M.R.O. 14—13,000—27-6-84

MADRAS RECORD OFFICE.

Government of Madras.

Lemeure DEPARTMENT.

G.O. No. 1258 Press Mis.

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Dated 19—7— 1864.

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Proceedings of the Madras Government, Revenue Department, 19th July 1864.

Read the following papers:—

No. 283. From J. W. B. DYKES, Esq., Collector of Nellore, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Nellore, 19th April 1864, No. 19.

SIR,

1. In their Proceedings of the 11th* the Board regret Mr. Dykes "has again allowed himself to adopt an unbecoming style in his present letter," referring, I think, to the correspondence noted marginally. And I therefore trust I shall be excused if I submit the same, so that Government may be able to consider and pass orders on my conduct in both respects.

* No. 2,168.

Collector's letter No. 569, dated 5th November 1863, recorded in Board's Proceedings No. 8,179, dated 30th December 1863.
Collector's letter No. 33, dated 16th February 1864, recorded in Board's Proceedings No. 1,361, dated 4th March 1864.
Collector's letter No. 64, dated 18th March 1864, recorded in Board's Proceedings No. 2,005, dated 5th April 1864.
(Copies enclosed, requested to be returned.)

2. On the 30th September last,† the Board stated that a report of mine had not been received, the receipt of which they had themselves acknowledged on the 25th. In their Proceedings‡ of the 24th November, the Board reported that no proposal had been made by me as to what the Inámdars should pay for Anicut irrigation, when in my letter of the 21st of the preceding month I had submitted my opinion on the this point. And, when the Board informed the Government in like manner in their Proceedings of the 12th January,§ that I had not submitted the annual Statement of Shrotriem balances, though that Statement had been then in their Office nearly two months, the immediate cause of the remarks now commented on by the Board, I wished to bring these facts clearly and distinctly to their notice with a view to such steps being taken, as regards their Office, as would secure me from similar mis-representations in future. If this object could have been gained in other ways, and the Government consider the language used "unbecoming," I have only to express my regret, and my perfect readiness to adopt a form of expression free from such objection.

† Board's Proceedings No. 6,168.

‡ No. 7,426.

§ No. 166.

3. The cause of the previous correspondence, to which I suppose the Board to refer, was my mis-understanding the Board's meaning,‖ when they used the term "personal endeavours," in respect to getting the village authorities to undertake the sale of stamps. I thought the term involved personal solicitation, influence, &c. The Board only meant¶ personal inquiry. And the Board charging me with failing to carry out their orders "honestly," I submitted for** consideration with reference to the general use of the word "endeavour," and its meaning as defined in the dictionaries I had with me, whether the mistake as to the Board's meaning could be wholly ascribed to myself, I beg the favour of the Government perusing the correspondence, and deciding whether I was in any way wanting in respect.

§ Proceedings No. 8,179, dated 30th December 1863.

¶ Proceedings No. 1,361, dated 4th March 1864.

** Collector's letter No. 64, dated 18th March 1864, recorded in Board's Proceedings of 5th April 1864, No. 2,005.

4. I also beg the favour of the Government passing orders on points involved in the correspondence now submitted other than those set forth in the preceding paragraphs.

5. I brought to the notice of the Board on the 19th February the mis-representation I had been subjected to in their Proceedings†† of the 12th January‡‡ I submit for the consideration of Government whether I was not entitled to have this mistake set right before the 11th April, nearly *two months* after date. The Government Orders on the Board's report were passed on the 23rd March. It was important to me that such explanation as I could afford of misconduct alleged should be before Government, before those Orders were passed. The explanation was not submitted till after the Orders of Government had been received, the Orders being acknowledged by the Board on the 9th, my explanation forwarded on the 11th.

†† No. 166.

‡‡ A reminder was sent on the 22nd ultimo.

6. In closing the correspondence on the mistake as to their meaning in using the term "personal endeavours," the Board rightly* define what my meaning was in requesting a re-consideration of their Orders as to honesty of purpose, and in the same sentence proceed to consider what it would have been, had I intended to insinuate falsehood, and thereon apply to myself, hypothetically, the term "gross impertinence."

* Proceedings No. 2,005, dated 5th April 1864.

7. On the receipt of this letter, in deference to the office I have the honor to hold, I felt it to be my duty to submit the correspondence for the orders of Government. On the other hand, it was to a certain extent a personal matter with which I had no wish to trouble those who have other and more important matters to attend to. And, in submitting† to the Board, whether another time, when in doubt it would not be fairer to the Officer addressed to ascertain what his meaning was before using such language, I left it to them to decide whether the correspondence should pass beyond the Board or not. The correspondence in question having been now submitted to Government on other grounds, I myself beg the favour of Government passing orders, whether it is to the interests of the public service, that such phrases as "gross impertinence" should be placed on the records, before it is ascertained whether they are applicable, and can only express my regret that such application on my part should be necessary.

† Collector's letter No. 90, dated 12th April 1864. (Copy enclosed.)

No. 284. Proceedings of the Board of Revenue, dated 23rd May 1864, No. 3,162.

Read the following letter from the Collector of Nellore, dated 10th May 1864, No. 124:—

1. I have the honor to acknowledge the receipt, yesterday, of the Board's Proceedings of the 29th ultimo, No. 2,634, and forward by to-day's post, copy of my letter to Government referred to in paragraph 5 of my letter to the Board of the 19th idem.

2. The grounds on which I took the liberty of addressing Government direct are set forth therein. It did not occur to me to send a copy to the Board; and it certainly was not my intention in addressing Government direct, to be guilty of insubordination.

3. The Board observe, I am in error in asserting, that they had brought to the notice of Government, my having again adopted an unbecoming style; and in fully admitting that the expression was inaccurate, I would respectfully beg the Board to consider, whether they would have interfered in my behalf, had the Government acted on information *before them*, if not in so many words brought to their notice.

4. I was under the impression that the Government would take notice and take severe notice of an officer, who had "again adopted an unbecoming style," and therefore lost no time in defending myself so far as I could.

5. And, if the Board deem it right to give me an opportunity of defending myself against the censure, now passed on me, of exhibiting "an insubordinate spirit, when any difference of opinion exists between myself and the Board," I beg that the Board, in doing me the favor of sending one copy of this letter for the consideration of Government, will be pleased to specify the instances referred to, and request Government to suspend passing orders on the correspondence now before them, till such time as I can submit, through the Board, such explanations as it may be in my power to offer.

Enclosure No. 1.

Abstract.—Requesting that the Government will be pleased to consider and pass orders on his conduct with reference to the Board's remarks in their Proceedings dated the 11th instant No. 2,163.

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1. Ordered that the letter above recorded be submitted to Government, with reference to paragraph 4 of the Board's Proceedings dated April 29th, 1864, No. 2,634, and in continuation of those Proceedings.

2. The Board, in their Proceedings dated 26th April 1864, No. 2,512, referred to one case in which Mr. Dykes's letters to them were disrespectful in style and tone. They will now refer to the correspondence which Mr. Dykes laid before Government with his letter dated the 19th idem, No. 19, as another example of the same style of writing.

3. The Board cannot admit that in the case referred to Mr. Dykes had any grounds whatever for his doubts, nor for assuming that the Board could intend him to solicit village officers to undertake as a "favor" the office of Stamp Vendor. The Board's remark was that he "should personally endeavour to effect arrangements for licensing, &c." The term "personally endeavour" is one of every day use. He was to endeavour in person to "effect arrangements." The words "personally endeavour" do not imply "asking as a favor," or solicitation of any kind. Moreover, if he had doubts as to the Board's meaning, there was an obvious impropriety in his attempting to prove, before he allowed the Board to reply, the futility of their orders; and much more was it improper for him, under any circumstances, to assume that the Board could intend to impose on him a kind of work which as a public officer he could not with propriety undertake. The Board passed a much milder censure on this part of the letter than so improper an insinuation really deserved, but in fact they have always endeavored to find for Mr. Dykes's unbecoming style of writing a more favorable construction than it justly admits of.

4. The same spirit is displayed in the flippant manner in which he describes his having at length discovered that he was able, when he took the matter in hand himself, to effect arrangements for licensing Stamp Vendors in the villages; and, again, in his attempt to prove that he was not fairly chargeable with treating the Board's suggestions in a *dishonest spirit*, because he gave a fair proportion of his time to his work and duties, a fact which, whether true or not, was obviously irrelevant to the point in issue. If, as the Board have already remarked to him,* Mr. Dykes does not intend to be disrespectful, his mode of writing is calculated to convey a wrong impression of his meaning, and is equally calculated, whatever the design may be, to bring the Board's authority into contempt.

* In Proceedings dated 27th April 1861, No. 2,476, on Mr. Dykes's letter, dated 12th idem, No. 90.

5. With regard to the 2nd paragraph of Mr. Dykes's letter to Government, the Board observe that his ground of complaint is much exaggerated. The term "misrepresentation," as applied to such a remark as that he had not submitted this or that report or statement, is quite out of place. If the Board made any mistake in such a matter he should have brought the fact to their notice in the temperate manner in which he represents the facts of the case in his letter to Government.

6. As to the first instance in which the Board "misrepresented" Mr. Dykes, the Board forwarded his letter explaining that the report which the Board thought had not been made, had been sent to them a few days before. On this occasion Mr. Dykes reasonably remarked that "probably the report had not been received when the Proceedings were written."

7. The Board had no means of knowing what was the second instance in which he had been "misrepresented"† till they saw his letter to the Government. They now find that they made the mistake he describes, except that they did not "*report*" that no proposal had been made. Their remark on this subject was an incidental one when dealing with a long correspondence relating to the proper mode of calculating the financial results of the Pennar Anicut. Mr. Dykes's report, dated 21st October 1863, No. 362, explaining how he proposed to charge Inám lands for Anicut irrigation was forwarded to Government in Board's Proceedings dated 14th January 1864, No. 232. In the meantime Mr. Dykes did not inform the Board that they had made the mistake to which he now refers, nor did the Board know till now that any such oversight had occurred.

† Vide paragraph 8 of his letter to Board, dated 19th February 1864, No. 44.

8. As to the question put by Mr. Dykes to Government at the beginning of paragraph 5 of his letter (a question referring to the third instance in which he was "misrepresented,") the Board observe that the mistake did not appear to them as of particular importance. When the main subject was taken up they admitted that a mistake had been made, expressing at the same time

their regret, and explaining how this mistake had occurred. Mr. Dykes greatly exaggerates the whole matter, in order, as it would appear that he may find an excuse for the disrespectful style in which he addressed the Board on the subject of these petty mistakes, calling on them in an authoritative manner to inform Government that "the annual Statement of Shrotriem balances referred to in paragraph 16, as not received, *was then in their office*" the last words being italicised,) and so on. Such minor matters are never *reported* to Government, though it may sometimes happen that the proceedings in which the Board's remarks on such matters occur are forwarded to Government in connection with the main subject to which the proceedings relate. Nor could the Board exercise their functions in an effective manner if the officers subordinate to them were permitted to make the Board's remarks on such occasions the subject of appeal to Government; or to describe those remarks as "misrepresentations," or "as a direct reflection on the discharge of my duties as a public officer," the expressions now used by Mr. Dykes. In fact, if the Board, as the controlling authority, have occasion to find fault in such matters, no public officer imagines that the Board's strictures reflect on his general conduct or efficiency, the meaning which Mr. Dykes endeavours to attach to the Board's remarks in the present instance.

9. With reference to paragraph 5 of the letter recorded at the head of the Proceedings, the Board do not think it necessary to examine their records for additional instances of the unbecoming spirit in which Mr. Dykes has addressed the Board, but they find one at hand in Mr. Dykes's letter dated the 24th March 1864, No. 72, a copy of which was forwarded to Government with Proceedings dated the 23rd ultimo, No. 2,457. In paragraph 9 of this letter Mr. Dykes reduces his argument to what he considers a proposition too absurd to be entertained, and then immediately (paragraph 10) insinuates that the Board hold this proposition as true, for they "talk," &c. The offensive character of such a remark is obvious, and the Board cannot suppose that Mr. Dykes was ignorant when he thus wrote that the remark was contemptuous and would be so felt by the Board.

10. The Board also think it necessary to remark that Mr. Dykes has not assigned any satisfactory reason for his not having made his appeal to Government through the Board. Mr. Dykes was aware of the rule, and he must have known that the Board would deem it right to remark on his appeal and complaints.

11. With regard to paragraph 7 of his letter, the Board regret that they did not at once lay before Government Mr. Dykes's letters in the case in question. They hoped that their pointed remarks would have led him to see the obvious propriety of his abandoning a style of writing which could lay him open to the charge, or to the suspicion of addressing them in an impertinent or personally offensive spirit; but Mr. Dykes is not, it would seem, open to this sort of appeal.

No. 285. Proceedings of the Board of Revenue, dated 9th June 1864, No. 3,531.

Read the following letter from the Collector of Nellore, dated 2nd June 1864, No. 164:—

1. I have the honor to acknowledge the receipt of the Board's Proceedings of the 23rd ultimo, No. 3,162, submitting to Government the Board's remarks on the letter I had addressed direct, and failed to furnish the Board with a copy of.

2. In the 2nd paragraph, the Board observe that they have referred in their Proceedings of the 26th April 1864, No. 2,512, to one case in which my letters to them were disrespectful in style and tone; and at first I supposed that a wrong date and number had been given, and the Board referred to their letter of the 29th idem, No. 2,634. In No. 2,634, however, it is my "insubordinate spirit" that is refered to; and I can therefore only suppose that the preceding communication to Government has not been communicated to me, as no copy has been received in this Office.

3. In the next paragraph, the Board bring to notice that there was an obvious impropriety in my attempting to prove, before I allowed the Board to reply, the futility of their orders, and that it was still more improper to assume that the Board could intend to impose on me work, I could not, as Public Officer, with propriety undertake. In these remarks, the Board refer to my

misunderstanding what they meant by the use of the phrase "personally endeavour;" and on this point I have only further* respectfully to deny that I attempted to prove or had any intention of proving the futility of their orders, and request the Government to decide whether, being in doubt as to what was meant, my doubts were expressed in an objectionable manner. As the Board observe the term is in every day use; and fully admitting the daily use of the term, I would add that, during the five years I have been in this District, I have, I hope, given my personal endeavours to every important measure it has been my good fortune to have a share in. By personal endeavours, I understand all the influence I can bring to bear on a measure personal or official; all the efforts I can make of any kind to further the cause in hand, and whether for the repression of crime, the maintenance of order, or the development of the resources of the country, &c., for each and all of these objects I considered my personal endeavours called for; and, holding these views when it came to the *sale of Stamps*, I doubted how the term was applicable. For such an object I thought that a rise in the commission allowed to the Vendors, and a modification of rules to attract ordinary traders, &c., was the proper course to pursue, and therefore I submitted my doubts for the orders of the Board, intending no disrespect, but to submit for the orders of the Board, whether it was consistent for the Collector of a District to use his personal endeavors for such an end.

* As to grounds of misunderstanding—vide letter to Board of 18th March 1864, No. 64 (paragraph 3), and Government of 19th April 1864, No. 19 (paragraph 3).

4. At the conclusion of paragraph 3, the Board observe that they have always endeavoured to find, for my unbecoming style of writing, a more favorable construction than it justly admitted of. I trust the Board will not think me ungrateful, if I state that I would prefer being found fault with to being characterized in Proceedings coming before Government as having *again* adopted an unbecoming style; but such I beg to state is the case; and I beg that the Government will be pleased to consider, where my style may appear unbecoming, that through the Board's forbearance in this respect, I have thus been deprived of a warning I trust I should otherwise have profited by.

5. On reading over the letter to the Board in which I reported that the personal inquiry had been successful, I find the style I wrote it in was objectionable; and if the Board had pointed out to me the objectionable style of the letter in question, I would, I hope, have at once seen it, and expressed my regret. As it was, the Board charged me hypothetically with "gross impertinence" without referring to the style of the letter; and, instead of considering the style or tone of the letter I had written myself, I proceeded to reply to a charge I did not feel myself liable to, and adduce proof, the Board consider irrelevant, but the only proof I could produce. I referred to the mode I did my work as the best proof I could give that I endeavoured to carry, out their suggestions honestly.

6. In the 5th, 6th, 7th, and 8th paragraphs, the Board dwell on the undue importance I have attached to their failure to report to Government that a certain statement was in their office when they had stated it was not, and then accuse me of having "greatly exaggerated the whole "matter, in order, as it would appear, that I may find an excuse for the disrespectful style in "which I had addressed the Board on the subject of these petty mistakes."

7. When I came to this District the arrears on the Shrotriems were Rupees 26,880, the result mostly of unsettled claims for compensation. A Statement of defaulting Shrotriemdars had been ordered in 1839 to be submitted annually to the Board; and like the arrears, the Statement that would have checked these abuses had similarly been allowed to stand over, and, without in any way presuming to dissent from the Board's decision that the delay on my part in settling these claims "admits of no just excuse,"* I beg now respectfully to submit to consideration, whether the Statement called for in 1839, and submitted for the first time by myself in 1862, is such as can properly come under the denomination of "this or that report" or be considered in the light of an ordinary return.

* Board's Proceedings 12th January 1864, No. 166, paragraph 6.

Paragraph 5 of the Proceedings under acknowledgment.

8. When the Board stated that this return had not been submitted, I requested that "the "Board would be so good as to inform Govern- "ment that the annual Statement of Shrotriem "balances referred to, as not received, *was then in their office*." I beg the Govrnment to decide whether this was calling on the Board in an "authoritative manner."

Paragraph 8 of the Proceedings under acknowledgment.

9. The Board in paragraph 8 observe that they cannot exercise their functions in an effective manner if the officers subordinate to them are permitted to make the Board's remarks on such occasions the subject of appeal to Government; and that the mistake I am accused of "greatly exaggerating" did not appear to them as of particular importance. When the first mistake was made, and I requested it might be rectified, the Board forwarded my letter, and I would submit their authority in no way suffered from thus putting me right with Government. As regards the second mistake, I did not think it worth while troubling the Board with it. I trusted there would be no more of what the Board style "petty mistakes;" and when I did, on a third occasion, ask again to be set right, should the mode in which I put the request have appeared objectionable, I submit for consideration, whether I was not entitled to have this pointed out to me, and myself allowed the opportunity of so wording the request as to enable the Board to pass on my explanation without detriment to their authority. Generally speaking, I should not consider that this or that account not having been submitted "reflected on the discharge of my duties as a public officer," or on my general conduct or efficiency; but in the case in question, the Statement was intimately connected with discreditable arrears, and my conduct having been gravely censured in respect to the arrears, I looked on the Board's observation that the Statement which should have been submitted, had not been, as part of the previous censure, and not by any means "a petty mistake" as regards its bearings on myself.

10. I beg the Government will also decide whether the Board is justified in stating that I have "greatly exaggerated the whole matter, in order as it would appear," &c., which is tantamount, it seems to me, to saying that I have wilfully perverted the bearings of a question, in order to produce an effect that I held to be of more importance than adhering to the truth. The grounds on which I acted I have explained in the preceding paragraph; and the object I am considered to have had in view is to excuse a "disrespectful style" in a letter, which, so far as I can see, cannot be charged with this fault, and certainly was not so regarded by me when I wrote to Government.

11. In paragraph 9, the Board refer to my letter of the 24th March, on the subject of fallows, and express their opinion that I must have been aware what I wrote in that letter was "contemptuous," and would be so felt by the Board.

12. In the discussion which has taken place on the subject of fallows, the Board in one of their Proceedings (5th March, No. 1,373), observed that certain results would follow if people could be "*compelled*" to follow any given rotation system,* and it would be unfair to the Ryot if he were told he may do with his land what he pleases, but must pay the land tax when he pleases to leave it fallow. I had to reply to these remarks and the Proceedings generally; and in their Proceedings of the 23rd April, No. 2,457, the Board characterized my reply as "loose." They now style the 9th paragraph as "contemptuous." I beg the Government to consider whether my reply was liable to the latter censure.

* Paragraph 14.

13. I fully admit, in replying to an alternative of compulsory rotation, or a remark that fallows were a matter of personal pleasure, my reply was loose. I do not know how it could be otherwise. I could not take the Board seriously to entertain such ideas; but the propositions having been brought forward had to be noticed; and in refuting the possibility of such doctrines holding good, I had no intention of "insinuating" that the Board actually held them, or being contemptuous. I simply wished in the argument to negative either proposition. The subject is one of great importance. I could not leave the propositions unanswered.

14. In paragraph 10, the Board repeat their opinion that no satisfactory reason has been assigned by me for not having made my appeal to Government through the Board. In my letter of the 10th May, I have given as my reason that the Government, I thought, would take severe notice of an officer, who was shown, in Proceedings before them, to have "again adopted an unbecoming style;" although this had not been directly brought to their notice; and I asked the Board respectfully to consider whether they would have interfered in my behalf had the Government taken such notice. I now beg respectfully to repeat this question; and if the Board consider that they would not have interfered, I beg the Government to consider whether I had not good cause to lose as little time as possible, by writing direct, in getting my letter placed before them, and whether such a course is not compatible with due respect to the Board.

15. In conclusion, the Board refer to their "pointed remarks" in the correspondence on the use of the term personally endeavour, and then state that they had hoped, I would "thus be led "to see the obvious propriety of abandoning a style of writing that could lay me open to the "charge of addressing them in an impertinent or personally offensive spirit."

16. In their Proceedings of the 4th March, when I had hesitated to use my personal endeavours to get village officers and petty traders to undertake the sale of Stamps, I was charged with assuming what was "simply gratuitous," and with want of honesty in carrying out the Board's suggestions; and I replied to these points. As I have already stated in replying to the Board's Proceedings of the 5th April, I was similarly led away from the point, which it now appears the Board wished to lead me to. When the Board referred to the rank in life of those under their orders, and charged me hypothetically with "gross impertinence," it did not occur to me to consider the style of my own letter. My attention was given to the charge brought against me; and, whilst it thus happens that in these instances I was not led by "their pointed remarks" in the direction the Board anticipated, I beg to submit, for the consideration of Government, whether it is to be considered a fault in me that I am not "open to this sort of appeal;" and charged in the preceding correspondence with assuming what was "simply gratuitous," with want of "honesty" in carrying out the Board's suggestions, with "caviling" at their orders, and hypothetically, with "gross impertinence," and in the Proceedings under acknowledgment with "insinuating,"* with wilful exaggeration,† and being personally offensive,‡ I beg through the Board respectfully to submit for the orders of Government and in continuation of my letter B of the 19th March, whether the Board were justified in the charges thus made, and whether the terms used were justified by the occasion, or are to the interests of the public service.

* Paragraphs 2 and 9.
† " 8.
‡ Lay myself open to this charge of being. Paragraph 11.

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1. Ordered that the letter above recorded be submitted to Government, in continuation of the correspondence now before them. The Board see nothing in the present letter to call for lengthened remark from them. They readily accept Mr. Dykes's assurance that he was not intentionally disrespectful in his manner of addressing the Board, and they trust that as he has recognized the impropriety of his style in one instance, he will avoid adopting a similar style in future.

2. The papers before Government will enable them to judge how far the Board were justified in condemning Mr. Dykes's tone of correspondence.

No. 286. ORDER THEREON, 19th July 1864, No. 1,258.

Miscellaneous.

1. His Excellency the Governor in Council has perused the foregoing correspondence with extreme regret.

2. He deems it altogether undesirable to review the papers seriatim. Already too much time has been wasted upon what would, for the most part, have been much better left unwritten. It would have been better had the Collector of Nellore refrained from criticizing the Board's remarks, however uncalled for he might think them, while, on the other hand, the Revenue Board

m have expressed their disapprobation, where necessary, without, in so doing, departing from th dignified position.

3. That Mr. Dykes has given cause for the Board's animadversions, the Government are constrained to admit. While fully allowing his intelligence and activity—his interest in his District and anxiety for its improvement—they cannot but remark that he has failed to exhibit the subordination which he owes to the Board. On the contrary he has shown captiousness and proneness to cavil at the instructions given to him, notwithstanding that in fact he may have carried out heartily the duties entrusted to him.

4. Discipline must be maintained and the Board's authority upheld at all times. But while this is clear, it is equally so that the deliberate orders of that body should be conveyed in such a manner as to command the *respect* of those over whom they are placed. The Government observe with regret that in the papers which have been laid before them in connection with this reference, there is more than one instance where this wholesome rule has not been borne in mind.

5. In conclusion the Government trust that there will be no necessity to recur to this subject.

(True Extract.)

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

To the Board of Revenue.
„ the Collector of Nellore.

Exd. S. T. Augustin.

Memo on No 1072. Letter fr Coll[r] of Nellore

1. W. Dykes wrote to the Board on the 5th Feb[y] last vide A. reporting certain Misdemeanors on the part of the Cloth Complainers Vide B[d] having 3 times in succession Proceeded Prohibitorily against him & Govt as not having sent them certain reports, which he had sent them. The B[d] admitted the Prohibitory Statement in one case said they did not agree with the other cases but said no more to Dykes Prohibitory and did not that they expected that he has taken allowed himself a second time to misrepresent his proceedings in his former letter,

Qu. If Dykes Conduct in these matters has been correctable by Censure of Govt to the B[d] & the Coll[r] in several Respects, there is no doubt, upon Govt Orders in the subject of illegal Sale of Stamps in the Nellore District dating from the 6th Jan[y] & 26th Sept. 64. the Govt upon the High Court Board of the Board's Correspondence which the Board in sending them explanation of the matter Stated that they considered Dykes reprehensible conduct deserved Mr. Dykes on the Correspondence in Govt the 20th June 65 Govt directed them to the case of Stamps Charges to the Extent of Rupees three thousand & Rupees Dykes Conduct was Stated that Dykes had habitually adopted a tone of insubordination and Sarcasm Vide Correspondence with the B[d] of Rev[e]

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No. 343.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 18th January 1864.

Read the following letter from the Collector of Nellore, dated 11th January 1864, No. 9 :—

1. I have the honor to acknowledge the receipt of the Board's Proceedings of the 30th, No. 8,178, acquitting Shama Row, and "specially condemning" me.

2. In paragraph 7, the Board observe, it is not to be expected people will go long distances for Stamps. In this instance, the distance was *seven* miles. I have the honor to request I may be informed of the maximum radius in the opinion of the Board for a Stamp Vendor's circle.

3. It is not however for the long distance of the Stamp Vendor's range that I am *specially condemned*. It is for disposing of a case as Magistrate, in which I, as Collector, was prosecutor; and on this point, I have the honor to request the Board's Orders as to who I am to prosecute before in future.

4. As Magistrate I prosecute before myself daily; and, as Collector, I, a few days ago, prosecuted under Regulation IX of 1822 in a case in which I, as Collector, fined a village between 2,000 and 3,000 Rupees. In fact Judge and Prosecutor may be considered the normal state of affairs in this country; and unless Stamps are made an exception, it will, I fear, be difficult to preserve consistency under the Orders under acknowledgment.

5. With reference to paragraph 10, I will for the present withdraw my warrant against Pullaya Chetty, who is, I believe, about to be tried by the High Court for trying to bribe a Clerk to admit, what the Board have no doubt of.

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1. Mr. Dykes is informed that prosecutions for breach of the Stamp laws should be conducted at his instance, and in his name, before any one of his Magisterial subordinates.

2. The Board see no occasion to prescribe a maximum range for a Stamp Vendor's circle. They consider that there should, if possible, be a Vendor in every village of importance, and of course in every petty town.

3. Mr. Dykes will of course be guided by his own judgment as regards Pullaya Chetty's case.

4. The circumstance of this man's offering a bribe to a Government official in order to obtain evidence of an asserted fact, does not, in the Board's opinion, afford any reason whatever for modifying their view of the case.

5. Mr. Dykes must be singular in his opinion, if in this country he deems such a circumstance any proof that the assertion is false. Bribes are probably more often given to public officials to induce them to do what they ought, rather than what they ought not, but it is perfectly consistent with the Board's view of the case that no entry in the Register may be forthcoming, and yet that Pullaya Chetty may be innocent of any fraud upon Government.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To J. W. B. Dykes, Esq., Collector of Nellore.

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2. Chapter II of the Code of Criminal Procedure treats of the question of jurisdictio. lays down (Section 26) that the offence shall be ordinarily tried in the jurisdiction where it committed. Section 36 further lays down that the Magistrate of the District is competent to withdraw any criminal case from a Subordinate Court and try it himself, or refer it to another Subordinate Court. But I no where find, that the Prosecutor has power to elect in which Court he will have his case tried; and if the Board of Revenue would wish Collectors invested with such powers, in respect to Stamp prosecutions, I would suggest application be made to the High Court under Sections 35 and 443.

intention of being singular in my opinion on this subject, or in any way
prevalence of bribery in this country. With the Sydapura case
I did, it would have been singular if I had had any such intention.
find it hard to understand how a man can be bribed to do what he
what is false, or how Pullaya Chetti has established his innocence.
is he is guilty.

Board's order thereon.

1. The Board are doubtful whether they rightly understand what it is on which Mr. Dykes requests orders. They can scarcely suppose that the expression "any one of his Magisterial subordinates" has misled Mr. Dykes into supposing that the Board intended to lay down that he should transfer cases without cause or authority from the jurisdiction of one Magistrate to another. The Board of course intended Mr. Dykes to understand that he, as Collector of Stamp Revenue, should prosecute in cases of breach of the Stamp Law before any one of his Magisterial subordinates within whose jurisdiction such cases may occur.

2. The Board can only regret that their opinion of Pullaya Chetti's case differs from that of Mr. Dykes.

In reply to the aforegoing the Coll' wrote.

No. 1,509A.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 10th March 1864.

Read the following letter from the Collector of Nellore, dated 20th February last, No. 32 [illegible]

1. I have the honor to acknowledge the receipt of the Board's Proceedings [illegible] No. 804, and request they will be pleased to re-consider their several orders on the matter referred to.

2. In their Proceedings under acknowledgment, "the Board are doubtful whether they rightly understand what it is on which I request orders" in my letter of the 6th ultimo, and then, informing me that they have no intention of laying down laws for my guidance as a Magistrate, they proceed to inform me what it is they intended I should do as Collector.

3. I think the whole correspondence noted* has arisen from a confusion of my acts in these two very different capacities. When I submitted for the consideration of the Board the misconduct of Shama Row, the Deputy Magistrate in charge of the Zemindary taluks, there were two aspects to the case, one as dealt with which the Board had every thing to do, the other its Magisterial, of which they had only partial cognizance; and had this distinction been attended to, in all probability, I should not have had to trouble the Board again and for the fourth time on this subject.

4. On information received, I called up a stamp case pending before Shama Row, Deputy Magistrate in charge of the Zemindary tracts; I fined the accused Rupees 100, and considering that Shama Row was as well able as I was, to see the guilt of the accused, and had deliberately closed his eyes to it, I reported him to the Board.

Paragraph 9, No. 817.

5. In their Proceedings on this report, the Board inform me that they do not take the same view of the case as I took. "They do not condemn the seller of the Stamp or the Deputy "Magistrate who absolved him from blame, and they do not approve of the Collector's proceedings "in the matter," all points coming fully within their cognizance. But the Board do not stop there. They go on "specially to condemn the course I adopted in trying and disposing of a case as a Magistrate" in which I myself as Collector was prosecutor; and herein the Board seem to me to have forgot the *two* aspects, and the distinction involved.

6. How the Board could either acquit or "condemn" *the seller of the Stamps*, I do not know. There had been no trial before them. They were not competent to institute such. But the Deputy Magistrate's conduct having been brought before them for censure or such notice as might be deemed necessary they are competent either to acquit or condemn him; and having acquitted him, had they refrained from criticizing me, there would have been no necessity for further correspondence.

7. It is true there are circumstances in the case in question, that might, I think, have been taken as somewhat in favor of my not being so altogether in the wrong as the Board conclude. There were some very awkward gaps in the Deputy Magistrate's inquiries. There was a curious coincidence to be observed in his taking up a case at seven, or half-past seven in the morning, not to begin a long and troublesome inquiry, but to close an inquiry that had been begun in hot haste, and had been subsequently languishing its slow length along in most unseemly delay, till [illegible] last particular morning which followed the despatch of an express from me the night before. It [illegible] would not precede the receipt of the express

* 1. Collector's letter to Board, No. 408, dated 27th November 1863.
2. Board's Proceedings thereon, No. 8,178, dated 30th December 1863.
3. Collector's letter to Board, No. 9, dated 11th January 1864.
4. Board's Proceedings thereon, No. 343, dated 18th January 1864.
5. Collector's letter to Board, No. 18, dated 27th January 1864.
6. Board's Proceedings thereon, No. 804, dated 5th February 1864.

Bd Rec. Bd 2nd 1509A. 10 March 64

Bd Cor Coll. 64

The Collector appealed [illegible] on the
question of his powers as Deputy Collector &
the Govt passed the following orders.—

para 3. The Bd read Govt to instruct the Collector
prosecution, but to the trial itself
conviction and punishment of the persons they
do not interfere.

4 Opinion the Bd generally as regards Coll' leaving
trial of offenders prosecutable by him & his subordinates
but thinks the Bd go too far in saying that Sec 52
precludes the Coll' acting as Magistrate in such
cases.

5. The Board seem to Govt to have exceeded their
powers in expressing an opinion on the Collr
conduct of the Collr of Stamps.

The Govt request the Bd to send back the
Bd's Proceedings.

Reply of Collector in Allow Dismissal.

para 7. The Coll' wrote to the Bd 2nd Feb 64 proposing to take
away the license of Deputy Venkatarow, and to
[illegible] Purchasers with the power to [illegible]
place ranging from 10 to 20 miles in distance.

Board's order thereon.

1. The Board do not approve of the proposed
arrangement.

2. Coll' Govt [illegible] to discourage [illegible]
Circars generally for licensing village officers
& Coast Toddy dealers.

para 16 & 17 In answer to this order the Coll'
writes (Circular)

[illegible] right was given to the Court should have been written the day before by the Deputy Magistrate but not pronounced. And, finally, supposing the Deputy Magistrate had written his decision and kept it to sleep over it, though I have only a rough knowledge of Telugu, still, using it familiarly every day of my life, the Board I think might have given me credit for knowing something of the language I have to use so often, and if they discredited my powers of discrimination, still might have given some weight to the involuntary and unmistakeable evidence of the man I had fined a 100 Rupees, who, a Chetti, evidently thought I was so near the mark in the interpretation the Board and Shama Row took a different view of, that he did not think it worth his while to appeal.

8. But be all this as it may, the Board came to the opposite conclusion, and condemned my conduct as Magistrate in the strongest terms they could well use and on as grave grounds of objection as could well be raised; whilst in the very next paragraph they of their own accord state that they have no right *even* to question my acts in my Magisterial capacity.

11th January 1864, No. 9.

9. In reply to these Proceedings, I simply asked the Board's orders as to who I was to prosecute before in future, and brought to the Board's notice that "Prosecutor and Judge" might be considered the normal state of things in this country.

10. The Board thereon ruled, that prosecutions for a breach of the stamp laws should be conducted before any one of my Magisterial subordinates.

Board's Proceedings, No. 343, 18th January 1864.

11. And on my pointing out to the Board that, as prosecutor, I could not elect where I would have my case tried, the Board find themselves in the difficulty described in the Proceedings under acknowledgment, and referring still to my subordinates, do not see that the case on which this discussion arose was not a question of subordinates, of "transferring cases from one Magistrate to another" *but to a subordinate from myself*. The case had been called up by me, in my capacity of Magistrate of the District, and could only be transferred from my Court at my instance as *prosecutor*, in the event of prosecutors in stamp cases being invested with special powers, as pointed out in the 2nd paragraph of my letter of the 27th ultimo, No. 18.

12. I have, I trust now made clear what the Board were in doubt about, and in other words, that if the Board had been "legally empowered" to censure me, the censure was unfounded, because, as Magistrate, having called up the case, it was thereby in my Court, and as prosecutor I had no power to move it.

13. But, as the Board themselves admit "legally" they had no right to question my acts as Magistrate at all; and I have therefore the honor to request that the Board will be pleased to withdraw the censure passed, or submit the whole correspondence for the orders of Government, to whom I have applied for orders as regards Pullaya, now that the Sessions Court has passed without comment the conviction of his accomplice in the sale.

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1. Mr. Dykes appears to the Board to have misapprehended altogether his position, and the grounds on which the Board proceeded in the case in question.

2. From the documents submitted to them the Board were and still are of opinion that the individual who was assumed by Mr. Dykes to be liable to punishment for selling stamps without a license, had *bona fide* obtained the Stamps in an authorized manner "*for use and not for sale*," and therefore was not liable under Section 48 of the Stamp Act No. X of 1862.

3. They also consider that under Section 35 of the Stamp Act, they are competent to decide whether any prosecution under the Stamp Act shall be proceeded with by Collectors or not, although Section 52 of the Act requires that the prosecution shall be at the suit of the Collector of Stamp Revenue only, unless in the case of a specially authorized officer other than the Collector.

4. They also pointed out to the Collector that he being appointed by the law to prosecute in such cases is clearly not competent to adjudicate in such cases as Magistrate, and they objected to his having done this, as again they consider they were perfectly competent to do. Mr. Dykes assumes that he having as Magistrate called for the case from the Deputy Magistrate, the Board were powerless to interfere; an interpretation of the law which would at once render nugatory the provisions of Section 35.

5. Mr. Dykes's attention is called to Government Order dated 6th November 1863, No. 1,995, in Board's Circular Order (Standing) dated 10th idem.

6. He appears to the Board to proceed on an utterly wrong assumption when he argues that in many cases he as Magistrate is both prosecutor and judge. The Board believe that in all such cases the legal fiction is that the Queen prosecutes, although the Judge or the Magistrate may direct that the suit be prosecuted; but they have no doubt that the provision in the Stamp Act (Section 52) is peculiar and exceptional, and precludes the Collector from adjudicating as Magistrate in such cases of statutory revenue offences.

7. In the particular case under reference, the Board consider that the conduct of the party charged was altogether inconsistent with the assumption of a fraudulent intent, and their opinion is not affected by the fact that he did not appeal from Mr. Dykes's decision. It is quite compatible with the Board's view that although the man had no fraudulent intent, he may have supposed that he had unwittingly infringed the law and rendered himself liable to fine, although, in the Board's opinion, he was not so liable, and the charge should not have been prosecuted.

8. The Board see no necessity to refer the whole correspondence for the orders of Government, but as Mr. Dykes appears to have addressed Government direct in the matter, copy of these Proceedings will be submitted for their information, and they will doubtless call for the further papers, if they require them.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To J. W. B. Dykes, Esq., Collector of Nellore.

Copy to J. D. Sim, Esq., Secretary to Government, R. D.

Exd. J. Wright.

No. 1,361.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 4th March 1864.

Read the following letter from the Collector of Nellore, dated Venkatagiri, 10th February 1864, No. 85:—

1. In their Proceedings of the 30th December, No. 3,179, the Board direct me to personally to endeavour to effect arrangements for licensing village officers as "petty dealers" for the sale of Stamps; I have the honor to request I may be informed what is the point my personal *endeavours* are to be directed at.

2. If the Board think the Taluk authorities, through whom such arrangements are usually made, have any object in not doing their duty in this respect, I have the honor to state I am not aware of it; and it certainly cannot be because they want the license themselves, for they wont take it.

3. And if on the other hand, the Board wish me as Collector to solicit village officers or petty dealers to undertake as a favor what they otherwise would have nothing to do with, I have to request the Board will be so good as to consider whether such a course is consistent with the duties of the office I have the honor to hold.

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1. Mr. Dykes's assumption that the Board request him to do what is inconsistent with the duty of a Collector is simply gratuitous.

2. It is his duty to exert himself to remove all obstacles to the full observance by the public of the requirements of the law, and one of these obstacles is the difficulty of obtaining the services of the requisite number of Vendors of Stamps. Personal inquiry may very probably explain to him what objections village officers and petty dealers have to holding licenses (if indeed they entertain such objections) and enable him to remove them. The Board have no fear of Mr. Dykes overstepping the bounds prescribed by his duty, but Mr. Dykes is not doing his duty when, instead of exerting himself honestly to carry out the Board's suggestions for the public convenience, he cavils at them as in the present letter.

No. 2,005.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 7th April 1864.

Read the following letter from the Collector of Nellore, dated Krishnapatnam, 18th March 1864, No. 64:—

1. I have the honor to acknowledge the receipt of the Board's Proceedings of the 4th, No. 1,361, and have much pleasure in reporting that the village authorities of the Nellore Taluk last week informed me, one and all, then present, they had no objections to selling Stamps, quite the contrary, would be glad to undertake the duty, &c.

2. I am at present engaged with the Gudur Taluk. I will hold a personal inquiry here in like manner, and must express my regret at my previous credulity. When the Tahsildars informed me no one was ambitious of the honor of selling Stamps I believed them. It was not on their simple word. I had had to suspend several Gumastahs ordered to sell, because they would not give the requisite security; and this led me into my unfortunate facility of credence.

No. 2,476.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 25th April 1864.

Read the following letter from the Collector of Nellore, dated Venkatagiri, 12th April 1864, No. 90:—

1. I have the honor to acknowledge the receipt yesterday at Attivaram of the Board's Proceedings of the 5th, No. 2,005, and state that I do not propose to vouch for more than my letter of the 18th ultimo sets forth, viz., that the village authorities of the Nellore Taluk, on personal inquiry held, expressed their readiness to sell Stamps, and I had the pleasure to report the same for the information of the Board.

2. In the 2nd paragraph of their Proceedings, the Board express themselves in doubt as to my meaning at the conclusion of the letter then before them. They proceed to consider what would be the epithet applicable were they to assume, that I intended "to insinuate that the Board did not originally mean what they subsequently stated was their meaning." And they view the question with reference to the rank in life of the officers under their orders. I suggest for the Board's consideration whether it would not be fairer to the officer addressed, were they another time, when in doubt, to ascertain what his meaning was, before introducing into official correspondence the phrase of "gross impertinence;" and should the Board demur to this view of the case, it would I think be to the interests of the public service, were the question referred for the orders of Government.

2. On paragraph 2 of his letter they can only express their regret that Mr. Dykes should so habitually adopt in his correspondence with the Board a style and tone which if not intended to be disrespectful, is calculated to convey a very wrong impression of Mr. Dykes's meaning.

Board's Order thereon

Para 2 Mr. Dykes' two of the 3 letters noted in the
General Secretary, for the papers above recorded in
reference to the special case re

3. Mr. Dykes' reply to the 3rd Para. have been fully met
in the letter from his previous letter and no observation
to the B^d that he had to make was read. The Board
the Govt had in fact already given the orders required
to, he was requested after some months time more
to make a definite proposal for the treatment of
the Ryot's claim for a refund.

4. The 3rd letter recorded above is the only one
question. Mr. Dykes unhesitatingly proposes that
the Ryot's claim be rejected. On reference to the
reference to the orders of Govt & Board he had none
referred to he considers the attention of these orders
to be doubtful re ——

5. The B^d have heard from the Dpn Standing
Jamabundy of Mr. Dykes' letter that the General
Report on the Shotriems is not likely to be received
14.
Encye delayed ——

Para. Mad. Govt. } The paper in margin only noted contains a letter from
R.D. March 23 } the Coll^r on the same subject as the Orders
1864 } of the B^d and Govt thereon.
Para. 16. } Coll^r letter of Sept 17. 63. No 308.

16. In their Proceedings of the 23rd August on the claims put forward by the Shrotriemdar of Gundalapalem,* the Board in conclusion refer to the general question of Shrotriems; and the Government having in 1859 expressed their confidence that I would take care that the lax and dilatory proceedings hitherto customary in regard to Shrotriems should no longer continue, the Board observe that the delay of four years which has again been permitted to take place is "discreditable."

* No. 5,302.

17. In their Proceedings of the 13th July, in respect to this same Shrotriem, the Board censured me for bringing general questions before the Board when reporting on individual cases. In my reply therefore to the subsequent Proceedings, in respect to the individual case in question, it would have been irregular for me to have alluded to the Board's comments on a general question; and I now do myself that honor by at once admitting that under ordinary circumstances the delay that has occurred would have been discreditable; but as the case actually stands there are reasons for coming to a different conclusion.

18. In the first place the greater part of these Shrotriems are insolvent. In the south the Brahmin communities are thriving. Here the Shrotriems are generally mortgaged to the Ryots; and the Brahminical element is exhibited in intriguing representatives whose efforts to postpone the total loss of hereditary property are natural enough, and as might be expected by no means easy to be met successfully.

19. In a note to the Board's Circular Order of the 28th October 1839 it is prescribed that a list of defaulting Shrotriemdars should be annually submitted to the Board; and had this been insisted upon doubtless matters would not have gone so far wrong. But it is only recently I have been aware that such a return was necessary; and when I joined the District the arrears were Rupees 20,880.

20. When the Board however remark that there has been a discreditable delay since then on my part of nearly four years, the Board apparently overlook the report made by me on the 21st June 1860 and the sanction accorded to my proceedings by themselves under date the 9th October 1861; and the Board further have not apparently observed the progress that has been made in clearing off the arrears in the annual Jamabandy Reports. When the Government did me the honor to express their confidence in my doing my duty there were 70 Shrotriems in arrears, and the arrears amounted to Rupees 25,392. In 1860-61 arrears to the amount of Rupees 6,550 had been investigated and recommended for remission. In 1861-62 Rupees 1,052 were similarly disposed of. Whilst Rupees 10,472 had been collected in the two years. And in sending in this present report I am not reporting after a delay of four years, as observed by the Board, but in reality closing a troublesome inquiry by disposing of the remaining balance of Rupees 7,318; and under these circumstances I am of opinion the epithet used by the Board is not applicable.

Order of the Board thereon:

~~peperuserrecorded under three Orders, restored~~. The Government also expressed their reliance on Mr. Dykes to take care that no place was allowed, thenceforward, for the lax and dilatory proceedings in relation to the Shrotriems which had hitherto been customary.

4. This Order was passed at the close of 1859, and in June 1860 Mr. Dykes submitted an incomplete report on the subject. This report was considered in the Board's Proceedings under date 9th October 1861, No. 5,491, and was recorded by Government on the 13th December of the same year. Mr. Dykes also alluded to the matter of these Shrotriem balances in his Settlement reports for the Fuslies 1269, 1270 and 1271, obtaining sanction for writing off the accounts such arrears of quit-rent as were remitted under the Order of Government above noticed, or as had accrued on Shrotriems which under the same Order, had been incorporated with the Government lands.

5. The letter recorded at the head of these Proceedings, written nearly four years after the Order of Government to which it is a reply, is the first complete report which has been received from Mr. Dykes upon the subject of the Shrotriem balances of his District, and the only communication in which he has made definite proposals for the reduction of the quit-rent in certain cases as required by Government. Mr. Dykes, in the closing paragraphs of this letter, takes exception to some remarks which the Board felt called upon to make in some late Proceedings,* when commenting on the very extraordinary delay which had taken place in the submission of this report, and pleads in excuse for the delay, the insolvency and intrigue of the Shrotriemdars, and his own ignorance of a note to a Standing Circular Order of the Board printed at page 277 of the first volume of their published Circulars, in which note they directed that an annual list of defaulting Shrotriemdars should be submitted to the Board. He also adverts to the success of his efforts to reduce the arrears, as brought to notice in the letter and in the Settlement reports alluded to in the preceding paragraph; and in his present letter he refers to the same point, as showing that he is by no means in fault.

* Dated 13th July 1863, No. 4,277.

6. The Board are quite prepared to give Mr. Dykes all the credit to which he apparently considers himself to be entitled for his successful efforts in reducing the balances standing against the Shrotriemdars of Nellore, but they are unable to admit that he has at all justified his delay in submitting for consideration the cases of those Shrotriemdars, who, as now shown by him, are entitled to a remission of quit-rent; the more so, as the circumstances under which their claims arose occurred in every case some years ago, and in one case no less than ten years back.* The Board cannot but consider that the delay which has taken place in bringing forward the claims of these persons to compensation for lands, which were years ago taken possession of by Government for public purposes, admits of no just excuse.

* Veligantipalliem.

Do. do 4th June " " 3,282 ~~since already supplied to him~~. With these directions before him the Board believe that Mr. Dykes will have no difficulty in arriving at a fair rate of compensation in each case. They trust that in submitting the report now called for no further delay may take place than is absolutely necessary, as it is highly desirable that the just claims of these Shrotriemdars, which have been pending for such an unnecessarily long time, should be disposed of speedily.

16. The Board entirely agree with Mr. Dykes, that he should submit an annual statement of Shrotriem balances, as required by the Circular Order quoted by Mr. Dykes. This report for the past Fusly should be no longer delayed.

Board's Proceedings 4th January 1864.

The Board have already disposed of Mr. Dykes' report upon the water-rate chargeable on Ináms and Shrotriems, but he will be requested to submit for record, with as little delay as possible, a list of villages which have been affected by the Order of Government of 24th December 1859, showing those which have been resumed, and those which have been restored to their owners, with the amount of arrears remitted in each case. He will also explain the remission of Rupees 696 in the village of Ragupalem, as no recommendation on behalf of that village appears in his Settlement Report for Fusly 1270.

Prov. Bd. Ap 11 /64 N° 2166 — 15.

In answer to the Coll. order of the 13th the Coll. writes for further instructions the following letter

No. 2,168.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 11th April 1864.

Read the following letter from the Collector of Nellore, dated Ramapatam, 19th February 1864, No. 44 :—

1. I have the honor to acknowledge the receipt of the Board's Proceedings of the 13th January, No. 166, and request further instructions.

2. In paragraph 13 the Board observe that, as in one instance the amount to be given will have to be considerably reduced, it is probable "the Shrotriemdars will not be satisfied with the terms proposed." Why those Shrotriemdars, who have already entered into agreements, should wish to withdraw from these agreements, the Board do not state; and I do not know. They "the Shrotriemdars" referred to by the Board, are not the owners of one, but of different Shrotriems, have nothing to do with each other, or the Shrotriem, the compensation for which has still to be adjusted, and, living in different parts of the District, so far as I am aware, are perfectly content to abide by agreements, that have been entered into on both sides after due consideration, and signed and delivered in the presence of witnesses.

3. The Board order me to report the precise amount of "annual compensation" to which each Shrotriemdar is entitled, and refer me to correspondence with the Acting Collector of North Arcot as to the mode of ascertaining "the rent" value of the land. I do not understand what the Board mean by *annual* compensation.

4. The correspondence indicated refers to the claims in North Arcot of a Poligar and his Ryots; here it is the case of Shrotriemdars and their Ryots; and, so far as I understand the matter, what I have to settle is, first, the amount to be struck off the quit-rent of the Shrotriem with reference to the area no longer available; secondly, the sum to be paid to the Shrotriemdars for what they got out of the land over and above the quit-rent; and thirdly, the amount to be paid to the Ryots in occupation; and as regards the last point the Board's instructions are precise, and the reply of the Collector conclusive. The information is however of no use at present, as no such claims have been brought forward here as yet; whilst as regards the other two points on which information is required, the information given by the correspondence in question is defective if not contradictory. In paragraph 4 of their Proceedings of the 5th May, the Board accept the doctrine that the Poligar, or in this case the Shrotriemdars, have only a right to the *Government assessment*, which the Board have been at pains to show is not "the rent" which I am now to take as my guide. And in the same paragraph the Board refer to the remission to be made in the Peishkush, or quit-rent in this instance, but no where lay down the principle on which the reduction was calculated. I request I may be informed on these points, viz., how the reduction of the quit-rent is to be calculated; and secondly, to enable me to calculate the compensation, whether in the opinion of the Board, the Shrotriemdars are entitled to "rent" or simply "the Government assessment."

5. I also beg to be informed whether the Board wish me to look out the Ryots who occupied the land under consideration; and this question need not, I may here observe, delay the adjustment of the quit-rent, for the Shrotriemdars have nothing to do with the claims of occupancy.

6. In paragraph 13 the Board state that I have considered a certain proportion of land as out of occupation and therefore valueless. I beg to state that this is not my opinion. I hold all land in occupation to have a value, but do not consider *all* the land in occupation can be cropped with wheat or any other standard grain; and adjusted the assessment accordingly.

7. In the preceding paragraph the Board refer to the misconduct of the Tahsildar of Nellore. Might I beg the favor of the Board informing me what they consider his punishment should be; for I have some difficulty in forming an opinion as to what the Board would approve of, and it strengthens my authority when I recommend what is likely to be confirmed.

16. Prov. Bd. N° 2684 29 Apl 64. 3 Prov. N° 8179 1864 2005

The Coll. refers to the above order in letter N° Para 5. And in Conclusion I beg the honor to state that State the Bd to refer to the Correspondence mentioned in bringing the notice of Govt that I have again adopted an unbecoming style in addressing Govt. I submitted this reason for the

also a fixed

Board Refer to paras 4 & 5. 10

4. With regard to paragraph 5, the Board observe that Mr. Dykes is in error in stating that they brought "to the notice of Government" his having "again adopted an unbecoming style." Their remarks on that point were addressed to himself. The Proceedings in which the remark occurred were submitted to Government in connection with the Board's previous Proceedings relating to the Shrotriems. As to what the Board referred to, a point on which Mr. Dykes appears in doubt, Mr. Dykes should have submitted his complaint to the Government through the Board, when the Board would have had a proper opportunity for explaining if he had misunderstood the Board's remarks, or had not correctly understood to what their remarks applied. The Board in submitting these Proceedings to Government, in connection with the general subject to which they relate, think it right to point out to Government that they view the course taken by Mr. Dykes in submitting his complaint, or appeal to the Government direct instead of through the Board, as the rules relating to such matters require, as another instance of the insubordinate spirit which Mr. Dykes exhibits when any difference of opinion exists between him and the Board.

5. The course adopted by Mr. Dykes might have been excusable had he been under an impression that Government would issue a condemnatory order without awaiting an explanation from himself, and that a delay in submitting through the proper channel such explanation would be injurious to him; but even on that supposition it would have been his duty to submit to the Board for their information copy of the letter he had addressed to Government. In the present case there was nothing to justify Mr. Dykes in departing from the well recognized principle of appeals from subordinate officers against their superior officers.

17. Prov Bd. N° 2162. May 23 64.

The reply of the Coll. to the order & further Records of the Board follow

No. 2,162.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 23rd May 1864.

Read the following letter from the Collector of Nellore, dated 10th May 1864, No. 124 :—

1. I have the honor to acknowledge the receipt, yesterday, of the Board's Proceedings of the 29th ultimo, No. 2,634, and forward by to-day's post, copy of my letter to Government, referred to in paragraph 5 of my letter to the Board of the 19th idem.

2. The grounds on which I took the liberty of addressing Government direct are set forth therein. It did not occur to me to send a copy to the Board; and it certainly was not my intention in addressing Government direct, to be guilty of insubordination.

3. The Board observe, I am in error in asserting, that they had brought to the notice of Government, my having again adopted an unbecoming style; and in fully admitting that the expression was inaccurate, I would respectfully beg the Board to consider, whether they would have interfered in my behalf, had the Government acted on information *before them*, if not in so many words brought to their notice.

4. I was under the impression that the Government would take notice and take severe notice of an officer, who had "again adopted an unbecoming style," and therefore lost no time in defending myself so far as I could.

5. And, if the Board deem it right to give me an opportunity of defending myself against the censure, now passed on me, of exhibiting "an insubordinate sprit, when any difference of opinion exists between myself and the Board," I beg that the Board, in doing me the favor of sending on copy of this letter for the consideration of Government, will be pleased to specify the instances referred to, and request Government to suspend passing orders on the correspondence now before them, till such time as I can submit, through the Board, such explanations as it may be in my power to offer.

ENCLOSURE No. 1.

ABSTRACT.—Requesting that the Government will be pleased to consider and pass orders on his conduct with reference to the Board's remarks in their Proceedings dated the 11th instant, No. 2,168.

1. Ordered that the letter above recorded be submitted to Government, with reference to paragraph 4 of the Board's Proceedings dated April 29th, 1864, No. 2,634, and in continuation of those Proceedings.

2. The Board, in their Proceedings dated 26th April 1864, No. 2,512, referred to one case in which Mr. Dykes's letters to them were disrespectful in style and tone. They will now refer to the correspondence which Mr. Dykes laid before Government with his letter dated the 19th idem, No. 19, as another example of the same style of writing.

3. The Board cannot admit that in the case referred to Mr. Dykes had any grounds whatever for his doubts, nor for assuming that the Board could intend him to solicit village officers to undertake as a "favor" the office of Stamp Vendor. The Board's remark was that he "should personally endeavour to effect arrangements for licensing, &c." The term "personally endeavour" is one of every day use. He was to endeavour in person to "effect arrangements." The words "personally endeavour" do not imply "asking as a favor," or solicitation of any kind. Moreover, if he had doubts as to the Board's meaning, there was an obvious impropriety in his

Rec. Bd.
Ap 11 /64
No 9 168

8. And in conclusion, I have the honor to request that the Board will be so good as to inform Government that the annual statement of Shrotriem balances referred to in paragraph 16, as not received, *was then in their office*. It was forwarded by me on the 16th November with my letter No. 387; and, in bringing to the Board's notice that the statement had been in their office nearly two months, when the Government were informed it had not been received, I have the honor further to observe that this is the third time I have been mis-represented in three months, and it is the third mis-representation that has been a direct reflection on the discharge of my duties as a public officer.

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1. Resolved that the letter above recorded be submitted to Government, in continuation of the Board's Proceedings dated 12th January 1864, No. 166.

2. Mr. Dykes does not appear to understand why the Board were doubtful whether the terms proposed by him would be acceptable to the Shrotriemdars. He observes that the several Shrotriemdars had already entered into written agreements; but, as the Board considered that further inquiry in each case was desirable, and as in the only case in which such inquiry had been made, it was found necessary considerably to reduce the proposed compensation, it seemed to the Board not unlikely that the reduced compensation would not be acceptable to the Shrotriemdar in that case, and that further inquiry in the other cases would be attended with similar results. Mr. Dykes has proposed to reduce the compensation in the case of Gungaveram, though an agreement must have been previously made with the Shrotriemdars of that village, as in the other cases referred to in paragraph 2 of his letter. If therefore the agreement already entered into was no impediment to further inquiry in the one case, it could not be considered in that light as to the other cases.

3. Mr. Dykes's next difficulty is as to the meaning of "annual compensation." This phrase of course had reference to the remission which is usually allowed in the annual Peshcush or the quit-rent as the case may be where land held under permanent settlements is appropriated to public purposes.

4. As to the two questions referred to at the end of paragraph 4 of Mr. Dykes's letter, the Board observe that whether the Shrotriemdars are entitled to compensation for the rent value of the lands, or only for the Government assessments must depend on whether they occupy the land as cultivators, or whether they collect only the Government assessments. The correspondence to which Mr. Dykes refers in the same paragraph clearly explains the principles on which compensation ought to be calculated in the two cases. It was for the Collector to ascertain in what position the Shrotriemdars actually stood, and to make his calculations accordingly. The Board referred to the principles on which the rent value of land ought to be calculated, because it is manifestly unjust to withhold from the Shrotriemdars the compensation due to persons occupying the land on their own account, if it should appear that they did really occupy the land. They believed that the Shrotriemdars were in some instances if not in all in possession of the land.

5. Mr. Dykes also inquires how the reduction of the quit-rent is to be calculated. The quit-rent is liable to a reduction equal to the full Government assessment on the land appropriated, while the value of the land so far as the occupant is concerned, should be paid in a lump sum, the price in this case being reckoned at so many years purchase of the Ryot's interests in the land. Mr. Dykes now states that the Shrotriemdars have nothing to do with the claims of occupancy. If they were not holding the land on their own account, their claim to compensation must of course be restricted to the loss they sustain in having to give up their right to collect the Government assessment on the land.

6. The Board do not precisely understand Mr. Dykes's meaning in paragraph 6 of his letter, for though he states that the Board were incorrect in supposing that, in making his calculation, he had considered a portion of the land as out of occupation, and therefore, valueless; he goes on to say that he holds all land *in occupation* to have some value. The fact is that the Shrotriemdars as such, are entitled to compensation for the full Government assessment on appropriated, whatever that assessment may be. If the lands had never been assessments ought to be calculated with reference to the rates prevailing in adjacent lands of corresponding quality. The Board are still of opinion that the proposed should be thus calculated whether the Shrotriemdars gave such agreements as Mr. D to or not. It is not material how or with what crops the land might be cultivated at time. If the Government occupied the land, the Shrotriemdars can fairly claim the ment. Mr. Dykes's calculations as to the rates fairly chargeable on the land, are, apparent, very low, being Rupees 4-5-1 an acre for wet, 0-7-8 for dry land, and 0-2- for pasture.

7. The Board must decline to accede to the request contained in paragraph 7, for a right to expect that an officer in Mr. Dykes's position has had sufficient experience t suitable punishment on one of his own subordinates, who, he reports, has "manifestl his duty."

8. With reference to the last paragraph of Mr. Dykes's letter, the Board must ex regret that through a mistake they referred to the annual statement of Shrotriem balan having been received whereas, as Mr. Dykes states, it was then in their office. This was inadvertently made over when received to a wrong department. The Board are to what other cases Mr. Dykes refers as cases in which he has been "misrepresented." have no wish to misrepresent Mr. Dykes in any way, but if he gives them occasion to n or errors in his proceedings, it is only their duty to remark on such points. The Bo that he has again allowed himself to adopt an unbecoming style in his present letter.

(A true Copy and Extract.)

(Signed) R. A. DALYELL.
Sub-Sec

To J. D. Sim, Esq., Secretary to Government, R. D.

Copy to J. W. B. Dykes, Esq., Collector of Nellore.

Ed. J. Wright.

In accordance to the last order of the B.R. the Coll. writes for further instructs the following letter

Collector of Nellore requesting further instructions respecting the Shotriem arrears in his District.

Rec. 18th
No 2628
29th Ap.

Mr Rec:
No 8179
1864
2005

The Coll. refers to the above relative to letter dated 29th Ap. Para 5. And in conclusion I have the honor to solicit that State the B.R. to refer to the correspondence alluded to in bringing to the notice of Govt. that these agencies adopted are contrary to the rules & have therefore authorized the Board for the future of Govt.

Board Paler Revenue Proceedings 4 & 5.

4. With regard to paragraph 5, the Board observe that Mr. Dykes is in error in stating that they brought "to the notice of Government" his having "again adopted an unbecoming style." Their remarks on that point were addressed to himself. The Proceedings in which the remark occurred were submitted to Government in connection with the Board's previous Proceedings relating to the Shrotriems. As to what the Board referred to, a point on which Mr. Dykes appears in doubt, Mr. Dykes should have submitted his complaint to the Government through the Board, when the Board would have had a proper opportunity for explaining if he had misunderstood the Board's remarks, or had not correctly understood to what their remarks applied. The Board in submitting these Proceedings to Government, in connection with the general subject to which they relate, think it right to point out to Government that they view the course taken by Mr. Dykes in submitting his complaint, or appeal to the Government direct instead of through the Board, as the rules relating to such matters require, as another instance of the insubordinate spirit which Mr. Dykes exhibits when any difference of opinion exists between him and the Board.

5. The course adopted by Mr. Dykes might have been excusable had he been under an impression that Government would issue a condemnatory order without awaiting an explanation from himself, and that a delay in submitting through the proper channel such explanation would be injurious to him; but even on that supposition it would have been his duty to submit to the Board for their information copy of the letter he had addressed to Government. In the present case there was nothing to justify Mr. Dykes in departing from the well recognized principle of appeals from subordinate officers against their superior officers.

Bd. 162. 12364.

The reply of the Coll.r Letter Order & further Papers & the Board follow

3. With reference to paragraph 5 of the letter recorded at the head of the Proceedings, the Board do not think it necessary to examine their records for additional instances of the unbecoming spirit in which Mr. Dykes has addressed the Board, but they find one at hand in Mr. Dykes's letter dated the 24th March 1864, No. 72, a copy of which was forwarded to Government with Proceedings dated the 23rd ultimo, No. 2,457. In paragraph 9 of this letter Mr. Dykes reduces his argument to what he considers a proposition too absurd to be entertained, and then immediately (paragraph 10) insinuates that the Board hold this proposition as true, for they "talk" &c. The offensive character of such a remark is obvious, and the Board cannot suppose that Mr. Dykes was ignorant when he thus wrote that the remark was contemptuous and would be so felt by the Board.

10. The Board also think it necessary to remark that Mr. Dykes has not assigned any satisfactory reason for his not having made his appeal to Government through the Board. Mr. Dykes was aware of the rule, and he must have known that the Board would deem it right to remark on his appeal and complaints.

11. With regard to paragraph 7 of his letter, the Board regret that they did not at once lay before Government Mr. Dykes's letters in the case in question. They hoped that their pointed remarks would have led him to see the obvious propriety of his abandoning a style of writing which could lay him open to the charge, or to the suspicion of addressing them in an impertinent or personally offensive spirit; but Mr. Dykes is not, it would seem, open to this sort of appeal.

(A true and Copy Extract.)

(Signed) W. HUDLESTON,
Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

Copy to J. W. B. Dykes, Esq., Collector of Nellore.

Exd. J. Wright.

4. The same spirit is displayed in the flippant manner in which he describes his having at length discovered that he was able, when he took the matter in hand himself, to effect arrangements for licensing Stamp Vendors in the villages; and, again, in his attempt to prove that he was not fairly chargeable with treating the Board's suggestions in a disheartened spirit, because he gave a fair proportion of his time to his work and duties, a fact which, whether true or not, was obviously irrelevant to the point to which it was intended to be applied, as the Board have already remarked to him.* Mr. Dykes does not intend to be disrespectful, his mode of writing is calculated to convey a wrong impression of his meaning, and is equally calculated, whatever the design may be, to bring the Board's authority into contempt.

* In Proceedings dated 26th April 1864, No. 2,476, on Mr. Dykes's letter dated 12th idem, No. 90.

5. With regard to the 2nd paragraph of Mr. Dykes's letter to Government, the Board observe that his ground of complaint is much exaggerated. The term "misrepresentation," as applied to such a remark as that he had not submitted this or that report or statement, is quite out of place. If the Board made any mistake in such a matter he should have brought the fact to their notice in the temperate manner in which he represents the facts of the case in his letter to Government.

6. As to the first instance in which the Board "misrepresented" Mr. Dykes, the Board forwarded his letter explaining that the report which the Board thought had not been made, had been sent to them a few days before. On this occasion Mr. Dykes reasonably remarked that "probably the report had not been received when the Proceedings were written."

7. The Board had no means of knowing what was the second instance in which he had been "misrepresented"† till they saw his letter to the Government. They now find that they made the mistake he describes, except that they did not "*report*" that no proposal had been made. Their remark on this subject was an incidental one when dealing with a long correspondence relating to the proper mode of calculating the financial results of the Pennar Anikut. Mr. Dykes's report, dated 21st October 1863, No. 362, explaining how he proposed to charge Inam lands for Anicut irrigation was forwarded to Government in Board's Proceedings dated 14th January 1864, No. 232. In the meantime Mr. Dykes did not inform the Board that they had made the mistake to which he now refers, nor did the Board know till now that any such oversight had occurred.

† Vide paragraph 8 of his letter to Board dated 19th February 1864, No. 44.

8. As to the question put by Mr. Dykes to Government at the beginning of paragraph 5 of his letter (a question referring to the third instance in which he was "misrepresented"), the Board observe that the mistake did not appear to them as of particular importance. When the main subject was taken up they admitted that a mistake had been made, expressing at the same time their regret, and explaining how this mistake had occurred. Mr. Dykes greatly exaggerates the whole matter, in order, as it would appear that he may find an excuse for the disrespectful style in which he addressed the Board on the subject of these petty mistakes, calling on them in an authoritative manner to inform Government that "the annual Statement of Shrotriem balances referred to in paragraph 16, as not received, *was then in their office*" (the last mistake being italicised) and so on. Such minor matters are never *reported* to Government, though it may sometimes happen that the proceedings in which the Board's remarks on such matters occur are forwarded to Government in connection with the main subject to which the proceedings relate. Nor could the Board exercise their functions in an effective manner if the officers subordinate to them were permitted to make the Board's remarks on such occasions the subject of appeal to Government; or to describe those remarks as "misrepre-

3. In the 3rd paragraph of their Proceedings under acknowledgment the Board call for an assessment, that the cultivator shall be able to pay every year a fixed and steady, whatever may be his "actual mode of dealing with, or of using his land." And this, I beg to state, I shall be unable to supply under any circumstances.

4. And it is further only right in respect to other requirements conveyed in the next paragraph, that I should at once similarly state the information called for, as what I am not prepared to furnish under present circumstances. I am thinking of offering a prize for the best essay on "Rotation crops in India:" and I shall be happy to submit the information thus obtained for the consideration of the Board. But at present, I could give a few hints on the

7. In the 8th to the 14th paragraphs, the Board argue against an assessment fixed on the average of production with reference to cost of production and the influences so exerted, which the Board observe is a difficulty that could only be met by a "combination of the Ryots," or a *forced* rotation. The Board repeat the argument in the 18th paragraph in the same shape, and give it as their opinion that it is impossible to keep up the price of each species of produce "to the required standard" by legitimate means, to which I might simply reply, I am very glad of it. We have had enough of coercive measures. But the system does not rest on negative merits. When I demurred to an average founded on consumption being lumped with averages founded on produc-

tion, I by no means lost sight of the part "consumption" must play in all questions like this present. And I beg the Board to consider whether the requirements of man must not be taken into consideration in every question affecting the production or consumption of the fruits of the earth, in which case, more rates must be added to complete the scale.

6. With regard to Mr. Dykes's remarks in paragraphs 7 and 8, the Board observed that in the paragraphs he refers to, they pointed out a difficulty in the way of a certain supposed scheme of assessment. He can scarcely imagine that he has met this point by expressing his satisfaction that prices cannot be kept up by artificial means. If he is of opinion that the question raised by the Board in regard to prices would not affect his scheme, he should state so, and the reasons why. His meaning in the concluding parts of paragraphs 7, 8 and 9 should be more clearly expressed.

7. With reference to his concluding remark in paragraph 10, the Board will reiterate the request which they made at the end of paragraph 7 of their former Proceedings, when adverting to the remark made by Government as to "the use of manure, and a judicious rotation of crops, rendering fallows a rare necessity."

8. Mr. Dykes in paragraph 11 has erroneously ascribed to the Board a remark that they did not make. The questions really at issue are in what way Mr. Dykes intends to assess the land so as to make the assessment answer his views; how the system he advocates† can be carried out; how the land used as pasture ought to be assessed so as to admit of a man's holding being "self-contained," and so on. There is no question as to the abstract fact that low rates of taxation are better than high rates. Mr. Dykes has to explain how each class of land may be

† Paragraph 9.

from those who study agriculture as a branch of scientific knowledge, and in this country, as in any other, the people need instruction if their practice and right principles are ever to be

* Paragraph 4.

of rotation by their looking to the markets.*

Sound principles on this subject must be learnt

4. The Board do not understand how the Ryots are to be instructed as to sound systems

Board's Proceedings, and can give the information required in paragraph 5.

which such notions really have. He can also reply to the last two points of paragraph 4 in the

though he may not be prepared to give [illegible] more than a few hints as to the actual effect

the basis of estimating crops [illegible] so as what crops, and with what, bitten are grown

8. We can [illegible]

No. 3,531.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 9th June 1864.

Read the following letter from the Collector of Nellore, dated 2nd June 1864, No. 164:—

1. I have the honor to acknowledge the receipt of the Board's Proceedings of the 23rd ultimo, No. 3,162, submitting to Government the Board's remarks on the letter I had addressed direct, and failed to furnish the Board with a copy of.

2. In the 2nd paragraph, the Board observe that they have referred in their Proceedings of the 26th April 1864, No. 2,512, to one case in which my letters to them were disrespectful in style and tone; and at first I supposed that a wrong date and number had been given, and the Board referred to their letter of the 29th idem, No. 2,634. In No. 2,634, however, it is my "insubordinate spirit" that is referred to; and I can therefore only suppose that the preceding communication to Government has not been communicated to me, as no copy has been received in this office.

3. In the next paragraph, the Board bring to notice that there was an obvious impropriety in my attempting to prove, before I allowed the Board to reply, the futility of their orders, and that it was still more improper to assume that the Board could intend to impose on me work, I would not, as a public officer, with propriety undertake. In these remarks, the Board refer to my misunderstanding what they meant by the use of the phrase "personally endeavour;" and on this point I have only further* respectfully to deny that I attempted to prove or had any intention of proving the futility of their orders, and request the Government to decide whether, being in doubt as to what was meant, my doubts were expressed in an objectionable manner. As the Board observe the term is in every day use; and fully admitting the daily use of the term, I would add that, during the five years I have been in this District, I have, I hope, given my personal endeavours to every important measure it has been my good fortune to have a share in. By personal endeavours, I understand all the influence I can bring to bear on a measure personal or official; all the efforts I can make of any kind to further the cause in hand, and whether for the repression of crime, the maintenance of order, or the development of the resources of the country, &c., for each and all of these objects I considered my personal endeavours called for; and, holding these views when it came to the *sale of Stamps*, I doubted how the term was applicable. For such an object I thought that a rise in the commission allowed to the Vendors, and a modification of rules to attract ordinary traders, &c., was the proper course to pursue, and therefore I submitted my doubts for the orders of the Board, intending no disrespect, but to submit for the orders of the Board, whether it was consistent for the Collector of a District to use his personal endeavors for such an end.

* As to grounds of misunderstanding—vide letter to Board of 14th March 1864, No. 64 (paragraph 3), and Government of 19th April 1864, No. 19 (paragraph 3).

4. At the conclusion of paragraph 3, the Board observe that they have always endeavoured to find, for my unbecoming style of writing, a more favorable construction than it justly admitted of. I trust the Board will not think me ungrateful, if I state that I would prefer being found fault with to being characterized in Proceedings coming before Government as having *again* adopted an unbecoming style; but such I beg to state is the case; and I beg that the Government will be pleased to consider, where my style may appear unbecoming, that through the Board's forbearance in this respect, I have thus been deprived of a warning I trust I should otherwise have profited by.

5. On reading over the letter to the Board in which I reported that the personal inquiry had been successful, I find the style I wrote it in was objectionable; and if the Board had pointed out to me the objectionable style of the letter in question, I would, I hope, have at once seen it, and expressed my regret. As it was, the Board charged me hypothetically with "gross impertinence" without referring to the style of the letter; and, instead of considering the style or tone of the letter I had written myself, I proceeded to reply to a charge I did not feel myself liable to, and adduce proof, the Board consider irrelevant, but the only proof I could produce. I

referred to the mode I did my work as the best proof I could give that I endeavoured to carry out their suggestions honestly.

6. In the 5th, 6th, 7th, and 8th paragraphs, the Board dwell on the wilful impression I have attached to their failure to report to Government that a certain statement was to them effective when they had stated it was not, and then accuse me of having "greatly exaggerated the whole "matter, in order, as it would appear, that I may find an excuse for the disrespectful style in which "I had addressed the Board on the subject of three petty mistakes."

7. When I came to this District the arrears on the Sheristeh were Rupees 16,860, the result mostly of unsettled claims for compensation. A Statement of all fallows throughout the District had been ordered in 1859 to be submitted annually to the Board; and the Statement that would have checked these abuses had similarly been allowed to exist every year without in any way presuming to dissent from the Board's decision that the delay on my part in settling these claims "admits of no plea of excuse," I beg most respectfully to submit for consideration, whether the Statement called for in 1859, and submitted for the first time by myself in 1862, is such as can properly come under the denomination of "this or that report" or be considered in the light of an ordinary return.

* Board's Proceedings, 12th January 1864, No. 144, paragraph 6.

Paragraph 5 of the Proceedings under acknowledgment.

8. When the Board stated that this return had not been submitted, I requested that "the "Board would be so good as to inform Government "that the annual Statement of Sheristeh "balances referred to, as not received, was then *in their office.*" I beg the Government to decide whether this was calling on the Board in an "authoritative manner."

Paragraph 8 of the Proceedings under acknowledgment.

9. The Board in paragraph 8 observe that they cannot exercise their functions in an effective manner if the officers subordinate to them are permitted to make the Board's remarks on such occasions the subject of appeal to Government; and that the mistake I am accused of "greatly exaggerating" did not appear to them as of particular importance. When the first mistake was made, and I requested it might be rectified, the Board forwarded my letter, and I would submit their authority in no way suffered from thus putting me right with Government. As regards the second mistake, I did not think it worth while troubling the Board with it. I trusted there would be no more of what the Board style "petty mistakes;" and when I did, on a third occasion, ask again to be set right, should the mode in which I put the request have appeared objectionable, I submit for consideration, whether I was not entitled to have this pointed out to me, and myself allowed the opportunity of so wording the request as to enable the Board to pass on my explanation without detriment to their authority. Generally speaking, I should not consider that this or that account not having been submitted "reflected on the discharge of my duties as a public officer," or on my general conduct or efficiency; but in the case in question, the Statement was intimately connected with discreditable arrears, and my conduct having been gravely censured in respect to the arrears, I looked on the Board's observation that the Statement which should have been submitted, had not been, as part of the previous censure, and not by any means "a petty mistake" as regards its bearings on myself.

10. I beg the Government will also decide whether the Board is justified in stating that I have "greatly exaggerated the whole matter, in order as it would appear," &c., which is tantamount, it seems to me, to saying that I have wilfully perverted the bearings of a question, in order to produce an effect that I held to be of more importance than adhering to the truth. The grounds on which I acted I have explained in the preceding paragraph; and the object I am

consider it to have had in view is to excuse a "disrespectful style" in a letter, which, so far as I am aware, cannot be charged with this fault, and certainly was not so regarded by me when I wrote to Government.

11. In paragraph 9, the Board refer to my letter of the 24th March, on the subject of fallows, and express their opinion that I must have been aware what I wrote in that letter was "contemptuous," and would be so felt by the Board.

12. In the discussion which has taken place on the subject of fallows, the Board in one of their Proceedings (5th March, No. 1,373), observed that certain results would follow if people could be "*compelled*" to follow any given rotation system,* and it would be unfair to the Ryot if he were told he may do with his land what he pleases, but must pay the land tax when he pleases to leave it fallow. I had to reply to these remarks and the Proceedings generally; and in their Proceedings of the 23rd April, No. 2,457, the Board characterized my reply as "loose." They now style the 9th paragraph as "contemptuous." I beg the Government to consider whether my reply was liable to the latter censure.

Paragraph 14

13. I fully admit, in replying to an alternative of compulsory rotation, or a remark that fallows were a matter of personal pleasure, my reply was loose. I do not know how it could be otherwise. I could not take the Board seriously to entertain such ideas; but the propositions having been brought forward had to be noticed; and in refuting the possibility of such doctrines holding good, I had no intention of "insinuating" that the Board actually held them, or being contemptuous. I simply wished in the argument to negative either proposition. The subject is one of great importance. I could not leave the propositions unanswered.

14. In paragraph 10, the Board repeat their opinion that no satisfactory reason has been assigned by me for not having made my appeal to Government through the Board. In my letter of the 10th May, I have given as my reason that the Government, I thought, would take severe notice of an officer, who was shown, in Proceedings before them, to have "again adopted an unbecoming style;" although this had not been directly brought to their notice; and I asked the Board respectfully to consider whether they would have interfered in my behalf had the Government taken such notice. I now beg respectfully to repeat this question; and if the Board consider that they would not have interfered, I beg the Government to consider whether I had not good cause to lose as little time as possible, by writing direct, in getting my letter placed before them, and whether such a course is not compatible with due respect to the Board.

15. In conclusion, the Board refer to their "pointed remarks" in the correspondence on the use of the term personally endeavour, and then state that they had hoped, I would "thus be led "to see the obvious propriety of abandoning a style of writing that could lay me open to the "charge of addressing them in an impertinent or personally offensive spirit."

16. In their Proceedings of the 4th March, when I had hesitated to use my personal endeavours to get village officers and petty traders to undertake the sale of Stamps, I was charged with assuming what was "simply gratuitous," and with want of honesty in carrying out the Board's suggestions; and I replied to these points. As I have already stated in replying to the Board's Proceedings of the 5th April, I was similarly led away from the point, which it now appears the Board wished to lead me to. When the Board referred to the rank in life of those under their orders, and charged me hypothetically with "gross impertinence," it did not occur to me to consider the style of my own letter. My attention was given to the charge brought against me; and, whilst it thus happens that in these instances I was not led by "their pointed remarks" in the direction the Board anticipated, I beg to submit, for the consideration of Government, whether it is to be considered a fault in me that I am not "open to this sort of appeal;" and charged in the preceding correspondence with assuming what was "simply gratuitous," with want of "honesty" in carrying out the Board's suggestions, with "caviling" at their orders, and

Expressed in the objectionable manner,
Dec 8. 2. Whether his requesting "that the Board
would be so good as to refer me (for "that the
annual Valuation of Mr Stoddart's Salaries
referred to as not received was then in their Office
was calling on the Board in the Usual Course
of business.
— — 10. 3. Whether the Board were justified in stating "that
I knew perfectly well that the whole Matter
in order as it did appear to be might find
its course for the disrespectful Letter in which I
addressed the Board on "
— — 12. 4. In Case Bd 28° 2457 it is recorded that Colin
the Coll. Bd paid him £ the 9th part of
Wid. Stoddart's £ to the 65 Regt
Contemptuous: Mr Dykes Solicitor Edinburgh
reply was liable to that censure —
— — 17. 5. Whether he Mr Dykes had not good cause
to write direct to Colin in Calling
his letter first before the Board —
— — 16. 7. Whether it is the intended Conduct
Mr Dykes Solicitor is not open to the
kind of appeal to the Board made by him.
— — 16. 8. Both upon the Case Stated upon
him by the Board for "from his Conference
(hypothetically) of announcing what was simply
Statutory "of want of "Income" of Carrying
out their rules" of "ascertaining "of "Relief
Congregation" of "being personally offensive"
Whether the Bd were justified in Drawing
them Whether they are for the interest
of the public Service

For Orders

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the duties of Inspr
L Prem commencing
Bridges on 5th [illegible]
and at the same time
convey a due [illegible]
L the Govt Remarks

24/6/64

Heywood

P. D. 15

N° 7258.

Proceedings of the Madras Government
Secr. Cons. 1072
1390
1526

Under date the 19th July 1864

Read the following papers.

From the Collector of Tellore.
Requesting that the Govt. will be pleased to consider and furnish orders on his conduct with reference to the Board's remarks in their proceedings of the 11th August 1862 that the Collector is again allowed himself to adopt such measures as may be necessary to meet a decision of the 10th February 1864 N° 44.

} Here enter 19th April/64 N° 19

From the Board of Revenue.
Submitting the remarks of a Collector addressed to them by the Director on the subject of the Board's remarks on his conduct.

} Here enter 23d May/64 N° 362

From the Board of Revenue.
Submitting with remarks a letter from the Collector of Tellore addressed to the Board of Revenue on his conduct.

} Here enter 9th June/64 N° 536

H. E. the G. in C.
has perused & the papers
herein contained
with extreme re-
gret.

He deems it necessary
together under consider-
tion & perceives that the
papers herein
already too much
time has been taken
& upon which
should, for the most
part, have been

much better [illegible]
unworthy. ~~the Lieu~~
~~unwarranted~~ hope they
~~the letter to would~~
better heed ——
~~have from more~~
~~the worse of the~~
Collector of Nellore
~~had~~ refrained from
criticizing the Board's
remarks, however
uncalled for he
might think them,
while, on the other
hand, the Revenue
Board ought to
have expressed
their disapproba-
tion, where necessary,
without, in so doing,
departing from
their dignified
position.

That Mr Dyke
has given cause for
the Board's animad-
versions, the Govt
are convinced
of and think while
fully allowing his
intelligence & activity

his interest in his
District and
anxiety for its im-
provement - they
cannot but remark
that he has failed
decidedly that
subordination
he owes to the Board
~~in the~~ ordinary
~~while~~ he has shown
~~in his proceedings~~
& captiousness
and proceeded to
cavil at the whole
tone given to his
~~proceedings that~~
~~letter~~ ~~under~~ in
fact he must have
carried out to learn
the duties entrusted
to him.

Discipline must
be maintained &
the Board's author-
ity upheld at all
times. But while
this is clear, it is
equally so that
the deliberate o-
pinion of that body
should be conveyed
in such a manner
as to convince and

the respect of those
over whom they
were placed. The
Govr. observe with
regret that in the
various papers before them in connection with the
Petns. so more than
one instance where
this honourable rule
has not been observed
in mind. —

In conclusion
the Govrnment
trust that there
will be no necessity
to recur to this
subject.

J.M.

M. Christie Esq.
Colonial Secretary

Pro No. 170-171
10-12-63

" 64-65
4-4-64

C. No. 986/64

Revenue Dept.
Secy of Govt for India.

No. 258.

Procs of the Madras Govt
Dated Jully 1864.

Seeking orders on Mr Dykes's tone of correspondence with the Board of Revenue.

No. 283 @ 286.