salem
(m)

which was connected
with his duties - the
people residing about the
Remount Depôt must
necessarily have water -
they are the Remount keepers
rather belonging to the
Establishment - (m)

seek the water for the
sake of his horses, but
for the population of the
Depôt and adjoining vil-
lages with which last,
at all events, he has no con-
cern in his capacity of
Remount Agent. He adds
that as Govt. admitted the
case to be one of urgency
and sent orders at once to
the Sub Collector, therefore
it was connected with his
duties as Remount Agent

III. Govt. said that the
parties could appeal if
they thought themselves
aggrieved. Colr. Thompson
says that the fines imposed
in the cases noted were
under Rs. 50 and therefore
could not be appealed
from

from- duck in the law,
and if the law allows no
appeal to the parties, Govt.
can scarcely allow Col.
Thompson to appeal on
their behalf.

IV. As regards the sen-
sure implied in the last
para of the order, several
expressions in Col. Thompson's
letters showed that in his
opinion the magistrate
could not & should not
exercise his legal powers
against any persons
within the dépôt, or
without previous reference
to him. The order founded
on that was unreasonable,
and that it
was very undesirable.

that Govt
disapprove of the
Magistrate's
having issued
the order
complained of.

I cannot undertake to
say that Col. Thompson
ought to be informed that
the Govt disapprove
of his having issued
the order complained
of, but I think
that the Magistrate
should be informed
that the Govt
disapprove of the
order complained
of.

that the Resident
Agent should meddle
in Magisterial matters

Keep post — Thank Lt
Col & the Lt Col, with
pleasure will function-
-ary, that the pos-
tal arrangements
only & indirectly
concern proper
pursuit of new
Resident & Govt
duty, but, under-
-stood & agreed.

No 1169.

6th July 1869

The order of 12 April last has
not in terms of the Treaty
Chiefs on Col Thornton
but only to direct the
Chiefs the Cause for the
the Non Check under
the circumstances stated

Ejhein -

Approved

L. Adv

Copies sent to Agent Resident Chiefs &c
7 ——— Rye @ 6/ 2 0 0
1 ——— Approved Requisition 3 5
Agent for Commissariat 1

a a Bengal Regt

H.C.
P.C. 14th April 1864 Nos. 363-64
Rev. Cs. 12 April 1864 Nos. 209-10

Ret. of Cert. for July.

Ret. of Govt for July.

No 1169.

Ret. of the Madras Govt.
of 6th July, &c.

In
Conseq. of the Rescinding the
Council Order to be returned
by the Agent to the Governor
General & Order to
Connection with the Ch.

No 402 @ 404