M.R.O. 14—5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 157 Press ~~Mis.~~

333. 334

Dated 15— 1— 1867.

Not to be folded or roughly handled

Rev/157

Proceedings of the Madras Government, Revenue Department, 15th January 1867.

No. 333. Read the following Proceedings of the Board of Revenue, dated 29th October 1866, No. 7,805 :—

Read again Proceedings of Government, dated 2nd October 1866, No. 2,638, Revenue Department.

Read also the following letter from the Collector of Madura, to the Secretary to the Board of Revenue, dated Dindigul, 10th October 1866, No. 342.

1. I have the honor to request the following remarks on paragraph 8 of the Order of Government, No. 2,638, dated the 2nd October, in the Revenue Department, may be submitted for the information of Government.

2. In the second quarter of 1865, under the orders noted in the margin, I undertook to do the Jummahbundy of the Sub-division, and made over the Talook of Periacolum to Mr. Vans Agnew, to do the Jummahbundy of that talook; as Kodikanal is only a journey of four or five hours from Periacolum, I did not object to Mr. Agnew making that place his head-quarters during that time, and there was also an illness in his family.

Circular Order of the Board, dated the 3rd October 1853.

3. When the Jummahbundy was over in July, I wrote to Mr. Agnew, telling him he should go down and cease making the hills his head-quarters. He promised to do so, and I thought at the time he did. I am not always aware where the Sub-Collector is, only if I meet him, when I get a letter from him, which is not daily, or at the end of the month if he draws extra tentage, I know where he is or has been. From June he did not draw extra tent allowance at Kodikanal in the year 1865.

4. After the above correspondence, I was under the impression he was generally in the plains, but I was aware he was constantly running up and down. In the end of August, I got a note from him from Dindigul saying he was nearly dead of fever, and that he was off to the hills, and requesting me to take charge of his Office temporarily. I accordingly took charge of his Office, arranged for his Magisterial work being done, and told him that, at the end of a month, if he was not well, he must report sick. Under the circumstances of his undoubted serious illness, I did not see any harm in his going to the hills then, because I arranged for his work being done; after Mr. Agnew recovered he returned to the plains.

5. In my answer to the Proceedings of Government, No. 1,442, dated 10th October 1865, I shewed all the days Mr. Agnew had been on the hills for the preceding six months, and to this time was not informed Government objected to his lengthened residence on the hills; no order, that I am aware of, was passed by Government on that report. At the expiration of his privilege leave, Mr. Agnew returned to the hills, the Christmas holidays being near, and I met him there during the holidays. It was my intention, at the end of the holidays, to tell Mr. Agnew I thought he was spending too much of his time on the hills, and that he should reside more in the plains; but about the 1st January 1866, I got the Government Order, No. 2,184, dated 12th September 1865, transferring the hills to the Periacolum Talook which took them out of his division, which would have prevented his going there so frequently, and therefore there was no occasion to say anything to him on the subject of spending so much of his time on the hills.

6. Almost as soon as Mr. Agnew went to the plains in January 1866, he posted off to Madras, and on his return, he wrote to me that he had got the Members of the Board of Revenue, and some of the Officers of Government whose names he gave, to discuss the question of the transfer of the hills, and his frequent residence on the hills; that the Members of Government and the Board were not aware of the effect of the transfer, and that there was no intention to spoil the Sub-Collectorate; that the change would not be made; and that the Board highly approved of the Sub-Collector making long visits to the hills.

7. I have not got Mr. Agnew's letter, as I tore it up shortly after reading it; but I am sure I have given the above part of its contents correctly, for the letter was such that I could not easily forget it, and paragraph 5 of Mr. Agnew's letter to the Secretary to the Board of Revenue, dated 3rd September 1866, shews that Mr. Agnew was under the impression that his residence on the hills was known to, and was not disapproved of by Government.

8. Seeing that the effect of Mr. Agnew's visit to Madras was, that on his representation, the Government Order to transfer the hill villages to Periacolum was placed in abeyance, and as no remark had been made by Government on my report on their Order of the 10th October 1865, No. 1,442, I fully believed all he said about his lengthened visits to the hills being approved of, and I dropped the subject, being under the impression that if I did object, the Board would only support Mr. Agnew, and I think the Board's Proceedings on Mr. Agnew's letter bears me out in the view I took of what their answer would be.

9. In paragraph 13 of my letter, No. 1,673, dated the 18th April, to Mr. Pelly, I informed the Board Mr. Agnew proposed remaining two months on the hills to settle the Jummahbundy of the hill villages, to which they did not object.

10. On my receiving the Proceedings of the Board of Revenue, No. 4,913, dated 18th July, I wrote on the 26th July to Mr. Agnew, to reside more in the plains in accordance with paragraph 8 of the above Proceedings, and, on finding he did not attend to my letter, I wrote to him again on the 28th August on the same subject, and was prepared, if he did not come down, to refer the question; but his sudden removal to Trichinopoly caused it to drop.

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1. Ordered that the foregoing letter be forwarded to Government.

2. Mr. Levinge has explained how far he interposed to check Mr. Agnew's frequent visits to the hills from the year 1865; but the Board cannot say that, in their judgment, he took sufficient care to see that his ideas of what was right on that point were duly attended to.

3. The Proceedings of Government, dated 10th October 1865, to which Mr. Levinge refers in paragraph 5, were not communicated to the Board. The Board are not, therefore, informed as to the circumstances under which Mr. Levinge then reported to Government on the number of days spent by Mr. Agnew on the hills during the six months preceding the month of October 1865. With regard, however, to paragraphs 6, 7, and 8 of Mr. Levinge's letter, they must state explicitly, that the Board never expressed the views ascribed to them by Mr. Agnew in his private communications with Mr. Levinge, nor held them; and that the Order of Government, dated 12th September 1865, No. 2,184, in which a general sanction

was given for the transfer of three villages from the Pulney to the Periakolum Talook, was placed in abeyance solely on public grounds, Mr. Pelly having seen reason to doubt the expediency of that measure, and having, in consequence of that doubt, called upon Mr. Levinge, under date the 9th February 1866, to report further on the subject. Subsequently the matter was referred by Mr. Pelly to the Collective Board, and the Board in their Proceedings, dated 18th July 1866, No. 4,913, reported fully on the merits of the case for the final decision of Government. This decision has now been communicated to the Board, in Government Order 19th October 1866, No. 2,840, Revenue Department, and is to the effect that the hill village shall remain attached to the Sub-division, as recommended by the Board on grounds which have the approval of the Government. In fact, Mr. Levinge confounds two questions which ought to be considered as distinct from each other. Mr. Agnew was not at all at liberty to make the Pulney Hills his head-quarters, though they were included in his division; and, on the other hand, it was not at all necessary that the hill villages should be transferred to a talook in the Collector's charge for the mere purpose of preventing Mr. Agnew from residing on the hills.

4. The Board must also disclaim having intended, when forwarding to Government Mr. Agnew's letter, dated 3rd September 1866, to imply by the remark they appended to it, that they *approved* of his having spent so much of his time on the hills. They considered his conduct in that particular was indefensible; but the case being one in which Government had itself initiated an enquiry, they did not conceive that the Board were called on to anticipate the judgment of Government in regard to it. Their intention was merely to place before Government such testimony as the Board could bear to Mr. Agnew's general zeal and efficiency as a public officer, believing that anything they could fairly adduce on that point might be stated, in mitigation of the penalty his special error had exposed him to; and if their remark was understood by Government in a different sense, they regret that it was not more carefully worded.

5. The letter to which Mr. Levinge refers in paragraph 9 was not written both to Mr. Pelly and to the Board, as might be inferred from Mr. Levinge's remarks. Mr. Pelly, to whom the letter was addressed, transferred it to the Board on the 3rd April 1866, but the fact that it had been so transferred was not within Mr. Levinge's knowledge till he received the Board's Proceedings, dated 18th July 1866.

6. With regard to the statement made in that letter, paragraphs 13 and 14, to the effect that Mr. Agnew had proposed to reside on the hills for two months for the Jummahbundy of the hill villages, the Board desire to take the present opportunity of pointing out that Mr. Agnew, if he had stayed no more than two months on the hills during the year, would not have acted inconsistently with the practice hitherto obtaining, as to the period Revenue Officers have been permitted to pass out of the entire year on the hills belonging to their respective ranges. This period was not to exceed two months, and the Board are under the impression that such a practice has been viewed by authority as open to no objection. Their remarks in the last paragraph of the Proceedings, dated the 18th July 1866, was based on that impression; but both in those remarks, and also in an order addressed to

Mr. Levinge in 1865, (Proceedings dated the 28th August 1865, No. 5,266,) they clearly shewed that, in their view of the case, it was quite possible for Mr. Agnew to stay on the hills longer than was right, and that it was certainly incumbent on the Collector to notice it, if Mr. Agnew neglected his duty in that way.

No. 334. ORDER THEREON, 15th January 1867, No. 157.

Miscellaneous.

1. The Governor in Council is glad to find that Mr. Levinge so far disapproved of Mr. Agnew's conduct that he on *several* occasions remonstrated with him on the subject. He ought, however, to have interfered more authoritatively, or referred the matter for the orders of the Board. The return to which Mr. Levinge alludes in paragraph 5 of his letter to the Board of Revenue was required for a different purpose, viz., to ascertain whether the subordinate Officers of the Magistracy were in the habit of residing at the head-quarters of the Magistracy for long periods. It was examined with this view only, and as the practice did not obtain in Madura, no orders were required as regards that district.

2. The Governor in Council is also pleased to learn that the Board of Revenue were alive to Mr. Agnew's breach of duty, and regrets that they did not express themselves clearly to this effect in their original Proceedings.

3. The Government are not prepared to acquiesce in any rule allowing the Officers of a district, which happens to possess a sanitarium or hill station, to reside there for two months in each year. They have no wish to be unduly strict, but the obligations of duty must be fulfilled, and the interests of the people must be duly regarded. There is no reason why Officers in such districts should not take the privilege leave to which they are entitled under the rules, and they must understand that while not objecting to occasional brief trips to hill stations, Government will not allow public business to be neglected.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No 7,805.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 29th October 1866.

Read again Proceedings of Government, dated 2nd October 1866, No. 2,638, Revenue Department.

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For Orders.

This is Mr Levinge's & the Bd's defence in re Mr Agnew's stay on the Pulneys.

Mr Levinge shows that he was aware of Mr Agnew's conduct & so limited occasions remonstrated with him, but neither is tantamount to successfully.

As to para 5, I think that Mr Levinge did send in such a return of the just Debt: but the object of just in calling for the return from him & all Mr Agnew

has "Bar certain
hours for "Magistrates here
in the habits of
Litigants drawing their
Labourers from
their Divisions &
Head Quarters -
The returns has Ex
amined only with
the two & 50 before
us it -

As to para 2 I
can only say that
I am not aware of
"the officers of Sub-
I have no recollection
of Evans having seen
Mr Agnew on that
occasion -

As to the 4th para
paras 4 & 5 alone
call for any Remark.

As to para 4. it

that was the only subject we could
and draw nothing in
the word "Kadi-Kanel" to
indicate that it meant Mr
Agnew has been on Mr
Pulney Hetts -

I said Mr Agnew did call at my
house early in the beginning of the
present year, so far I must modify
what I have before stated, that I have
had no "communication with Mr Agnew
since I quitted the Tanjore district in 1859:
but at the visit, nothing passed
whatsoever came particularly to my notice
concerning the statements contained
from the Sub-Collector - We only
became aware that Mr Agnew was proceeding
for long hours on the Hills - W.H.

I have no recollection
of having seen Mr Agnew
for a long time - with the
exception of his
call - and I never
had any communication
with him - and I never
received any
letter from him -
Certainly there was
no direct communication
between Mr Agnew & myself
in regard to the
Land Settlement
in Ootacamund
Division.

Yes - but in person not
previous this year 1861
de Lisle -

I am ignorant of any such rule
of the Board - as referred to in the
Sub-Collector's letter - a rule
is said to exist - to submit the Collector once
a month to attend the meetings of the Com-
mittee of the Lawrence Asylum & Sudder &
such orders in force, I served annually at
least upwards of the District - & occasionally
to visit the Asylum - but I never
to visit the Asylum - but I never
certainly knew of any
rule - but it is
no doubt - but I
am not aware of any
difficulty - in any
one being appointed
to attend - as often
as he collectors
+ There is
no doubt -
a large

is a fact that this
Hill while giving the
Natives every
encouragement
to erect - The Lett
communication
there from is contained
in para 8 of Mr Le-
Breys letter
to para 6. There
is not any rule,
Express or implied
allowing a Hill Di-
rect Cart 2 months
in this Hills - The
actual rule is one
year for the pur-
pose of a Work
The first section of the
amount of work to
be done in any place
or Work - its area

population &c – and the incidental advantages of personal observation – accessibility to the people & so on. The Pulneys have a population of 6000!, and, I presume, that while [illegible] [illegible] not object to Collr or Subcollr running up for a few days at a time, when business permits, they will scarcely allow such protracted residence as 2 months in the year# – especially seeing what [illegible] inconvenience this must involve, as well as inconvenience to private individuals. If the Collr or Subcollr need more, they can take the privilege leave which the rules

and troublesome population there – and the Collector must be there a good deal.

undoubtedly –

It shall be prohibited

allow such that the officers of these districts, in which native [illegible] no hills, are obliged to do. [illegible] Mr Agnew – but I think that the Board practically let 3 months or other one time it in each year! –

L.S.

I would not [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] or [illegible] – J.P.

no special reason can be adduced for the advantage W.D.

W.D.

J.P.

enter

Rev Deptt.

No. 3879 157

15th Aug /57

The Governor in Council is glad to find that Mr Levinge so far disapproved of Mr Agnew's conduct that he, on several occasions remonstrated with him on the subject. He ought however to have interfered more authoritatively or referred the matter for the orders of the Board. – The return

return to which Mr. Levinge alludes in para 5 of his letter to the Board of Revenue was required for a different purpose, viz. to ascertain whether the Sub Ordinate officers of the Magistracy were in the habit of residing at the Head Quarters of the Magistracy for long periods. It was examined with this view only, and as the practice did not obtain in Madura, no orders were required as regards that District.

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Sd/- L. Dundas

14 Copies Forthe Prof Revenue Secretary

Revenue 1867 Despatch
Pro of Govt for Jamaica

A 157

Pro. of the Madras Govt
of 15th January 1867

Pro Board of Revr
9 Feby 67 No 372

of the Col. Secretary
in reply to his letter
of 31st Decr last
transmitting a
Petition from
Messrs Wright &
Co. praying for
a Lease of
Land at Port
Morant

Pro. No. 32. 33 & 2-10.66

A 333 & 334