

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2907

Press
~~Mis.~~

483. 484

Dated 25. 11. 1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
25th November 1865.*

No. 483. Read the following Proceedings of the Madras Government in the
Public Works Department:—

Dispensing with the services, in the Department
Public Works, of Lieutenant-Colonel Moberly,
Superintending Engineer of the 8th Division,
for his having had a quarrel with the Tahsil-
dar of Teroomungalum Talook, in Madura
District, and placing them again at the
disposal of His Excellency the Commander-in-
Chief. (Here enter 21st November 1865, No. 3,507.

No. 484. ORDER THEREON, 25th November 1865, No. 2,907.
Communicated to the Revenue Board.

Miscellaneous.

(True Extract.)

(Signed) J. GROSE,
Acting Under Secretary to Government.

To the Board of Revenue, with Proceedings Public Works Department, No. 3,507.

*Proceedings of the Madras Government, Public Works Department,
21st November 1865.*

Read letter from the Superintending Engineer of the 8th Division, dated 3rd October, No. 1,212, and recorded in the Proceedings of Government, dated 25th October 1865, No. 3,213.

Read also the following letters :—

No. 471. From the Superintending Engineer, 8th Division, to the Secretary to Government, Department Public Works, dated Madura, 30th October 1865, No. 1,479.

Enclosure 1.

1. I have the honor to enclose copy of the docket of the Board of Revenue on the petition from the Peria Pulankolum villagers, called for in G. O. No. 3,213, 25th October, and to state that my conversation with the Tirumungalum Tahsildar was entirely in English, with which he is well acquainted.

2. My notes were made soon after the conversation took place; if their truth is impugned by the Tahsildar's reply, now called for, I beg that I may be allowed an opportunity of refuting it.

No. 472. From the Collector of Madura, to the Secretary to Government, Department Public Works, dated Madura, 3rd November 1865, No. 1,913.

1. As directed in the Order of Government, No. 3,213, dated 25th October 1865, passed in the Public Works Department, I have the honor to forward the explanation* of the Tahsildar of

* Translation marked A.

Tirumungalum, and beg to offer the following explanation of my conduct in the matter.

2. At the same time that I received Colonel Moberly's letter No. 900, dated the 24th September, and its enclosures, "Notes of a conversation," I received the Tahsildar's explanation, or rather complaint against Colonel Moberly, accompanied by a copy of the complaint of the Natamgar of Kúgalapooram against Colonel Moberly's servant for assault, and I also received the Sub-Magistrate's (Tahsildar's) decision in the case of assault.

3. On perusal of the documents then before me, it appeared to me that there had been a delay in furnishing milk by the Natamgar, and that Colonel Moberly's servant had made some unfavorable report to Colonel Moberly against the Natamgar, whereupon Colonel Moberly in a fit of anger had started off into the village to find the Natamgar, and that while in this excited state he had got into an altercation with the Tahsildar.

4. The Tahsildar's and Colonel Moberly's accounts of what passed differed; the Tahsildar knows English very well, and the altercation occurred in that language. Colonel Moberly did not cite any witness to prove his statement, neither did the Tahsildar. I had to decide on the papers before me. As a rule I would always accept Colonel Moberly's statement before the Tahsildar's, but in this instance I felt that I could not unhesitatingly accept Colonel Moberly's accounts of what had occurred, as perfectly unbiassed and accurate, owing to the excitement into which he had got. I was not convinced from what was before me that I could justly or fairly censure or condemn the Tahsildar's conduct, and as the altercation had been sought

by Colonel Moberly, and was unconnected with his official duties, I declined to interfere. I thought Colonel Moberly, when he had time to think over the matter, would see that in a moment of anger he had placed himself in an unseemly position, wrangling in a village street with a Native officer, and would come to the conclusion that the best way would be to let the affair subside.

5. In my reply I did not justify the Tahsildar, as I am accused of doing by Colonel Moberly in his letter No. 971, dated the 1st September 1863, that I particularly wished to avoid. I did not wish to put Colonel Moberly in such a humiliating position, and felt that it was possible Colonel Moberly would turn out to be in the wrong if an investigation did take place, because the Tahsildar is not a man to gratuitously insult Colonel Moberly or be discourteous to him. Colonel Moberly has a right to go into a Magistrate's Court, and I did not say he had no right to go in, but having gone in he should have remained a passive spectator, instead of interrupting the Tahsildar's proceedings by calling for the Natamgar.

6. From the documents before me, I concluded Colonel Moberly only wanted the Natamgar, because of delay in furnishing supplies. In Colonel Moberly's letter No. 900, dated 24th August, received by me on the 26th, there is no complaint whatever against the Natamgar. Colonel Moberly now says he wanted him partly to enquire about some complaint in Peria Pulankolum village. Nothing of the sort is stated in Colonel Moberly's letter to me, No. 901, dated the 24th August, which reached me the 28th, and I am surprised at that assertion now made. Colonel Moberly believed Kugalapooram to be a village in the Strevellipootoor Taluq in the Tinnevely District, and knew Peria Pulankolum to be in the Terumungalam Taluq in the Madura District, the two villages are six miles apart and have no connexion with each other. Kugalapooram is an Inam village in a Zemindari, and Peria Pulankolum a Government village, from the Natamgar of Kugalapooram seems a strange source whence to gain information regarding the Peria Pulankolum Ryots' complaint that they had not been paid for certain Maramut done in their village, which I believe was the subject of their complaint.

7. Colonel Moberly's letter to me, No. 901, is as follows:—

“To the Collector of Madura.

“SIR.—I have the honor to bring to your notice that though twice sent for by me, the Natamgar and other village authorities of Kugalapooram refused to attend at my tent yesterday. This inattention to calls has happened several times in the Madura and Terumungalam Taluqs, &c. &c., at Dadimputty last year, and Thiruvagagam early this year. It is absurd for me to attempt to carry on my duties if the villagers are allowed thus to ignore my orders.

“In this case I met the Tahsildar of Terumungalam by accident, who accounted for the Natamgar's non-appearance by saying that he was engaged with him, but that he would send him as soon as his business was settled. The Natamgar did not however attend after all.”

8. The villages of Dadimputty and Thiruvagagam are in the Madura Taluq, and the only instance given by Colonel Moberly of neglect to visit him by Natamgars in the Terumungalam Taluq was in the instance in question, and as Government has no work going on in that village, I fail to see that Colonel Moberly's

official duties were in any way hindered by the Natamgar not going to him, and therefore I answered Colonel Moberly as given in paragraphs 2 and 3 of my letter No. 1,479, dated the 30th August 1865.

9. From paragraph 5 of Colonel Moberly's letter, No. 971, dated the 1st September, Colonel Moberly would appear to wander about in his Range extraordinarily deficient in information as to his whereabouts, which cannot be very conducive to the efficient discharge of his official duties. In the Government villages, the Natamgars are bound to wait on Colonel Moberly, but in Zemindary villages, in which the Department Public Works have no works in progress, I hold they are only bound to furnish supplies, and that Colonel Moberly cannot demand their attendance and waiting at his tent—they have their own duties to perform. I have no doubt if they were decently treated through courtesy, they would wait on him; but when a Zemindary Natamgar was ill-treated, as in this case, by Colonel Moberly's servant, and after the exhibition made by Colonel Moberly in the village street, such Natamgar would not go near him.

10. On the 31st August Colonel Moberly's Butler appealed against the fine of 20 Rupees imposed on him by the Sub-Magistrate (Tahsildar) for assaulting the Natamgar. I affirmed the fine, because the prosecutor's (Natamgar's) witnesses proved it, and the Butler's own witnesses, Colonel Moberly's camp followers, admitted this much that the Natamgar had tried to get milk, but failed, and that the Butler had seized the Natamgar's hand and had tried to drag him to the tent.

11. The charge was fully proved; the Natamgar had received the order to furnish supplies at a late hour, he had tried to get milk and had failed, he was in no way to blame. Milk in the out-villages is hardly procurable after 7 o'clock in the morning, and often not procurable at all without a good long notice, having to be got from other villages; the assault on the Natamgar was most indefensible in any view of it, and it is just the habit of bullying and insult heaped on the officials by the servants of Europeans, which causes a difficulty in getting supplies by Europeans, and makes the villagers sulky and refuse to give any; besides the conduct of the Butler might have led to a serious attack on Colonel Moberly's followers: had the Natamgar, when assaulted in the street, called any of the villagers to his aid, Colonel Moberly's people might have received a good thrashing. Considering the Butler's conduct wholly inexcusable, and there being no grounds for mitigating the fine, I confirmed it on the 2nd September, on perusal of the appeal petition and the Sub-Magistrate's Calendar.

12. After I had disposed of the appeal on its merits, Colonel Moberly sent me his letter No. 1,012, dated 5th September. I of course could not take any notice of its contents, and besides distrusted the correctness of the statement contained therein. It is perfectly plain that the latter part of the 1st paragraph is not what the Tahsildar is reported to have said to Soobba Naik, but is an annotation of Colonel Moberly's. The Tahsildar gives a different account of his interview with Soobba Naik; and it is remarkable, if such a conversation took place, and Soobba Naik repeated it to Colonel Moberly on the 23rd August, that Colonel Moberly did not allude to it in his letter of the 24th, or in his letter of the 1st September.

13. Since I have received the Government Proceedings under reference, I have read over the evidence given by the witnesses for the defence, and I find the

case worse than I supposed. The witnesses for the defence, Colonel Moberly's followers, a Maty and another servant, deposed that they went to the Natamgar for milk; that he accompanied them to several houses enquiring for milk, and that none was procurable, which they went and told the Butler, who came out and went to the Natamgar, caught hold of him and tried to drag him to the tent. The Butler in his defence says, that he has Colonel Moberly's order to produce and keep in the tent till Colonel Moberly arrives any Natamgar who does not furnish supplies. If Colonel Moberly has given any such illegal order, he simply lays himself open to a criminal prosecution, should a complaint of such assault and restraint be made against him. I have pointed out to him the illegality of the act, and warned him against its repetition.

14. Colonel Moberly says several of his subordinates complain of the offensive manner of the Tahsildar. Up to the date of Colonel Moberly's complaint there is not on record one word to bear out Colonel Moberly's assertion, or to show that the Tahsildar is discourteous or uncivil in his manner. The Tahsildar has been four years in the Taluq; he is, I know, on good terms with the Taluq Overseer, and with Mr. Bywater now in charge of the Range. Captain Payne was long in charge of that Range. I know that Officer intimately. I have been in the Tirumungalum Taluq with Captain Payne, and the Tahsildar has been present with us, and I never observed Captain Payne show the least dislike of the Tahsildar, and he never hinted any thing to me against the Tahsildar or his manner. I feel certain Colonel Moberly could not prove his assertion, and that he has no good foundation for it. It would appear from Colonel Moberly's letter No. 1,012, dated the 5th September, to my address, that even after the altercation complained of, his Clerk Soobba Naik and the Tahsildar must have been talking together on very intimate terms, for the Tahsildar to confide to Soobba Naik his reason for fining the Butler. The Tahsildar's account of his interview with Soobba Naik is very different, and he asserts Soobba Naik came to him by Colonel Moberly's orders. The Tahsildar tells me if an investigation is ordered, he will make Soobba Naik admit this, and what he, Soobba Naik, said in the Chuttrum regarding Colonel Moberly's conduct in this matter. I have known the Tahsildar of Tirumungalum for five years, and promoted him to his present post on account of the very high character he bore, and the numerous testimonials he holds from Officers high up in the service.

15. On the receipt of the Government Proceedings under reply, I called upon the Tahsildar for any further marks* he had to make, which I forward together with an account† of what occurred, written by Vigiarunga Modelly, Deputy Inspector of Schools, and Nadamany Iyen, Inspector of Taluq Schools, both of whom know English, and who were present during the altercation; from their account the Government can judge of the Tahsildar's conduct.

16. There is nothing on record to show that Colonel Moberly has ever experienced any difficulty in carrying on his public duties, owing to the attitude of any of the Revenue officials towards him in either the superior or subordinate grades, and I defy Colonel Moberly to adduce any instance of difficulty, so caused; while on the

other hand, I have to say that if there is any difficulty, it is solely of Colonel Moberly's own creating, and is owing to his own infirmity of temper; it is he who cannot get on with the Revenue officials. He now refuses to see the Tirumungalum Tahsildar. Lately in a rough manner he turned off the Tirumungalum Deputy Tahsildar, who went to see him. He has not seen the Tahsildar of Madura for a year and a half and more, refusing to see him when he calls; the Tahsildar says because he could not procure him bandies, owing to the character Colonel Moberly has amongst the bandy men in the town. If there is any difficulty in the Taluq, owing to Colonel Moberly not having seen the Tahsildar, it is his own fault.

17. Government in their Proceedings No. 1,676, dated 7th September 1861, in the Public Works Department, and in their Order dated 29th November 1861, No. 3,198, lay stress on there being unanimity between the Department Public Works Officers and the Revenue Officers. I defy Colonel Moberly to show that either in personal intercourse, or in correspondence with him, that I have been discourteous to him; but twice since he has joined the District he has gone out of his way to make unfounded and prejudicial remarks against me. *Vide* Government Proceedings in the Department Public Works, dated 7th May 1864, No. 1,318, and 4th July 1864, No. 1,935, both of which references recoiled on himself.

No. 473. ORDER THEREON, 21st November 1865, No. 3,507.

ESTABLISHMENT, No. 43.

1. With the letter at the head of these Proceedings, the Superintending Engineer of the 8th Division submits to

the decision of Government a correspondence between himself and the Collector of Madura, on the subject of a complaint which Lieutenant-Colonel Moberly had preferred to the Collector against the Tahsildar of the Tirumungalum Taluq.

2. It appears that, on arriving at Kúgalapooram on the morning of the 23rd August last, Lieutenant-Colonel Moberly found that the supplies which he had ordered to be ready for him had not been provided, and that no village official was in attendance to procure them. Irritated at this, and hearing that the Natamgar was engaged with the Tahsildar, Lieutenant-Colonel Moberly himself went in search of the man, and suddenly finding himself in the presence of the Tahsildar, who was at the moment, in his Magisterial capacity, taking the depositions of the Natamgar regarding an assault that had been committed on him by one of Lieutenant-Colonel Moberly's servants, Lieutenant-Colonel Moberly entered into a violent personal dispute, during which it is alleged by Lieutenant-Colonel Moberly that the Tahsildar used towards him disrespectful and insulting language. The Collector having been called upon to furnish the Government with the report of the occurrence which the Tahsildar had made to him, has laid the whole of the documents relating to the case before them, with full explanations of the grounds on which, acquitting the Tahsildar of all blame, he had declined to interfere.

3. The Government have most carefully perused all the papers connected with this matter, and, after the fullest consideration of the statements on both sides, they are satisfied that Lieutenant-Colonel Moberly has been wholly in the wrong from the beginning to the end, and that, as he has exhibited such a total want of temper

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and discretion, and so forgotten his position as to discredit himself and the Department to which he belongs in the most public manner, his further employment at the head of the Public Works Department in Madura is no longer desirable. As, moreover, Lieutenant-Colonel Moberly has neglected the many intimations he has had of the necessity of his maintaining the most cordial relations with the Revenue Department, and, further, has not heeded the warnings which have been given him to be more careful in his conduct, the Government resolve to dispense with his services in the Department of Public Works, and to place them again, in the Military Department, at the disposal of His Excellency the Commander-in-Chief.

(True Extract.)



Colonel, R. E.,

Secretary to Government.

*Communicated to the
Revenue Board.*

25th November/65.

To the Superintending Engineer, 8th Division.

- „ Controller of Public Works Accounts.
- „ Military Department, with G. O. No. 3,213 of 1865.
- „ Revenue Department.
- „ Collector of Madura.

