

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 367

Press
Mis.

162. 154

Dated 14 - 2 - 1867.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
14th February 1867.*

Read the following papers:—

No. 162. Endorsement of the Superintending Engineer, 7th Division, dated Madras, 25th January 1867.

From the Executive Engineer, Neilgherries, to the Superintending Engineer, 7th Division, Coimbatore, dated Ootacamund, 21st January 1867, No. 176.

1. I have the honor to bring the following circumstance to your notice, with the view of the same being reported to Government.

2. Captain Hankin has been in the habit of sending to Mr. Money's portion of the Deva shola, from time to time, to obtain therefrom small poles suitable for wattle and daub huts, giving a receipt for the same as portion of the fuel to be supplied by Mr. Money under his arrangement with Government. As these poles were of course not stacked by Mr. Money, Captain Hankin usually sent men to cut them out of the felled timber in his shola. Lately green fuel having been available at the Horn, at the entrance of the shola, carts have gone there to fetch fuel. On the 15th instant poles were required for the works, and an order was given that six carts should be sent, viz., two for poles, and four for fuel; hitherto all the carts for poles or fuel went together, and obtained the poles and fuel from the same shola, and therefore the Superintendent of Public Cattle on the Lawrence Asylum Works sent a simple Memorandum, for the information of the man in charge of the shola, stating that six carts were sent. The whole of the carts, as usual, went together, and the coolies sent to cut the poles, as before noted, instead of going on to Mr. Money's portion of the shola, turned into the Horn shola with the carts, cut the poles there, and loaded them on the carts, which were bringing them away; when Major Morgan, Deputy Conservator of Forests, who came up at this time, stopped the carts, had the poles removed, and sent the carts back empty to the Lawrence Asylum Works.

3. In the afternoon, Mr. Taylor, the Forest Overseer, came to my Office, where I was engaged with Captain Hankin, told us what Major Morgan had done, and said he had been ordered to prosecute the cartmen for theft. I personally explained the matter to Mr. Taylor, and requested him to give my compliments to Major Morgan, and to tell him that I regretted the mistake that had occurred in felling the poles in the Horn shola, and I would give strict orders that care should be taken that similar mistakes should not again occur.

4. The next day Captain Hankin received a letter from the Joint Magistrate of Ootacamund, requesting him to attend at the Joint Magistrate's Court, as a charge of theft had been laid against his cartmen by the Forest Department. I thought it as well to accompany Captain Hankin on Thursday morning to the Court, where we met Mr. Taylor, the Forest Overseer, who had received Major Morgan's written orders which he produced to proceed with the charge. I again carefully explained the mistake that had occurred to both Mr. Taylor and the Joint Magistrate, who quite agreed with me that it was not a question for him to decide as a criminal matter, but that if Major Morgan deemed necessary, he should report it to Government, or at all events communicate with me.

5. Captain Hankin the next day visited the Horn shola, and found that even though the carts for the poles did by mistake go to the Horn shola, had the man in charge belonging to the Forest Department, as he should have done, superin-

*Read to the Superintending
Engineer*

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tended the cutting of the poles, there were heaps of loppings from the trees felled by Major Morgan quite suitable for the poles required, so that even supposing that the poles had been sent for from this shola, there was no necessity for cutting any fresh trees at all, as poles were still required for the works, Major Morgan having retained those cut on the 15th instant. Captain Hankin asked the Forest Department Maistry if he might have these loppings, but was answered in the negative; the Maistry stating that his orders were to give none but large logs to the Government carts, and therefore Captain Hankin had to go on upwards of a mile further to get the poles from the portion of the shola belonging to Mr. Money.

6. Captain Hankin received another letter from the Joint Magistrate yesterday, saying that Major Morgan had himself called at his Court, and lodged a complaint against the cartmen for removing the poles on the 15th instant, and the Joint Magistrate calls upon Captain Hankin to state if the bandymen acted under his orders or not in doing so.

7. The above is a simple statement of what has happened, on which I would beg to offer the following remarks.

8. As I stated to the Overseer, and directed him to tell Major Morgan with my compliments, I exceedingly regret that any poles should have been felled in the Horn shola, but it was a mistake, and one that might easily have been prevented by Major Morgan's own Maistry in charge of the shola.

9. I most respectfully submit that Major Morgan, after the poles were cut, could gain nothing by taking the poles away; but by doing so, he has hindered Government works, thrown away the labor of coolies and carts, besides, by laying a criminal charge against Government servants, has wasted both my time and Captain Hankin's in obliging us to attend the Magistrate's Court at Ootacamund.

10. Had Major Morgan, on his return from Deva shola, in the first instance, called in at my Office instead of sending his Overseer, or afterwards communicated with me on the subject, I have no doubt the matter could have been explained satisfactorily to him; but as he has up to the present time not thought fit to address me on the subject at all, but although after the explanation given by me, as I have before mentioned, both to the Forest Overseer and in Court, persists in pressing the criminal charge, I feel that I can do nothing, but request you to lay the matter before Government for such orders as they may be pleased to pass.

11. In the meantime Captain Hankin has, under my directions, replied to the Joint Magistrate's last letter, requesting him to defer the matter in his Court until an answer has been received from Government to this reference.

Submitted to Government, with a request that the Deputy Conservator of Forests may be called on to state his reasons for continuing to press the criminal charge after receiving the explanation of the Public Works Officers, and their assurances that they would guard against any further mistakes of the kind.

(Signed) G. W. WALKER, Lieut.-Colonel, R. E.,
Superintending Engineer, 7th Division.

Referred to the Revenue Department.

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

25th January 1867.

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14th February 1867.*

1. Referred to the Conservator of Forests for report.

2. He will instruct Major Morgan to withdraw his criminal prosecution of Major Farewell's subordinates pending the orders of Government.

(Signed) W. HUDLESTON,
Secretary to Government.

25th January 1867.

No. 163. From the Officiating Conservator of Forests, to the Secretary to Government, Revenue Department, Fort Saint George, dated Camp, Ootacamund, 31st January 1867, No. 2,228.

* Herewith returned.

In reply to your official docket on Major Farewell's letter* to Colonel Walker, I have the honor to forward

Major Morgan's explanation of the case. Major Morgan appears only to have intended pressing the prosecution in the event of the damage having been wilfully committed, and when it appeared that it was a mistake, occurring from a misapprehension of orders, the case was dropped.

From the Deputy Conservator of Forests, to the Officiating Conservator of Forests, dated Ootacamund, 30th January 1867, No. 496.

* Enclosure returned.

In reply to your letter* No. 2,224, dated 30th January 1867, I have the honor to report as follows.

1. It was ordered in G. O. No. 3,119, dated 16th November 1866, that I was to supply the Lawrence Asylum Works with green wood from the northern Horn of the Deva shola, and that I was to mark every tree to be felled. I accordingly visited the shola on the 27th of that month, and marked off a road, and pointed out what trees were to be felled; and on my return visited the Lawrence Asylum Works, and told Captain Hankin that I was ordered to supply him with green wood and mark every tree.

2. On the 2nd January 1867, I reported to Captain Hankin that my Overseer was prepared to supply him with green wood for firewood.

3. On the 15th January 1867, I visited the shola and found two cart loads of saplings being carted off from the shola, which had been cut by the Lawrence Asylum bandymen.

4. I directed Overseer Taylor, as I had important office business to transact, to unload the carts, and proceed at once to Captain Hankin, and inquire if the men had any orders to cut in the shola; the Overseer reported that Captain Hankin had told him that the men were ordered to get poles from Mr. Money's shola, and added that Major Farewell sent his compliments and would write. As Major Farewell did not write, I concluded the Overseer had made a mistake, and as Captain Hankin had given the men orders to go to Mr. Money's shola, I directed the Overseer to prosecute the men agreeably to the orders of Government.

5. On the 16th January 1867, the Overseer lodged his complaint with the Magistrate, who asked Captain Hankin and Major Farewell to attend; they, it appears, explained to him that it was a mistake, and Major Campbell refused to entertain the charge, as it was between departments.

† Enclosed.

I received no report about a "mistake," the Overseer simply informed† me that the charge was refused by the Magistrate, as it was between departments. On this I went to the Magistrate, and explained to him that, as far as I knew, it was not between departments, and requested him to

Test to the Superintending Engineer

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write to Captain Hankin, and explain to him that unless it could be proved a misapprehension of orders by the men, I was bound to prosecute the men by the orders of Government. Major Campbell wrote Captain Hankin, and I received from him

* Enclosed.

a copy of Captain Hankin's reply, * which I did not receive until my return from Mudumallai on the 26th instant, and was the first intimation to me that the whole matter was a "mistake." On the receipt of the letter I took no further steps in the matter, with the exception of writing to Major Farewell to explain to him what I had already done.

6. Paragraph 6 of Major Farewell's letter is a strange mistake. I simply asked the Magistrate to explain to Captain Hankin that unless the cutting, not removal, of the poles was a misapprehension of orders, the men must be prosecuted. I lodged no complaint on the 17th instant. I simply went to explain matters, and received no explanation until the 26th idem.

7. With regard to paragraph 7, I have to explain that if the Maistry had done his duty, the men could not have cut the saplings; but I have only one Overseer and two Peons, who cannot always be at distances fifteen miles apart.

8. To paragraph 9 I would reply that, to prove the fact, it was necessary to retain the poles, and is the usual course pursued; the men who cut the poles without orders ought to make good the loss to Government.

In reply to paragraph 10, I could not go to Major Farewell's Office, as I had some important office-work of my own to transact, and the Overseer might safely be trusted to ask a simple question if the men had orders to cut, or not. As to the latter part of the paragraph, as above stated, I never received any explanation until the 26th current, after which, and indeed from the date (17th January) of my explaining the matter to Major Campbell, no charge was pressed.

In conclusion, I would observe that the orders of Government were stringent, and to deter others from damaging the shola I considered it indispensable that the men should be prosecuted, and had Captain Hankin, in the first instance, written me a line by the Overseer to explain the mistake, no further action would have been taken by me.

No. 164. ORDER THEREON, 14th February 1867, No. 367.

Forests, No. 5.

1. Ordered that Captain Beddome's letter, with Major Morgan's enclosed explanation, be communicated to the

Superintending Engineer, 7th Division, through the Public Works Department, with reference to his docket on Major Farewell's letter above recorded.

2. The matter evidently calls for no further notice by Government; but the mistake in which it originated would have been set right at once had either Major Farewell or Captain Hankin written a line of explanation to Major Morgan, as it was clearly their place to do, the breach of Forest rules having occurred among their men.

(True Extract.)

(Signed) W. HUDLESTON,

Secretary to Government.

To the Public Works Department.
,, the Officiating Conservator of Forests.

Exd. S. T. Augustin.

Revenue Department

N^o 367.

Proceedings of the Madras Government
Under date the 14th February 1867.

Read the following Papers.

From the Super^g Eng^g & Div^g.

Submitting for the order of Gov^g a letter from Major Farewell regarding Major Morgan's proceeding in continuing to press a charge of theft against certain Cartmen employed in conveying poles, &c. from the Forest for the Lawrence & Baylam Works.

(Here enter 25th Jan^y 1867)

From the Off^g Conserv^g of Forests.

Forwarding an explanation from Major Morgan regarding the prosecution of a criminal case against Major Farewell's subordinate.

(Here enter 31st Jan^y 1867
N^o 2228)

W. H. N.

Ordered that Captain Beddome's letter, with Major Morgan's enclosed explanation, be communicated to the Superintending Engineer.

7
Engineer & Division thro
the L. W. Co. with reference
to his docket on Major
Forewell's letter above recorded.

The matter evidently
calls for no further notice by
Government, but the mistake
in which it originated would
have been set right at once
had either Major Forewell
or Captain Hankin written
a line of explanation to
Major Morgan - as it was
clearly their place to do the
breach of Forest rules
having occurred among
their men.

21 Copies Letter to Dept. of Forests
4 - - - - - Comr. of Forests

December 1867 Report
to the Post for the day.

Dec 367.

No of the Ute Indians sent
to the 11th. in December 1867

Communications
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