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(3) Initials of the Referencer

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

REVENUE DEPARTMENT

G.O. No. / B.P. No.	2977	Press. / Mis.
Dated	27-9-1877	197 .

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

27th September 1877, No. 2,977.

Famine Relief.

Read the following paper :—

No. 751. Endorsement of the Secretary to Government, Military Department, dated Fort St. George, 18th September 1877, No. 5,259.

Read the following letter from Colonel H. N. D. PRENDERGAST, R.E., Commandant, "Queen's Own" Sappers and Miners, to the Adjutant-General, Madras, dated Bangalore, 27th August 1877, No. 738 :—

I HAVE the honor to request that you will favor me by submitting to His Excellency the Commander-in-Chief the accompanying correspondence regarding the deprivation of Private Veerien, "Queen's Own" Sappers and Miners, of his working pay when employed on famine relief-work in the Cuddapah District.

2. Civil officers who have detachments of Sappers less than a company under their orders are kind enough to send in reports of the men every month to the Officers Commanding the Companies; these reports are forwarded to headquarters of the corps, so that the Commandant is able to take notice of any irregularities on the part of the Sappers on detachment duty.

3. The rules for depriving men of their working pay are to be found in paragraphs 39, 40, and 41, Section XI, page 194 of the Madras Pay and Audit Regulations, Edition of 1861, and Article 432A of Pay Code for India Volume II, Native Troops, of the Edition of 1877. A copy of them is appended.

4. It will be observed from the correspondence that the Collector of Cuddapah has not only directly mulcted Private No. 73, Veerien, "Queen's Own" Sappers and Miners, of 31 days' working pay claimed for the Private by the Officer Commanding E Company, but by keeping him unemployed for 49 days more has deprived him of the opportunity of earning working pay for those days.

5. The Collector of Cuddapah has failed to answer three letters addressed to him by Captain Winterbotham on the subject of Private Veerien's working pay (numbers and dates shown in the margin), and has arrogated to himself a power of punishing a Sapper, which does not seem to be authorized.

No. 285 of 5th June.
,, 303 of 15th ,,
,, 353 of 21st July.

6. The family of Private Veerien, together with the families of all the other men of the E Company, was detained at Bangalore by order of Government, and a great portion of his military pay is necessarily remitted to his family, so that he, like most of his comrades, is in a great measure dependent on his working pay for the actual necessaries of life.

7. Private Veerien, both before and after his unfortunate employment in the Cuddapah District, has invariably been considered a well-behaved and hardworking man, and seems to have had no opportunity of clearing himself before an officer of the charges made against him.

8. Owing to the disrespect for caste preindices when they stand in the way of duty, and the manly independence which is the result of the training of a Sapper, the men are likely to be offensive to those of the inferior native officials who are prejudiced and ignorant, and on this account the Sappers require special protection when employed on famine relief-works at a distance from their officers.

9. I have the honor, in conclusion, to request that His Excellency the Commander-in-Chief will be good enough to move Government to pass such orders as will restrain officers in civil employ from depriving Sappers employed on relief-works of their working pay, either directly or indirectly, and to grant to Private No. 73, Veerien, "Queen's Own" Sappers and Miners, such compensation as may be deemed requisite for the injury he has received by loss of working pay and by defamation of character.

Military Pay and Audit Regulation, Section XI.

"39. The classification of the men rests with the Officer Commanding the Corps, who is also empowered to remove any man from a higher to a lower class as a punishment for continued neglect, and for any period not exceeding six months. If he shall desire an extension of this punishment beyond the above period, the case must be reported for the orders of the Commander-in-Chief.

"40. Officers Commanding Companies are authorized to fine men under their command to the extent of one-third of the day's rate of working pay for repeated idleness or inattention, but such forfeiture is to be subject to the confirmation of the Officer Commanding the Corps.

"41. The removal of a man from a higher to a lower class, and the consequent lower rate of working pay, is invariably to be announced in Regimental Orders, as also his restoration to his original class."

Pay Code for India, Volume II, Native Troops.

"432A. Should a Soldier employed on works be guilty of misconduct, or show himself negligent or inefficient, the British Officer in principal charge of the works may stop the whole or any portion of his working pay on the days on which he is guilty of such misconduct, provided the offence be committed while on the duty for which he is in receipt of working pay."

(True Extract.)

(Signed) H. N. D. PRENDERGAST, Colonel, R.E.,
Commandant, "Queen's Own" Sappers and Miners.

24th August 1877.

ENCLOSURE No. 1.

From C. F. MACCARTIE, Esq., Special Assistant Collector, to J. F. PRICE, Esq., Acting Collector of Cuddapah, dated Camp, Kamalapur, 8th May 1877, No. 74.

As directed in your foot-note, No. 48, dated 5th February 1877, I have the honor to report upon the behaviour and condition of the Sappers employed in this taluq.

2. Naigues Kollamuthu and Narayanasawmy are giving much satisfaction, and are in good health.

3. Private Veerappa, employed as Maistry on the Khajeepet and Kamalapur Road, is perfectly useless. He is reported to be continually absent from duty, and he evidently considers himself responsible to none.

4. On visiting his party yesterday I found, on inquiring for him, that he had been absent without leave since May 1st to 10th for 10 days.

5. On 29th March 1877 I gave him 6 days' leave on urgent private affairs to see a sick relation in Madanapally. He remained absent for 15 days.

6. Under these circumstances, I refuse to employ him and have relieved him from duty.

I request that you will bring his conduct to his Commanding Officer's notice.

No. 722.

FORWARDED to the Officer Commanding "Queen's Own" Sappers, Bellary, for information.

(Signed) J. W. JOHNSTON,
Special Deputy Collector,
for Acting Collector.

CUDDAPAH,
31st May 1877.

ENCLOSURE No. 2.

From C. F. MACCARTIE, Esq., Special Assistant Collector, to J. F. PRICE, Esq., Acting Collector of Cuddapah, dated Kamalapur, 23rd May 1877, No. 89.

I HAVE the honor to inform you that, for the reasons stated in my letter to your address, No. 79, dated 12th instant, I have ordered Private Veerappa, lately employed on the Khajeepet Road, to report himself to the Deputy Collector in Cuddapah, to remain there pending further orders, as he is perfectly useless for employment on famine-works, and his misconduct in breaking his leave and absenting himself from work should be brought to the notice of his Commanding Officer.

No. 723.

FORWARDED to Officer Commanding "Queen's Own" Sappers and Miners, Bellary. Private Veerappa, now at Cuddapah, will be sent back to Bellary, as he is found to be useless.

(Signed) J. W. JOHNSTON,
Special Deputy Collector,
for Acting Collector.

CUDDAPAH,
31st May 1877.

ENCLOSURE No. 3.

From Captain F. H. WINTERBOTHAM, Commanding "E" Company, "Queen's Own" Sappers and Miners, to J. F. PRICE, Esq., Acting Collector of Cuddapah, dated Bellary, 5th June 1877, No. 285.

I HAVE the honor to acknowledge the receipt of copies of letters, Nos. 74 and 89, dated May 8th and 23rd, 1877, from the Special Assistant Collector of Cuddapah to your address, forwarded with endorsement Nos. 722 and 723, of May 31st, by the Special Deputy Collector for you for my information.

2. Whilst regretting extremely that you should have cause of complaint against any man of the company under my command employed in your district, I beg to be allowed to draw your attention to the following points.

3. In paragraph 3 of letter No. 74, above referred to, the Special Assistant Collector, after remarking that Private Veerappa (I presume Private No. 73, Veerien, is meant, as I have no other man whose name commences with a *V* at Cuddapah) is "perfectly useless," proceeds to state that the said Private is "reported" as continually absent, &c.

I have now known Private Veerien for some years, and can certify that when he went to Cuddapah he was a good and thoroughly efficient man in every way, and a very slight amount of supervision would, I am certain, have kept him so. It does not appear by whom the Private was "reported," nor whether any steps were taken to test the accuracy of such reports.

4. In paragraph 4 the Special Assistant Collector remarks: "On visiting his party yesterday I found, on inquiring for him, that he had been absent without leave since May 1st to 10th for 10 days."

As the Special Assistant Collector's letter is dated Camp, Kamalapur, 8th May 1877, it is evident that he visited Private Veerien's party on 7th May; it does not appear, therefore, how on that date he could find out that the Private had been absent "from May 1st to 10th for 10 days."

5. In paragraph 5 the Special Assistant Collector states: "On 29th March 1877 I gave him 6 days' leave * * * He remained absent for fifteen days."

It is not stated what explanation the Private offered, though he doubtless did make some; and it seems probable that such explanation was satisfactory, as he appears to have been permitted to go on with his work as usual until May 23rd, when he was ordered down (*vide* letter No. 89) from employment on the Khajeepet Road to Cuddapah.

6. In the monthly report for April 1877 of the Detachment of the Company under my command employed in the Cuddapah District, dated 26th May 1877, and signed by the Deputy Collector, I find the following entry in the column headed "Remarks" opposite the name of Private No. 73, Veerien:—

"No working pay drawn as per orders of Special Assistant Collector."

7. The families of Sappers employed on famine relief duty are detained at Bangalore by order of Government, amongst them the family of Private Veerien; and in its support a large portion of his military pay must necessarily be expended, the Private himself being in a great measure dependent on his working pay for the actual necessaries of life; to order no working pay to be drawn for him is, I submit, not only a most harsh order in itself, but one which the Special Assistant Collector had no right whatever to give; and I trust; that you will direct the

amount of working pay due to Private Veerien for April 1877 to be forwarded to me for payment to him.

8. With reference to endorsement No. 723, dated 31st May 1877, before referred to, I beg to inform you that up to date Private Veerien has not joined Company Head-Quarters at Bellary when he does so his case shall be fully inquired into, and the result, should you desire it, communicated to you.

ENCLOSURE No. 4.

From Captain F. H. WINTERBOTHAM, Commanding "E" Company, "Queen's Own" Sappers, to J. F. PRICE, Esq., Acting Collector of Cuddapah, dated Bellary, 15th June 1877.

No. 303.

In continuation of my letter, No. 285, dated 5th June 1877, I have now the honor to enclose a copy of the statement made by Private No. 73, Veerien, of the company under my command, regarding his dismissal from employment on famine relief-works in your district.

2. If the Private's statement is correct, and I see no reason to doubt its being so, it appears to me that he has been more sinned against than sinning.

3. It is at any rate clear that since March 27th last, the date of his leaving the work on the Kamalapur and Khajeepet Roads to proceed to Cuddapah to solicit Mr. MacCartie to grant him leave to visit his sick brother, up to June 12th, the date of his leaving Cuddapah to join Company Head-Quarters at Bellary, he has received no working pay at all.

4. Considering that the families of the Sappers employed on relief-works are detained at Bangalore by order of Government, that a good portion of a Sapper's military pay is necessarily expended in keeping his family there, and that he himself is in no small degree dependent on his working pay for the wherewithal to purchase the actual food he requires, it is, I respectfully submit, a most harsh proceeding to keep, for a period of nearly 80 days, a Sapper thus situated without any working pay at all.

5. It appears to me that the Private's just claim for working pay for these days There may be some doubt as to his claim for working pay for the days when ordered to march his 15 miles into Cuddapah to get his pay—whilst detained at Cuddapah through no fault of his own, and whilst returning to his work again. My own opinion, however, is that this also is a just claim. I beg, therefore, on his behalf to submit, for your favorable consideration, his claim for 31 days' working pay for April and May, and I trust that you will direct the amount to be forwarded to me for payment to him.

	Days.
Work from April 13th to May 6th	= 24
Detained at Cuddapah on April 19th and 11th and May 8th and 9th	= 4
Going and returning for pay, April 12th and May 7th and 10th	= 3
Total ...	31

6. I shall be much obliged if you will kindly inform me why the Private in question was kept at Cuddapah out of work from May 11th till June 11th. Had he been immediately sent back to Company Head-Quarters when no larger required in your district, he would have at once been put on work here under proper supervision, and have received working pay for that period. Possibly he was detained as a punishment; in any case I cannot but think that he has just cause of complaint at the way in which he has thus been mulcted of a month's working pay—a most serious punishment whether intended as one or not.

7. It appears from the Special Assistant Collector's own letters that his bad opinion of the Private was, in some measure at least, formed from reports made to him.

If these reports were made by natives, the mere fact that the Private is of the chuckler caste will, to my mind, go far towards proving, what I doubt not is really the case, that Private Veerien has not had the fairest of treatment at the hands of his native superiors.

STATEMENT of Private No. 73, Veerien, "E" Company, "Queen's Own" Sappers and Miners.

I was employed in the Cuddapah District on work on the Kamalapur and Khajeepet Road. Towards the end of March 1877 I got a [illegible] from my brother, Private No. 370, Nursoo, of my company, who was at work at Madanapalli, saying that he was ill, and asking me to come and see him.

On March 27th I asked permission from the Reddy in charge of the work to go to Cuddapah to obtain leave from Mr. MacCartie to go to my brother at Madanapally. The Reddy gave me

permission, and I went to Cuddapah on March 27th and reported myself to Naigue Narrainsawmy of my company there.

On March 28th I went to Mr. MacCartie's office, but he was not there. I then went to the Deputy Collector's Office to ask for leave, but he told me I must send in a written application. I was unable to do this. So next day, 29th March, at 11 o'clock, I got Naigue Narrainsawmy to accompany me to Mr. MacCartie's office. He was present. I asked for 8 days' leave. Mr. MacCartie would not give me 8 days' leave, but gave me 6 days.

I started for Madanapally on March 30th from Cuddapah. I did not then know how long a march it was. I thought that as Mr. MacCartie would only give me 6 days' leave, probably Madanapally was not so very far off.

I left Cuddapah at 2 A.M. on March 30th and I reached Madanapally about noon on April 2nd. I was walking hard. I think the distance must be over 70 miles. The weather was very hot, and I was very foot-weary, and found it impossible to get back to my work within my leave. I did my best, but I did not arrive at Cuddapah until April 9th.

I went to the Deputy Collector's office at Cuddapah on April 9th for my pay. I was told it was not ready, but that I was to stop at Cuddapah and receive my pay for March before returning to work at Kamalapur. I waited at Cuddapah accordingly, and on April 11th I received my pay for March at the Deputy Collector's office.

On April 12th I returned to my work on the Kamalapur and Khajeepet Road, about 15 miles from Cuddapah. I explained to the Reddy in charge of the work how I came to be absent. I heard nothing about my being absent until April 17th, when the Tahsildar, who is in head charge of the works, came to me whilst at work and asked me why I had not rejoined my work within the period of my leave granted by Mr. MacCartie. I told him the circumstances as I have now stated. The Tahsildar wrote down what I said, and, I believe, reported the matter to Mr. MacCartie.

I continued at my work until the end of April and on to May 6th as usual. I had no reason to suppose that my explanation had not been received as satisfactory. On May 6th the Reddy said to me "To-morrow you had better go into Cuddapah and get your April's pay at the Deputy Collector's office." I always had to go into Cuddapah to get my pay, which was generally issued there about the 7th. I accordingly went to Cuddapah (about 15 miles) on May 7th. Pay was not ready on the 7th or the 8th, but on the 9th it was, and I received it on that date. I got no working pay for April. I was told at the Deputy Collector's office that Mr. MacCartie had given orders that no working pay whatever was to be drawn for me.

On May 10th I went back to my work on the Kamalapur and Khajeepet Road. The Reddy then told me that Mr. MacCartie had visited the work on May 7th (the date on which I was sent to Cuddapah for my pay), and that not finding me there had ordered the Reddy when I came back to turn me off the work altogether.

On May 11th I accordingly went back to Cuddapah and reported this at the Deputy Collector's office. I was told to wait at Cuddapah until some definite orders were received regarding me.

I went daily to report myself and to ask for orders at the Deputy Collector's office at Cuddapah from May 11th till June 11th, on which latter date was told to join Company Head-Quarters at Bellary next day. I had Rs. 2-4-0 paid to me to purchase a Railway ticket from Cuddapah to Bellary.

On June 12th I left Cuddapah by the 9 A.M. train; we were delayed a long time in crossing the Hugary which was in flood; the train did not reach Bellary till 2 A.M. on June 13th. About 8 A.M. I reported myself to the Officer Commanding my Company at Bellary.

I received my pay for May at the Deputy Collector's office at Cuddapah on June 5th. I got no working pay for May. I was told that Mr. MacCartie had ordered none to be drawn.

THE above statement was taken before me at Bellary this 13th June 1877.

(Signed) F. H. WINTERBOTHAM, Captain,
Commndg. "E" Cy., "Queen's Own" Sappers and Miners.

ENCLOSURE No. 5.

From Captian F. H WINTERBOTHAM, Commanding "E" Company, "Queen's Own" Sappers and Miners, to J. F. PRICE, Esq., Acting Collector of Cuddapah, dated Bellary, 21st July 1877, No. 353.

I HAVE the honor to request the favor of a reply to my letter, No. 303, dated 15th June 1877.

No. 502.

Head Quarters, Mysore Division, Bangalore, 31st August 1877.

(Signed) C. ELMHIRST, Major-General,
Commanding Mysore Division.

No. [illegible]

FORWARDED to the Judge Advoc[illegible] for favor of report (to be returned).

(By order,)

OOTACAMUND, 6th September 1877. (Signed) F. W. JEBB, Brigadier-General, Adjutant-General.

No. 544.

MEMORANDUM.

THE Judge Advocate-General has the honor to return the papers received with Memorandum from Adjutant-Genaral, No. 409, of 6th instant, relative to the deprivation of working pay of a Private of the "Queen's Own" Sappers and Miners when employed on famine relief-works.

2. Under the provisions of paragraphs 993-4 of the Madras Army Regulations, Sappers are employed upon public works, civil or military, as may be ordered by Government; except in cases of emergency, and with the previous sanction of the Commander-in-Chief, no party under the strength of a complete company is to be employed on detached duty extending beyond the period of one month; and no party is to be detached under the strength of a complete section.

3. Officers in charge of public works are prohibited from interfering with the interior economy of such parties, their attention being confined to the right employment of the men with reference to the work, while the duty of detaching the parties available for employment rests with the Regimental Officer.

Paragraph 1,020, Madras Army Regulations.

4. Under paragraph 40, Section XI of the Madras Pay and Audit Regulations, Officers Commanding Companies alone are authorized to fine men under their command to the extent of one-third of the day's rate of working pay, subject to the confirmation of the Officer Commanding the Corps of Sappers and Miners.

5. From the above it seems the Collector of Cuddapah had no power to grant the Sapper 6 days' leave of absence, to keep him unemployed for 40 days, or to have mulct him of 31 days' working pay.

6. Paragraph 8 of Colonel Prendergast's letter deserves attention.

OOTACAMUND, 8th September 1877. (Signed) F. MARDALL, Colonel, Judge Advocate-General.

No. 427.

MEMORANDUM.

SUBMITTED, with enclosures, for the information and orders of Government.

(By order,)

OOTACAMUND, 13th September 1877. (Signed) F. W. JEBB, Brigadier-General, Adjutant-General.

TRANSFERRED to the Revenue (Famine) Department.

(By order,)

(Signed) J. MICHAEL, Colonel,
Secretary to Government, M.D.

No. 752. ORDER THEREON, 27th Septen[illegible]r 1877, No. 2,977.

Miscellaneous.

I[illegible]GRACE the Governor considers that P[illegible] No. 73, Veerien, belonging to the [illegible]pany, "Queen's Own" Sappers and Miners, is entitled to working pay for [illegible] of April and May and up to the 11th June, less the period between the [illegible]d 8th April, both days inclusive, during which he was absent with or[illegible]ave, and directs that the same be passed to him accordingly.

2. The Judge Advocate-General's opinion will meanwhile be communicated to the Collectors of Kurnool, Bellary, and Cuddapah for their information and guidance, and they will understand that if there is any cause for complaint against a Sapper working under them or their subordinates it should be laid before his Company Officer for inquiry and disposal. They will also bear in mind that Sappers when detached on account of their isolated position, at a distance from their own officers, are entitled to, and are to receive, necessary support and protection from civil authorities.

(True Extract.)

Additional Secretary to Government.

To the Military Department.
" the Collector of Cuddapah.
" the " of Bellary.
" the " of Kurnool.
" the Board of Revenue.
" the Financial Department.
" the Accountant-General.

Exd. A. F. Goodall.

Spare Copies

7. N.

Mil. Dep. No. 840.
Docket No. 5259 1st Div.

No 2977
27 Oct 1877

Encl. 751-752
H.R. No. 2908

£ 0 3/23

His Grace the Governor
Considers that Private No
73 Keenan belonging to the
E. Company 2.0 Sappers
& Miners is entitled to
working pay for the
months of April &
May & up to the 11th
June, less the period
between the 30th April &
6th May, during which
he was absent without leave & directs
that the same be passed
this accordingly

2. His Grace has been consulted
the Judge Advocate
General's opinion relative
to the liability of the Civil
Prisons under which the
Sappers are working to
pay their fines, even if
correct, is somewhat strained
See 1020 of the Queens
Army Regulations Vol. I

provides that a Public
Works Officer discharging
a work on which a
detachment of Sappers
is employed
is to be in the station
ceremony of the detachment,
because, apparent of, an
Officer is supposed the
Officer in command
in the Post in command.
Post, Detachment, in
Post, Detachment, and
Some of the Detachment
Districts, or the detach-
ments of Sappers be
be placed at the
disposal of Civil
employment
Officers for
in very small parties
on Relief basis of the
Sappers cannot be
the Civil Officers under
for their on taking
Head of the
same employment
in the way of leave
as they would from
their own Officers if present
their own Chief & Inspecting
Field Officer upon
the Engagement necessary
the Defence Fund

applications for leave to
the Officer commanding
E. Company at Bellary.
This practice therefore would
frequently tend to the C in C
with some such information
as to the fitness of
the Sapper to be
3. The Judge Advocate Genl
Opinion with to be consulted by the
Officers of Kurnool & Bellary
& Cuddapah for their information
when opinion & they
will understand that if
there is any case for
complaint against a Sapper
it is the duty of the
Company Officer at Bellary
for enquiry & disposal.
They will also bear in mind
that Sapper on account
of their profession, is debarred
their own Officers, are
entitled to, and are to receive
any special protection from civil
authorities 21/9/77 J.H.S

10 Mily. Dept
11 Collr of Cuddapah
Bellary
11 Kurnool
11 Bombay Govt.
31 Fin. Dept
5 Accts Genl

Dep. 28/10/77

Recd 25/9

H.G.H.
4
23/4

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On May 10th I went back to my work on the Kamalapur and Khajeepe Road. The Reddy then told me that Mr. MacCartie had visited the work on May 7th (the date which I was sent to Cuddapah for my pay), and that not finding me there had ordered the Reddy when I came back to turn me off the work altogether.

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(Signed) F. H. WINTERBOTHAM, Captain,
Commndg. "E" Cy., "Queen's Own" Sappers and Miners.

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I HAVE the honor to request the favor of a reply to my letter, No. 303, dated 15th June 1877.

No. 502.

Head Quarters, Mysore Division, Bangalore, 31st August 1877.

(Signed) C. ELMHIRST, Major-General,
Commanding Mysore Division.

No. 409.

FORWARDED to the Judge Advocate-General for favor of report (to be returned).

(By order,)

OOTACAMUND, 6th September 1877. (Signed) F. W. JEBB, Brigadier-General, Adjutant-General.

No. 544.

MEMORANDUM.

THE Judge Advocate-General has the honor to return the papers received with Memorandum from Adjutant-Genaral, No. 409, of 6th instant, relative to the deprivation of working pay of a Private of the "Queen's Own" Sappers and Miners when employed on famine relief-works.

2. Under the provisions of paragraphs 993-4 of the Madras Army Regulations, Sappers are employed upon public works, civil or military, as may be ordered by Government; except in cases of emergency, and with the previous sanction of the Commander-in-Chief, no party under the strength of a complete company is to be employed on detached duty extending beyond the period of one month; and no party is to be detached under the strength of a complete section.

3. Officers in charge of public works are prohibited from interfering with the interior economy of such parties, their attention being confined to the right employment of the men with reference to the work, while the duty of detaching the parties available for employment rests with the Regimental Officer.

Paragraph 1,020, Madras Army Regulations.

4. Under paragraph 40, Section XI of the Madras Pay and Audit Regulations, Officers Commanding Companies alone are authorized to fine men under their command to the extent of one-third of the day's rate of working pay, subject to the confirmation of the Officer Commanding the Corps of Sappers and Miners.

5. From the above it seems the Collector of Cuddapah had no power to grant the Sapper 6 days' leave of absence, to keep him unemployed for 49 days, or to have mulct him of 31 days' working pay.

6. Paragraph 8 of Colonel Prendergast's letter deserves attention.

OOTACAMUND, 8th September 1877. (Signed) F. MARDALL, Colonel, Judge Advocate-General.

No. 427.

MEMORANDUM.

SUBMITTED, with enclosures, for the information and orders of Government.

(By order,)

OOTACAMUND, 13th September 1877. (Signed) F. W. JEBB, Brigadier-General, Adjutant-General.

8/2977

TRANSFERRED to the Revenue (Famine) Department.

(By order,)

(Signed) J. MICHAEL, Colonel,
Secretary to Government, M.D.

No. 752. ORDER THEREON, 27th September 1877, No. 2,977.

Miscellaneous.

HIS GRACE the Governor considers that Private No. 73, Veerien, belonging to the E Company, "Queen's Own" Sappers and Miners, is entitled to working pay for the months of April and May and up to the 11th June, less the period between the 30th March and 8th April, both days inclusive, during which he was absent with or without leave, and directs that the same be passed to him accordingly.

2. The Judge Advocate-General's opinion will be communicated to the Collectors of Kurnool, Bellary, and Cuddapah for their information and guidance, and they will understand that if there is any cause for complaint against a Sapper working under them or their subordinates it should be laid before his Company Officer for inquiry and disposal. They will also bear in mind that Sappers when detached on duty at a distance from their own officers, are by reason of their isolated position entitled to, and are to receive, necessary support and protection from the civil authorities.

(True Extract.)

(Signed) J. H. GARSTIN,
Additional Secretary to Government.

To the Military Department.
" the Collector of Cuddapah.
" the " of Bellary.
" the " of Kurnool.
" the Board of Revenue.
" the Financial Department.
" the Accountant-General.

Exd. A. F. Goodall.

No. 738

Bangalore 24th August 1877

From

Colonel W. H. D. Saunders 102nd
Commandant Coorg Sappers & Miners

To

The Adjutant General
of Madras,

Sir,

I have the honor to request that you will favor me by submitting to His Excellency the Commander in Chief the accompanying Correspondence regarding the deprivation of Private Varadan, Runner Coorg Sappers & Miners of his Working pay when employed on Famine Relief Works in the Cuddapah District.

2 Civil Officers who have Detachments of Sappers less than a Company under their Orders are kind enough to send in Reports of the men every month to the Officer Commanding the Companies, these Reports are forwarded to Head Quarters of the Corps so that the Commandant is able to take notice of any irregularities on the part of the Sappers on Detachment duty.

3 The Rules for depriving men of their Working pay are to be found in Paras 39 40 & 41 Section XL page 1194 of the Madras Pay & Civil Regulations. Edition of 1868 and Article 432 a of Pay Code for India Vol III 1875

of the Ordinance of 1777 a Copy of them is appended.

4 It will be observed from the Correspondence that the Collector of Cuddapah has not only directly mulcted Private No 73 Veerien C A Sappers & Miners of 31 days net King pay claimed for the Private by the Officer Commanding E Company, but by keeping him unemployed for 49 days more has deprived him of the opportunity of earning net King pay for three days.

5 The Collector of Cuddapah has failed to answer 3 letters addressed to him by Captain Wauton he thinks on the Subject of Private Veerien's net King pay Numbers and dates shown in the margin and he has arrogated to himself a power of punishing a Sapper which does not seem to be authorized.

6 The family of Private Veerien together with the families of all the other men of the E Company was detained at Bangalore by Order of Government and a great portion of his Military pay is necessarily remitted to his family so that he like most of his Comrades is in a great measure dependant on his net King pay for the actual necessaries of life.

7 Private Veerien both before and after his unfortunate employment in the Cuddapah District has invariably been considered a well behaved

No 205 of 5th June
" 305 of 12th "
" 356 of 27th July

and hard net King man and deserves to have had an opportunity of clearing himself before an Officer of the Charges made against him.

8 Owing to the disrespect for caste prejudices &c that may stand in the way of duty and the manly independence which is the result of the training of a Sapper, the men are likely to be offensive to those of the inferior Native Officials who are prejudiced and ignorant and on this account the Sappers require special protection when employed on Service & desirous to be at a distance from their Officers.

9 I have the honor in conclusion to request that Your Excellency the Commander in Chief will be good enough to move Government to pass such Orders as will restrain Officers in Civil Employ from depriving Sappers employed on Relief net pay of their net King pay either directly or indirectly and to grant to Private No 73 Veerien C A Sappers & Miners such Compensation as may be deemed requisite for the injury he has received by loss of net King pay and by defamation of Character.

I have the honor to be
Sir Your Most Obedt Servt
W Pringle Colonel
Commandant C A Sappers & Miners

No 502
Head Quarters Bangalore
Bangalore 29th August 1877
Submitted
W. Pringle Colonel
Commandant Sappers & Miners

Military Pay and Audit Regulations Sec XI.—

"39 The Classification of the Men rests with the Officer Commanding the Corps, who is also empowered to remove any man from a higher to a lower class as a punishment for continued neglect, and for any period not exceeding Six Months. If he shall desire an extension of this punishment beyond the above period, the case must be reported for the Orders of the Commander in Chief.

40. Officers Commanding Companies are authorized to fine men under their Command to the extent of one third of the days' rate of not King pay for repeated offences or inattention, but such Infliction is to be subject to the Confirmation of the Officer Commanding the Corps.

41. The removal of a man from a higher to a lower class, and the consequent lower rate of his King pay, is invariably to be announced in Regimental Orders, as also his restoration to his original class."

Pay Cod for India Vol II Native Troops—

"432 A Should a Soldier employed on Works be guilty of Misconduct, or show himself negligent or inefficient, the British Officer in principal Charge of the Works may stop the whole or any portion of his not King pay on the days on which he is guilty of such misconduct, provided the Offence be committed while on the duty for which he is in receipt of not King pay."

/True Extract/

Lt Col Commanding 1st Bn Sappers & Miners

24/3/77 Commandant

Lt Col R.E.

11/2977

No 74

Caddapah Special Dr Collr Office
8th May 1877
Camp Kamalapuram

From - C. F. MacCarthy Esq
Special Assist: Collr of Caddapah

To - J. F. Price Esq
acting Collector of Caddapah.

Sir -

As directed in your Post-work No 48 dated 5th February 1877, I have the honor to report upon the behaviour & conduct of the Sappers employed in this Salary -

2. Naiks Kollamuthu & Narayanaswamy are giving much Satisfaction and are in good health -

3. Private Veerappa employed as Mistry on the Khajapet and Kamalapuram Road, is perfectly useless - He is reported to be continually absent from duty and he evidently considers himself irresponsible to anyone -

4. On visiting his party yesterday I found an Engineering Job here that he had been absent without leave

Since May 1st to 10th for 10 days -

5. On 29th March '77 I gave him 6 days' leave on urgent private affairs to see a sick relation in Madanapilly he remained absent for 15 days

6. Under these circumstances I refused to employ him and have relieved him from duty -

I request that you will bring his conduct to his Comdg. Officer's notice -

I have &c &c
(Sig.d) C. F. Mac Cartie
Special Assist: Collector

"True Copy"
No. 722. Forwarded to the Officer Comdg: Queen's Own Sappers, Bellary. for information
(Sig.d) N. Johnston
Special Depty Collector
Cuddapah } for Acting Collector -
31st May '77

True Copy"
S. Deuntebucham Lieut.
Comdg: E. Company's Do Sappers.

No. 89 - Cuddapah Special Assist: Coll.r Office
23rd May 1877
Camp Tamalapuram.

From - C. F. Mac Cartie Esq
Special Assist: Coll.r of Cuddapah

To - J. F. Price Esq
Asst Collector of Cuddapah

Sir -

I have the honor to inform you that for the reasons stated in my letter to your address No. 79 dated 12th instant I have ordered Private Narayya lately employed on the Khajapet road to report himself to the Depty Collector in Cuddapah, to remain there pending further orders, as he is perfectly useless for employment on Famine Works and his Miscanduct in breaking his leave and absenting himself from work should be brought to the notice of his Commanding Officer

I have &c &c
(Sig.d) C. F. Mac Cartie
Special Assistant Collector

"True Copy"
No. 723 - Forwarded to Officer Commanding Queen's Own Sappers & Miners, Bellary. Private Narayya now at Cuddapah will be sent back to Bellary as he is found to be useless -

Sig.d N. Johnston
Special Depty Collector
Cuddapah } for Acting Collector
31st May '77

True Copy"
S. Deuntebucham Lieut.
Comdg: E. Company's Do Sappers.

N°285 — Ballarat - June 5th 1877

From, Capt. F.A. Winterbotham
Comdg: "E" Comp.y "Queen's Own" Sappers

To - The Collector of
Cuddapah.

Sir -

I have the honor to acknowledge the receipt of Copies of letters N°s 74 and 89 dated May 8th and 23rd '77 from the Special Assistant Collector of Cuddapah to your address forwarded, with endorsement N°s 722 and 723 of May 31st by the Special Deputy Collector for your information.

2. Whilst regretting extremely that you should have cause of Complaint against any man of the Company under my Command employed in your District I beg to be allowed to draw your attention to the following points:

3. In para: 3 of letter N°74 above referred to the Special Assist: Coll: after remarking that Private Venables (I presume Private N°73 Venables is meant as I have no other man whose name commences with a V at Cuddapah) is "perfectly useless" proceeds to state that the said Private is "reported as continually absent &c.
I have more Known Private Venables for some

years and can certify that when he went to Cuddapah he was a good and thoroughly efficient man in every way, and a very slight amount of Supervision would, I am certain, have kept him so. It does not appear by whom the Private was "reported" nor whether any steps were taken to test the accuracy of such reports.

4. In para: 4 the Special Assist: Coll[r] remarks "on visiting his party yesterday" "I found an enquiry for him that he" "had been absent without leave since" "May 1st to 10th for 10 days."
As the Special Assist: Collectors letter is dated Camp, Kanalapuram, 8th May '77; it is evident that he visited Private Vernon's party on 7th May, it does not appear therefore how on that date he could find out that the Private had been absent "on leave May 1st to 10th for 10 days"

5. In para: 5 the Special Assist: Coll[r] states "on 29th March '77 I gave him six days" "leave + + + + + he remained" "absent for 15 days"
It is not stated what explanation the Private

Offered, though he doubtless did make some; and it seems probable that such explanation was satisfactory as he appears to have been permitted to go on with his work as usual until May 23rd when he was ordered down (vide letter No: 89) from employment on the Khyrapet Road to Cuddapah

6. In the Monthly Report for April '77 of the Detachment of the Company under my Comm[d] employed in the Cuddapah District, dated May 26th '77 and signed by the Deputy Coll[r] I find the following entry in the column headed "Remarks" opposite the name of Private No: 73 Vernon:
"No wages to pay drawn as per orders of"
"Special Assistant Collector."

7. The Families of Sappers employed on Famine Relief Duty are detained at Bangalore by order of Government, amongst them the Family of Private Vernon, and in its support a large portion of his Military pay must necessarily be expended, the Private himself being in a great measure dependant on his working pay for the actual necessaries of life; to order no working pay to be drawn for him, is, I submit not only a most harsh order in itself but one which the Special Assist: Collector had no right whatever to give - and I

trust that you will direct the amount of working pay due to Private Verrier for April '77 to be forwarded to me for payment to him.

8. With reference to endorsement N°428 dated May 31st '77, before referred to, I beg to inform you that up to date Private Verrier has not joined Company Head Quarters at Bellary; when he does so his case shall be fully enquired into and the result, shall you desire it, communicated to you.

I have the hono. &c &c

(Sgd.) F. H. Winterbotham Capt.
Comdg. 'E' Compy. 2d. O. S. & Lr.

"True Copy of Copy
F. H. Winterbotham Capt.
Comdg. 'E' Compy. 2d. O. S. & Lr.

N°303. Bellary June 15th '77

From - Capt. F. H. Winterbotham,
Comdg. "E" Compy. 2d. O. Sappers.

To - The Collector of
Cuddapah.

Sir - In continuation of my letter N°285 dated June 5th '77 I have now the honor to enclose a copy of the statement made by Private N°73 Verrier of the Company under my command regarding his dismissal from employment on Famine Relief Works in your District.

2. If the Private's statement is correct, and I see no reason to doubt its being so, it appears to me that he has been most unjustly dismissed.

3. It is at any rate clear that since March 24th last, the date of his leaving the work on the Kamalapur & Khajapet Roads to proceed to Cuddapah to select Mr. MacCabe to grant him leave to visit his sick brother, up to June 12th, the date of his leaving Cuddapah to join Company N°2 at Bellary, he has received no working pay at all -

4. Considering that the Families of the Sappers employed on Relief Works are detained at Bangalore by order of Govt., that a good portion of a Sapper's Military pay is necessarily expended in keeping his Family there, and that he himself is in no small degree dependent on his Working pay for the wherewithal to purchase the actual food he requires, it is I respectfully submit a most harsh proceeding to keep, for a period of nearly 80 days, a Sapper thus situated, without any working pay at all.

5. It appears to me that the Private worked from April 13th to May 6th and that he has a just claim for working pay for these days. There may be some doubt as to his claim for working pay for the days when ordered to march his 15 miles into Cuddapah to get his pay — whilst detained at Cuddapah through no fault of his own — and whilst returning to his work again? — My own opinion however is that this also is a just claim. I beg therefore on his behalf to submit for your favourable consideration his claim for 31 days working pay for April and May, & I trust that you will direct the amount to be forwarded to me for payment to him.

Private [illegible] Detained at Cuddapah from April 13th to May 6th = 24 days
Pay & allowances .. 10+11= .. 21
" .. 6+9= .. 15
" .. 12= .. 12
.. 48
.. 3
Total 31 days

6. I shall be much obliged if you will kindly inform me why the Private in question was kept at Cuddapah out of work from May 11th till June 11th? Has he been immediately sent back to Company & when no longer required in town District, he would have at once been put on work here under proper supervision, and have received working pay for that period.

Possibly he was detained as a punishment? in any case I cannot but think that he has just cause of Complaint at the way in which he has thus been mulcted of so much working pay, & must look upon punishment whether intended as such or not.

7. It appears from the Special Asst. Collector's own letters that his last opinion of the Private was, in some measure at least, formed from reports made to him.

If these reports were made by Natives, this means just that the Private is of the Chuckler Caste with, to my mind, so few towards promoting, what I doubt not is really the case, that

Private Vernon has not had the
fairest of treatment at the hands
of his Native Superiors

I have the honor &c — &c

Sig° F. A. Winterbotham Capt.
Comd'g 'E' Company 2:0 Sr Lr

True copy of copy

F. A. Winterbotham Capt.
Comd'g 'E' Company 2:0 Sr Lr

N° 353 Bellary July 21st 77

From Capt Winterbotham
Comd'g 'E' Company 2:0 Sr Lr

To The Collector of
Cuddapah

Sir - I have the honor to request
the favour of a reply to my
letter N° 303 dated June 15th 1877.

I have the honor to be
&c &c

(Sig°) F. A. Winterbotham Capt.
Comd'g 'E' Company 2:0 Sr Lr

True copy of copy

F. A. Winterbotham Capt.
Comd'g 'E' Company 2:0 Sr Lr

Private Vernon has not had the
[illegible]
of h[illegible]

Statement of Private R.° 73 Vernon C Coy 2.0 Sth

I was employed in the Cuddapah District and worked on the Kamalapur & Khajapet Road - Towards the end of March '77 I got a letter from my brother Private R.° 370 Noonan of my Company, who was at work at Madanapilly saying that he was ill and asking me to come and see him

On March 27th I asked permission from the Paddy in charge of the work to go to Cuddapah to obtain leave from Mr Mac Carter to go to my brother at Madanapilly — the Paddy gave me permission and I went to Cuddapah on March 27th and repeated my application for leave of my Captain

On March 28th I went to Mr Mac Carters Office but he was not there - I then went to the Deputy Collectors Office to ask for leave, but he told me I must send in a written application — I was unable to do this so next day March 29th at 11 o'clock I got Rajnee Ramaiasawmy to accompany me to Mr Mac Carters Office — he was present — I asked for 8 days leave — Mr Mac Carter would not give me 8 days leave, but gave me Six days —

I started for Madanapilly on March 30th from Cuddapah — I did not then know how long a march it was — I thought that as

and asked me why I had not rejoined my work within the period of my leave granted by Mr. Mac Carlie? — I told him the circumstances as I have now stated — The Tahsildar wrote down what I said and I believe repeated the matter to Mr. Mac Carlie —

I continued at my work until the end of April and am to May 6th as usual — I had no reason to suppose that my explanation had not been received as satisfactory — On May 6th the Reddy said to me "tomorrow "you had better go in to Cuddapah and get "your April's Pay at the Dy Collectors Office" — I always had to go in to Cuddapah to get my pay which was generally issued at about the 7th — I accordingly went to Cuddapah (about 15 miles) on May 7th — Pay was not ready on the 7th or the 8th but on the 9th it was; and I received it on that date — I got no working pay for April, I was told at the Dy Collector's Office that Mr. Mac Carlie had given orders that no working pay whatever was to be drawn for me.

On May 10th I went back to my work on the Kamalapur & Khajapet road — the Reddy there told me that Mr. Mac Carlie had visited the work on May 7th (the date on which I was sent to Cuddapah for my pay)

Mr Mac Carter would only give me 6 days leave, probably Madanapelly was not so very far off –
I left Cuddapah at 2 AM on March 30th and I reached Madanapelly about noon on April 2nd – I was walking hard – I think the distance must be over 70 miles – the weather was very hot, and I was very foot-weary, and found it impossible to get back to my work within my leave. I did my best but I did not arrive at Cuddapah until April 9th –
I went to the Deputy Collector's Office at Cuddapah on April 9th for my Pay – I well knew it was not ready, but that I was to stop at Cuddapah and receive my Pay for March before returning to work at Kamalapaw – I waited at Cuddapah accordingly and on April 11th I received my Pay for March at the Deputy Collector's Office.
On April 12th I returned to my work on the Kamalapaw and Khajapet Road – about 15 miles from Cuddapah – I explained to the Reddy in charge of the work how I came to be absent – I heard nothing about my being absent until April 14th when the Tahsildar, who is in head charge of the works, came to me whilst at work

and that not finding me there, had ordered the Reddy whom I came back to turn me off the work altogether.
On May 11th I accordingly went back to Cuddapah and reported this at the Deputy Collectar's Office - I was told to wait at Cuddapah until some definite order were received regarding me -
I went daily to report myself and to ask for orders at the Deputy Collectar's Office at Cuddapah from May 11th till June 11th on which latter date I was told to join Company Head Quarters at Bellary.
I had Rs 2-4-0 paid me to purchase a Railway Ticket from Cuddapah to Bellary.
On June 12th I left Cuddapah by the 9 A.M. train - we were delayed a long time in crossing the Huggy which was in flood - the train did not reach Bellary till 2 P.M. on June 13th - I reported myself to the Officer Commanding my Company at Bellary.
I received my Pay for May at the Deputy Collectar's Office at Cuddapah on June 5th

I got no working pay for May - I was told that Mr Mac Carter had ordered none to be drawn -

The above statement was taken before me at Ballarat this 13th June 1877.

T. D. Winterbotham Sgt.
Comp: "E" Campg: "2" D. S. & Co

F. 5220

Copies of Correspondence regarding the dismissal of Private No. 43 Varian from employment and Famine Relief Works in the Cuddapah District

Bellary.
August 17.

Judge Advocate Gen.l Office
Colombo
8th September 1877

Memorandum

The Judge Advocate General has the honor to return the papers received with Mem.m No 1209 of 6th instant relative to the employment of working gangs of convicts of the Queens Own Lascoreen Corps and to request that Employed on Convict Relief Works

993-4 of the Ceylon Army Regulations, 1873 Lascoreen are employed upon Public Works Civil or Military as may be ordered by Government except in case of Emergency and with the previous sanction of the Commander in Chief no gang under the strength of a complete Company is to be employed or detached during intervals beyond the period of one month and no gang is to be detached under the strength of a complete Section.

Clerk

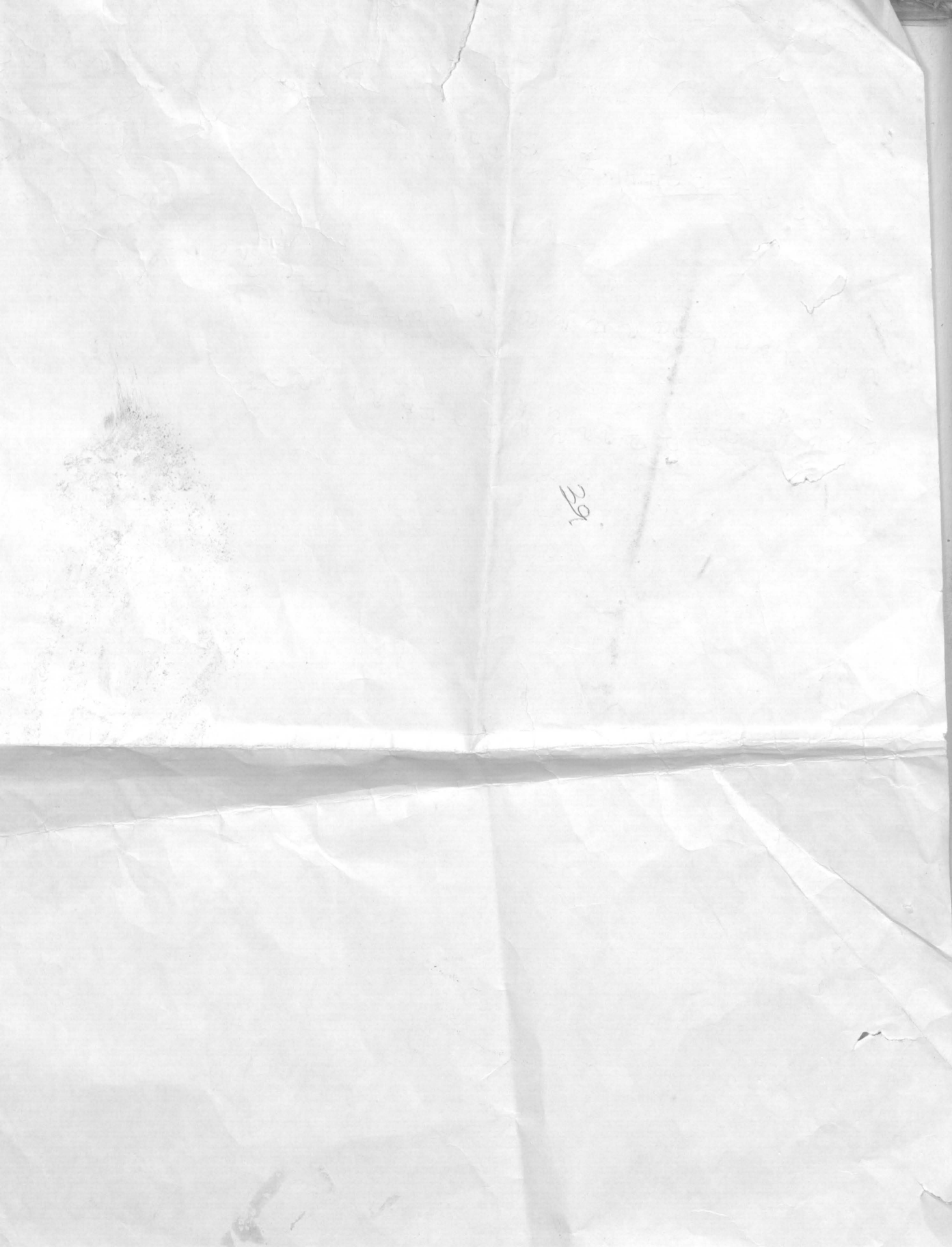
Officers in charge of Public
Works are prohibited from interfering with
the ordinary Servants of such Works, the at-
tention being confined to the Right Em-ploy-
ment of the said with reference to the work,
which the duty of selecting the Parties avail-
able for such employment with the Approval
of Officers.

4. Under Para 45 Section VI of
the Madras Civil Audit Regulations, Offi-
cers Commanding Companies alone are au-
thorized to give men under their Command to
the extent of one half of the days pake of
working Day subject to the Approbation of
the Officer Commanding the Corps of Sap-
pers and Miners.

5. From the above it seems that
Collector of Cuddapah had no power to
grant the Sappers Six days leave of ab-
sence, to keep him employed 26 days
or to leave whilst him of 31 days working
days.

6. One 8 of Colonel Pringle
goes with pleasure attention.

J. Macdonald Colonel
Major Advocate General



Rev 1877 Dept
Mily 1877 Sept
Fe No 8220

No Vol. P.

No 5757

From Asst Adjt Genl at Athlone forwards from Postal Supt at Castlerea

No 427

Castlerea 8th Sept 77
to 13 September
Rd 13 — 427 V

Returns with opinion as to loss having occurred to the Contractor of working plant in consequence of the Strikes when employed on Famine Relief works.

From 27th Sept 1877
Lt Col

Rec'd 10 September

Adjutant Genl's Office
Mid 2nd Connaught
13 September 1877.

No 427.

Memorandum.

Submitted with inclosures for the information and orders of Government.

(By Order)

Fenwick.
Asst Genl
Adjutant General

To
The Secty to Genl
Police Depart
&c &c &c

No 5285 Transferred to the Revenue (Famine) Department.

(By order)

Michael Clerk
Secretary to Government

Castle Saint George
18 September 1877

To
The Revenue (Famine) Depart
with 7 enclosures.