

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	2260	Press
		~~Mis.~~
	408.409	
Dated	200	9-18-65

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
20th September 1865.*

No. 408. Read the following Memorial from Mr. THOMAS SPRING, late Acting Assistant Conservator of Forests, Anamallais, to His Excellency Sir W. T. DENISON, K.C.B., Governor in Council, Fort Saint George, dated Madras, 10th September 1865 :—

RESPECTFULLY SHEWETH,

1. That your Memorialist has received from Captain Beddome, Officiating Conservator of Forests, copy of the Order of Government, Revenue Department, No. 1,912, dated 17th August 1865, in which Government state, in reference to your Memorialist's case, that, although "criminality is not imputed to him, he is shewn to have paid away heavy sums of the public money, without notifying what he was doing to his superiors, and without keeping any regular record of his transactions, and by these and other irregularities to have brought about such a state of confusion and disorganization in his Range, that Major Michael was obliged, in self-defence, to refuse to take over charge of it;" and under these circumstances Government expressed their opinion that the loss of pay, from the 30th of April last to the date of the Order under reference, will be a "*proper punishment*" for the irregularities which he has shewn to have committed; and they approve of Captain Beddome's proposition that your Memorialist should be placed, in future, under some other Officer, and not be allowed to remain in independent charge of a Range; and Government further informed Captain Beddome that he do direct your Memorialist to resume his duties.

2. That your Memorialist, feeling satisfied that he has not been guilty of the misdemeanors referred to in the above-mentioned Order of Government, respectfully solicits permission to afford your Excellency in Council explanation; and to beg your Excellency in Council will be so good, after perusal of the same, to re-consider their decision.

3. It is stated in the Order that it has been shown that your Memorialist paid away heavy sums of the public money, without notifying what he was doing to his superiors. With reference to this, your Memorialist would observe that, during the two years he was in charge of the Anamallai Forests, he paid in the aggregate, for the working of the Department, about Rupees 20,000 per annum; and your Memorialist submits that this sum is not in excess of that disbursed by his predecessors; and this can be easily verified by a reference to the accounts of the Department. In the absence of records it is impossible for your Memorialist to give particulars, and your Memorialist, therefore, begs that your Excellency in Council will be so good as to call upon the Officiating Conservator of Forests for a statement, shewing the sums that were disbursed for the operations of the Anamallai Forests during the time that these Forests were respectively under charge of the Officers named

Captain Beddome.
Major Michael.
Captain Brine.
Lieutenant Ouchterlony.

in the margin, and your Memorialist; and also of the work realized by such outlay, viz., the number of logs and planks prepared in the Forests, the number dragged out and carted to the several

depôts, and sold (with exception of that supplied to the Bombay Government), during the period of their respective charges.

4. With regard to the statement that your Memorialist paid away heavy sums of public money *without (1) notifying what he was doing to his superiors, and without (2) keeping any regular records of his transactions*, your Memorialist would respectfully beg, with reference to clause marked (1), to refer your Excellency in Council to paragraph 2 of your Memorialist's letter to the Officiating Conservator of Forests, dated 2nd September 1865, *Vide Appendix.* copy* enclosed, which affords explanation

as to the rule which obtains in the Department, relative to the payment of advances. Your Memorialist would further beg to point out that in neither in the Manual of the Department, nor in any of the Circulars issued by the Conservator, is there any rule requiring that advances made in the ordinary course of business, and which was the character of the advances made by me for the operations of the Department, should be reported to the Head of the Department; and your Memorialist submits that he cannot be charged with a breach of duty in this respect, as no rule exists—there can be no offender where there is no law; and consequently your Memorialist respectfully begs to urge that he cannot be punished for having done anything which is not opposed to existing Regulations or known rules. Your Memorialist further submits that if there was a rule, and he was guilty of a breach of it, he deserves punishment; and he feels sure that your Excellency in Council will not, under these circumstances, permit him to be wrongfully punished.

5. With reference to clause marked (2), your Memorialist would beg to refer your Excellency in Council to the same paragraph of your Memorialist's letter to the Officiating Conservator of Forests quoted above, and to inform your Excellency in Council that not a Rupee drawn by your Memorialist, for the operations of the Department, was omitted to be properly booked during the time your Memorialist was in charge; and your Memorialist begs further to state that every regular advance made by him was duly entered in the Advance Book of the Department, and receipts obtained on stamped paper, and other documents taken in protection of the interest of Government. Before passing from this portion of the subject, your Memorialist would beg to observe that, in the Order of Government alluded to at the head of this Memorial, it is stated that your Memorialist "*is shewn to have paid away heavy sums of the public money, without notifying what he was doing to his superiors, and without keeping any regular record of his transactions*," your Memorialist begs to observe that it is *no where shewn* in the Reports of the Officiating Conservator of Forests, specified in the margin, that your Memorialist did pay away heavy sums of public money with-

No. 1,266, dated 28th April 1865.
,, 1,349, do. 18th July do.

out notifying what he was doing to his superiors; and that it is not shewn that your Memorialist kept no regular record of his transactions. Your Memorialist begs to bring this circumstance prominently to the notice of your Excellency in Council, and earnestly to request that it may be allowed to have its due weight in the re-consideration which your Memorialist has solicited of his case.

6. It is further stated in the Order of Government under reference that, in consequence of the irregularities represented to Government, as having been occasioned by your Memorialist, and which are said to have brought about a state of confusion and disorganization in your Memorialist's Range, Major Michael was

obliged, in self-defence, to refuse to take over charge of the Range, your Memorialist begs respectfully to state that Major Michael *did* take over charge; and that he did report his having done so to the Officiating Conservator of Forests. Your Memorialist was detained five days in making over charge, and for which period your Memorialist was disallowed pay, as was duly brought to the notice of Mr. Secretary Sim by Captain Beddome, in a demi-official correspondence. Your Memorialist put Major Michael in possession of full information relative to the accounts of the Department, and handed over to him all the books and accounts, furnishing him with a separate and detailed list of the advances made to the axemen and cartmen, the amount worked out, and the balance due by each. Now, if your Memorialist's Range was in a state of confusion, if your Memorialist's Range was in a state of disorganization, if your Memorialist kept no regular record of his transactions, would he have been able to hand over the Range in a manner he did to Major Michael. Would he have been able to furnish Major Michael with the details he placed in his hands?

7. With regard to taking over charge of the timber, Major Michael informed your Memorialist, on his inviting him to do so, that he would on no account approach the foot of the Ghát, as his Medical adviser had informed him that his doing so would be attended with serious consequences to his health; in fact Major Michael distinctly told your Memorialist that he did not purpose to continue to hold the appointment, as he expected to succeed Captain Roberts in the Family Payment Office; and your Memorialist submits that it is a grievous wrong done to your Memorialist by Major Michael, when he stated that he was obliged, in self-defence, to refuse to take over charge of the Range, when the real fact of the case is that he relinquished the charge, because he valued his health more than the public service. Your Memorialist begs to state that this is not the first time that Major Michael has endeavoured to shield himself by bringing forward misrepresentations of the conduct of others. When he took charge of the Range from Captain Brine, it was the same story, viz., that the Range was in a state of disorganization and confusion, as will be ascertained by a reference to the Officiating Conservator of Forests.

8. The Officiating Conservator of Forests states, in the letter recorded in the Proceedings of Government under allusion, that your Memorialist did not act up to his orders, which were, that your Memorialist should hand over both the timber and outstandings to Lieutenant Bennet, who was expected, and also to collect all the cartmen, so that no delay should occur in handing over. Your Memorialist begs to refer Your Excellency in Council to paragraph 3 of his letter to the Officiating Conservator of Forests, dated 2nd September 1865, quoted in paragraph 3 of this Memorial. Your Memorialist collected the cartmen twice on account of Major Michael, and once on account of Lieutenant Bennet; and, in consequence of the delay by these Officers not joining in time, it was impossible for your Memorialist, even by legal restraint, to prevent the men from dispersing; and your Memorialist most respectfully begs to submit that he cannot be held responsible for the non-appearance of the cartmen, &c., when Major Michael and Lieutenant Bennet did respectively join, as the absence of the axemen and cartmen was

occasioned by circumstances over which it was not possible for your Memorialist to exercise any control.

9. The Officiating Conservator of Forests, in the 2nd paragraph of his letter, states that your Memorialist was well aware of the fact that Teak was not to be felled in the Range under his charge. If such were the case, would the Officiating Conservator of Forests have given permission to Mr. R. J. Lowry to fell and take away Teak in the Poonachy Forests in the Annamallai Range at two Annas per cubic foot!! This Order was given in July 1864, about which time* also your Memorialist granted the License

* June 1864.

to the Gowndens to fell the same description of timber. Your Memorialist was not aware of any order prohibiting the felling of Teak in the Sholah-kurrais, or in the Range generally; for if there were such an Order, surely the Officiating Conservator of Forests himself would not have authorized Mr. Lowry to fell Teak in the locality mentioned above, without first specially obtaining the sanction of Government, whereas Captain Beddome reported the circumstance only eleven months afterwards to Government, viz., in June 1865.

10. The Officiating Conservator of Forests further states, in the same paragraph, that Boriah Gownden and Rungiah Gownden were allowed to enter the Sholah-kurrai Forests in June, and appear to have had the whole run of the Forests undisturbed until November, when the Revenue authorities put a stop to their proceedings; that it is impossible to say what timber may or may not have been felled and sold out of those Forests between June and November; that no felling at all should have been allowed without the supervision of your Memorialist or his Overseer; and that the latter, as your Memorialist was himself ill, should have been present. With reference to this, your Memorialist begs to observe that, when a License is given for timber being felled, it is impossible for the Forest Department to follow the Licensee into the heart of the Forest, to exercise an espionage over his actions, or to prevent more timber being felled than has been authorized, but the Forest Department is perfectly able to prevent a single log of timber being conveyed out of the Forests in excess of what has been permitted to be felled; and your Memorialist submits that, in the case of the Sholah-kurrais, it has not been shewn by the Officiating Conservator of Forests that a single log of unrejected wood had been sold out of those Forests. The Gowndens may have attempted to effect sales, but your Memorialist submits that he cannot be held responsible for such actions; he is simply responsible that no timber is removed out of the Forests for which a License had not been granted; and your Memorialist begs to refer your Excellency in Council to paragraph 8 of his letter to the Officiating Conservator of Forests, dated 10th July 1865. Your Memorialist frankly admits that he did not visit the Sholah-kurrais, but this was occasioned by utter prostration of strength, caused by the distressing malady under which your Memorialist was suffering; and your Memorialist would beg to solicit the attention of your Excellency in Council to the explanation afforded in paragraph 9 of the above-mentioned letter.

11. In conclusion, your Memorialist begs respectfully to bring to the notice of your Excellency in Council that, in the Order of Government, dated 17th

August 1865, Government express an opinion that the loss of pay from the 30th of April 1865 to date of Order, would be a proper punishment to your Memorialist, and they request the Officiating Conservator of Forests to direct your Memorialist to resume his duties. The punishment, your Memorialist submits, is clearly laid down, viz., forfeiture of pay for the period mentioned; but the Officiating Conservator of Forests has gone further, and reduced your Memorialist in rank and pay besides forfeiture. Your Memorialist's substantive rank in the Department is that of Sub-Assistant Conservator of Forests attached to the Cuddapah Range, with a salary of Rupees 150 plus 30 Rupees travelling expenses; but the Officiating Conservator of Forests considers your Memorialist as having been discharged from the Forest Department, and offers to re-entertain him as Overseer on a salary of Rupees 80. Your Memorialist submits that this is indeed a heavier punishment than intended by Government; and he, therefore, humbly prays that your Excellency in Council will do him the justice

10th July 1865.

2nd September 1865.

to peruse the documents noted in the margin, and, after a consideration of the facts, arguments, and explanations therein

set forth, to accord to your Memorialist such a measure of justice as his case may seem to your Excellency in Council to merit; and for which your Memorialist, as in duty bound, will ever pray.

No. 409.

ORDER THEREON, 20th September 1865, No. 2,260.

Forests, No. 12.

Referred to Captain Beddome for such remark as may seem to be called for by the assertions contained in the Memorial.

(True Extract.)

(Signed) W. HUDLESTON,

Acting Secretary to Government.

To the Officiating Conservator of Forests:

Ed. S. T. Augustin.

Pro 17th August / 65 No 27

1865 (Y...)
No. 2579.

From

Mr. Thomas Spring,
Late Asst. Commr.
of Forests, Annamala

Dated 10th 2^d Sept. 1865.
Received 14th 2^d

C-1. Genl. Comr. Conservator of Forests

Prole.
20th Sept. / 65.

From the off. Conservator of
Forests 11 October / 65 A 2892
From T. Spring. 6 November
/ 65 A 3152

Submitting his ex-
planation with reference to No.
1912, of the 17th Augt 1865 con-
fessed in his case, and com-
plaining that the off. of Commr.
of Forests has reduced him
in rank and pay besides for-
feiture of his salary from
30th Apr 1865 to date of that or-
der; and prays that Govt may
reconsider his case and grant
him justice.

No. 2260.
Referred to Captain Beddome for
such remark as may seem to be called for
by the assertions contained in the Me-
morial.

No. 408 & 409.

No. 2260. 20th Sept

With Order

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