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Government of Madras.

Finance DEPARTMENT.

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Not to be folded or roughly handled

No. 27. Read the following Report by G. THORNHILL, Esq., Member of the Board of Revenue, and Colonel J. S. BATTEN, Commanding H. M.'s 17th Madras Native Infantry, to the Chief Secretary to Government, Fort St. George, dated Madras, 16th November 1872.

We have the honour, in accordance with the instructions conveyed in G. O., 19th October 1872, No. 1422, to report the result of our enquiries into the administration of the Vellore Municipality and into the statements made before the Chittoor Court by Mr. Whiteside, Captain Mayne, and Mr. Beckett, regarding Major Searle's credibility.

2. We proceeded to Vellore on the 3rd November, and commenced our investigation on the 4th. Our enquiry was, in the first instance, directed to the statements made in the Chittoor Court against Major Searle. Mr. Whiteside, Captain Mayne, and Mr. Beckett were called on to substantiate their assertions; and depositions were taken from them and from their witnesses, in Major Searle's presence, as to the grounds on which they based their accusations.

3. Before proceeding with his deposition Mr. Whiteside desired emphatically to place on record his assertion that his statement before the Court had sole reference to Major Searle's official acts, and to disavow all personal feeling in the matter. He also dwelt much on his great anxiety to prevent the suits brought against the Municipality from coming into Court, and on the fact that he had been forced by the Court to answer the question put to him by the Counsel for the plaintiff.

Mr. Whiteside further stated that the cases on which he based his opinion, as recorded in Court, had all occurred prior to his joining the North Arcot District, and that his opinion had therefore been formed on information received from others and on documentary evidence.

4. The cases against Major Searle were identical with those stated in the letters addressed by Captain Mayne and Mr. Beckett to Mr. Whiteside, dated 16th May 1872, No. 1, and will be taken in the order there entered.

5. Those recorded in paragraphs 1 and 2 of that letter relate to one work and to one series of transactions.

6. The case as put by Captain Mayne and Mr. Beckett is thus:—A proposition made by Major Searle to carry out a certain work was, at a Meeting of the Municipal Commissioners held on the 7th July 1871, negatived, and a resolution to that effect recorded; before the Proceedings of the day had been fair copied Major Searle wrote an order to the Manager to omit that part of the Proceedings relating to the work in question, giving as his reason that he hoped to bring it forward at a subsequent Meeting. Another proposition relating to the same work was brought forward by Major Searle at a Meeting held on the 2nd February 1872, seven months later, when, on Mr. Beckett enquiring if a similar proposition had not been made and rejected before, Major Searle replied in the negative, and, on the rough Proceedings of past Meetings being called for, Major Searle stated that they were not kept, whereas they were at the time in his possession.

Reclamation of ground on the Katapadi road and construction of a latrine thereon.

7. Captain Mayne and Mr. Beckett adduced this as an instance in which Major Searle had acted with irregularity in causing the resolution to be omitted from the Proceedings, and in which he had been guilty of untruthfulness in denying at the second Meeting all knowledge of what had passed at the first, as well as in

stating that the rough Proceedings were not kept. Major Searle offered some explanation of this transaction in his letter of the 27th May 1872, paragraphs 1 and 2, an error in which he corrected in his private note of the 10th June, and again entered more fully into the matter in his letter of the 6th of September, paragraphs 2, 3, and 4, and it is with reference more especially to these letters of explanation that Mr. Whiteside's opinion on these cases has been formed.

See G. O., 19th October.
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8. Mr. Whiteside, after recapitulating the statements made by Captain Mayne and Mr. Beckett regarding the transactions at the two Meetings, proceeds to examine Major Searle's explanation as given in his letter of the 27th May; he states that on first receiving the letter he was under the impression that Major Searle had really forgotten the existence of the order, to omit part of the Proceedings, when he sent his letter dated 27th May 1872; he then goes on to show that Major Searle's letter, dated 27th May, could not have been despatched before the 4th of June, and that, in the mean time, *i.e.*, on the 1st of June, the order, directing the Manager to make the omission above alluded to, written in Major Searle's own handwriting, had been shown to him. Mr. Whiteside admits that he received a private note from Major Searle, dated 10th of June, informing him that the order had since been found, and stating that he and the Manager had quite forgotten the circumstance; but he argues that, as Major Searle was aware of the fact before he despatched his previous letter, he ought at least to have added a postscript to that effect, and that he was, in the absence of any such note, justified in considering the statement in paragraph 1, clause 2 of the letter of the 27th May as incorrect. Mr. Whiteside gives his reasons at length for believing that the letter dated 27th May was not despatched till the 4th; but as Major Searle admits the fact, they need not be noticed here.

9. Mr. Whiteside also, in reference to the same transactions, points out that Major Searle was guilty of inaccuracy in writing in paragraph 1, clause 4 of his letter of the 27th May 1872, that "on the work being again proposed by me, at a Meeting held on the 2nd February 1872, it was resolved to carry it out and the work is now nearly completed;" whereas the work as carried out, viz., the reclamation of the land, was not the work originally proposed, which was "to erect a latrine on land to be reclaimed." No latrine having been erected to this date, Mr. Whiteside considers that Major Searle was guilty of an inaccuracy in describing the work as nearly completed. The testimony of Venkataroyer, dismissed Manager, is much depended on by Mr. Whiteside in support of the conclusions arrived at by him in regard to these transactions. A reference to this man's statement, made in reply to question No. 17, will show that he acknowledges to having wilfully misled Major Searle by withholding from him information of which he was possessed regarding the entry in Major Searle's order book, clearly with a view to Major Searle's injury. A careful perusal of this man's evidence will go far to affording an insight into the origin of these charges. It may be here remarked with reference to this transaction, as showing the vague nature of Mr. Whiteside's and Captain Mayne's knowledge of the proposition, that Mr. Whiteside deposed that the latrine was to have been constructed of iron, that Captain Mayne stated that the stones from the fort were to have been used for it, whereas the plan shows that it was to have been built of brick.

10. Major Searle's explanation of the above charge is given in his letters of the 27th May 1872, No. 1, and 6th September* 1872, No. 390, to the address of the President, and in his letter of the 10th November 1872, to our address, and is as follows.

* This letter was addressed to the President in reply to certain charges made against the Vice-President by the dismissed Manager. Major Searle especially begged that it might be submitted to Government, but this does not appear to have been done.

11. *Major Searle's Explanation.*—He acknowledges that the proposition which he made at the Meeting of the 7th July 1871 was negatived, and that the resolution to that effect was entered in the draft Proceedings, but omitted from the fair copy by his order, as he hoped to bring it forward at a future Meeting. Major Searle denies that at the Meeting of the 2nd February 1872 he disavowed all knowledge of any such proposition, and says it is absurd to suppose that he would do so, when he produced, at the Meeting, the very same plan which had been placed before the Meeting of the 7th July 1872. He states that when asked for the rough Proceedings, he said they are not *kept here*, meaning that they were kept at his own house; he denies having said they were "not kept" in the sense that they were not kept at all.

12. In reference to the alleged incorrect statement made in paragraph 1 of clause 2 of the letter of 27th May, Major Searle explains that the letter was originally drafted on that date, and that at that time he had no recollection of having directed the Manager to omit a part of the Proceedings, and that he was quite unable to account for the fact; he admits that his letter from one cause and another was not despatched until after the 4th of June, and that on the 1st of June the Manager had showed him his written order to omit a part of the Proceedings of the Meeting of the 7th July 1871; he gives as his reason for not altering the letter or adding a postscript, that he had received a call from the President to expedite the despatch of the letter, and that he thought it better not to delay the letter further for the purpose of altering the statement alluded to, but to correct the mistake by a subsequent communication; he therefore despatched the letter and addressed a private note to Mr. Whiteside, dated the 10th June, explaining the transaction.

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13. Major Searle further explains that in writing of the work on the Katpadi road as nearly completed, he referred to the reclamation of the land and not to the latrine.

Opinion on the case.—After giving full consideration to the statements of Mr. Whiteside, Captain Mayne, and Mr. Beckett, and to that of the late Manager, we are of opinion that Major Searle committed an irregularity in causing a part of the recorded Proceedings of the Meeting of the 7th July 1871 to be omitted from the fair copy, and that he showed a want of judgment in forwarding his letter of the 27th of May 1872 without correcting the error which it contained, and which was brought to his notice before it was despatched. In every other respect we consider his explanations to be candid and quite satisfactory, and we can see no ground whatever for questioning his good faith and truthfulness in the matter.

14. The charge in paragraph 3 is that "at a Meeting held on 21st July 1871, it was proposed and carried that Mr. Frericks, the contractor, should have all masonry works costing 20 Rupees and

Mr. Frericks' contract for the masonry works of the Municipality.

upwards; the wording of the proposition, as entered in the Proceedings, is not in accordance with the proposition actually carried at the Meeting."

15. This case was cited by Mr. Whiteside, who argued that the proposition with the omission of the words, "20 Rupees and upwards," was unnecessary and meaningless, as a former proposition to the same effect had been carried at a previous Meeting; he however withdrew his charge based on this point on its being shown to him that the term "masonry works" was not included in that resolution as assumed by him. Captain Mayne and Mr. Beckett affirm that a resolution as above stated was passed at the Meeting, whereas the record of the Proceedings shows a resolution as follows:—

"That Mr. Frericks agrees to take up all the masonry works of the Municipality and be paid at municipal rates, an agreement to that effect being entered into by him for each work previous to its being commenced." They state that the proposition as it stands was an injury to Mr. Frericks, who had expressly stated that it did not pay him to take up petty works. They acknowledge that although they became aware of the existence of the error within a few weeks of its occurrence, they took no steps to get it rectified; and Mr. Beckett gives as his reason for not mentioning it, "that he was tracing certain other matters at the time."

16. *Major Searle's explanation.*—Major Searle denies that such a resolution as that alleged was ever passed; he asserts that there was a considerable discussion on the subject of giving works of 20 Rupees and upwards to Mr. Frericks, but that no resolution was passed; he is supported in this statement by Captains Johnson and Macleod, who were both present, the former fully agreeing with Major Searle, the latter stating that he was under the impression that it was implied that Mr. Frericks was to have the works above 20 Rupees only, but that no distinct resolution was passed.

17. *Opinion on this case.*—Major Searle's explanation is perfectly natural; there was no motive for the alteration, and we have no hesitation in accepting his version of the story supported by Captains Johnson and Macleod as correct. There is no ground whatever for attributing bad faith or untruthfulness to him in the matter.

18. *Regarding the alleged use of slips of paper for the purpose of recording the Proceedings at Municipal Meetings.*—The charge in paragraph 4 is that Major Searle, referring to a proposition made by Mr. Cruickshank regarding the manner in which the rough Proceedings of Meetings were recorded, said that it was incorrect on Mr. Cruickshank's part to state that the Proceedings were recorded on slips of paper, as they were always made out on sheets of French foolscap paper. It is asserted that the statement of Major Searle was not true, as would be seen by referring to the draft Proceedings of the 25th August 1871.

19. Referring to the above charge, Captain Mayne and Mr. Beckett draw attention to the first* sheet of the Proceedings of the 25th August, which are recorded on the back of a private note addressed to Major Searle by Dr. Sayers. They point to this, in the first instance, as proving that the assertion made at a former Meeting by Mr. Cruickshank to the effect that Proceedings were recorded on slips of paper was correct, and that Major Searle's denial was false.

* Marked H.

20. The paper in question is further alluded to by Captain Mayne, Mr. Beckett, and Mr. Whiteside as affording proof that Major Searle had written what

was untrue in paragraph 4, clause 2, of his letter of the 27th May. It is there stated as follows:—"On looking at the draft Proceedings of the Meeting held on the 25th August 1871, I observe they are made out on half sheets of foolscap paper with the exception of the first sheet, (I presume therefore the Proceedings were commenced before the Manager had placed writing paper on the table, and that the Proceedings were being recorded to save time.")

21. On examining the paper there can be no doubt that Dr. Sayers' note was written on the 27th August, and that it could not therefore have been used to record the Proceedings of the 25th, at the time of the Meeting.

22. *Major Searle's explanation.*—Major Searle explains this transaction in his letters of the 27th May and 6th September 1872, and again in his letter to us of the 10th November, as follows:—He denies that it was ever his practice to record the Proceedings on slips of paper, although it is possible that he may have done so on one or two occasions. He states that he had no recollection of the fact that the back of a note from Dr. Sayers' had ever been used for such a purpose, and on the note in question being shown to him, he could only account for its use by the presumption (he points out that he did not assert as a fact that he had done so) that the Proceedings had been commenced before proper paper had been placed on the table; subsequently on examining the date of Dr. Sayers' note he became aware that he could not possibly have used it for recording Proceedings at the Meeting, and that he must have written out the Proceedings at his own house subsequently; he points out that the early part of the Proceedings of that Meeting were confined to replying to certain questions which had been asked and recorded at a former Meeting, and he supposes therefore that he may have omitted to record them at the time, and that, when asked a few days after for the draft Proceedings in order that they might be fair copied, he had written them out on the paper in question. He however has no distinct recollection of the transaction which occurred eight months before he was called on to explain it. It is not unworthy of remark, however, that the date, 25th August, and all the figures in this document are in the handwriting of the late Manager Venkataroyer; there is but little doubt that he could have cleared up all the apparent mystery regarding these papers had he chosen to do so.

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23. Major Searle also points out that now and for many months past the rough Proceedings have been entered in a bound book, as suggested by Mr. Cruickshank.

24. *Opinion on the case.*—With regard to the assertion that the Proceedings were kept on slips of paper and that Major Searle's denial of the fact amounted to an untruth, we beg to state that we examined such of the files of rough Proceedings as were forthcoming, and can find nothing whatever to justify the accusation. A bundle of these papers is forwarded for the inspection of Government; the Proceedings appear to have been uniformly entered on sheets and half sheets of French foolscap, in one place only could we find that a quarter sheet had been used, and we need hardly point out that, as regards the one piece of paper on which Captain Mayne and Mr. Beckett appear to have based their assertion, viz., Dr. Sayers' note, it has been distinctly proved that it could never have been used at a Meeting at all. In respect to that portion of the case which relates to Major Searle's explanation as given in his letter of the 27th May, paragraph 4, clause 2, we can only say that we are perfectly satisfied that there was no ground for imputing untruthfulness,

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there was no motive for concealment, and we freely accept Major Searle's version as the natural explanation of the circumstance.

25. *Unauthorized expenditure of Municipal Funds.*—The charge in paragraph 5 is for expending large sums without the sanction of the Commissioners. The statement C, alluded to in paragraph 2 of the Auditor's report, is referred to as corroborative of this charge. It is not asserted that there was any inaccuracy in the accounts, but simply that the expenditure without regular estimate and sanction was irregular.

See G. O., 19th October 1872.

26. *Major Searle's explanation.*—Major Searle admits the accuracy of the statement, but points out that all the monies so expended were not for unsanctioned works, those in column 5, amounting to half the whole sum, having been sanctioned but payment not having been ordered for them. Major Searle adverts to the practice under former Vice-Presidents, and puts in a statement to show that in the preceding year the expenditure so incurred was more than double the sum spent by himself.

Statement marked T.

27. *Opinion on the case.*—There is no doubt that this was irregular, but it will, under the Order of Government dated 1st November 1872, No. 1[illegible], reviewing the last yearly report, be discontinued in future, and it is not urged as affecting Major Searle's integrity.

28. As a part of this case must be taken the charge of altering the statement called for by Captain Mayne, in order to show that the expenditure under each head in the budget had not been exceeded. A statement was called for by Captain Mayne at a Meeting on the 1st December 1871, to show the sum allotted to each item in the budget and the sums expended on each. In that statement "latrines" and "urinals" were entered as separate items, with an allotment of 750 to the former and 200 to the latter; the allotment for the former had been exceeded, while there was a surplus under the latter head. Major Searle bracketed the two together under the joint head of latrines and urinals and showed a surplus on the joint items. Major Searle has explained this matter fully in his letter of the 6th September, paragraph 6, clause 2. He says he ordered them to be brought under one head in order that there might be no ground for complaint against him, and that he considered he was justified in doing so as the expenditure under each budget head of "repair," "new works," and "improvements" was less than the allotment. We consider that there is nothing whatever in this charge to affect Major Searle's character, but it would probably have been better if, under the circumstances, he had allowed the items to stand separately. It is however open to remark that their acquaintance with the facts of this case was so vague that neither Mr. Whiteside, Captain Mayne, nor Mr. Beckett could offer any explanation of the case when the budget and detail of allotments were placed before them. Captain Mayne subsequently read from a manuscript the amounts sanctioned under the two heads and the expenditure incurred, and affirmed that the two items had been bracketed together by Major Searle in the paper alluded to, which was still in the custody of the Civil Court, but he was unable to afford any further exposition of the matter.

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Since received, marked Ta.

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7th January 1873.

29. *Engagement of additional servants.*—The case alluded to in paragraph 6 may be taken as included in the previous case. Major Searle does not deny that certain servants were engaged, and that sanction was subsequently obtained for the step.

30. *The case of the Bill Contractor Narainasawmy.*—The case stated in paragraph 7 is of a nature similar to the last. Major Searle, it is stated, allowed the Bill Collector to retain bills after a resolution directing them to be withdrawn had been passed. Mr. Whiteside points out that notwithstanding Major Searle's statement that the Bill Collector paid all monies received by him from time to time into the office, Rupees 263 were found in his possession when he was finally removed. The sum above stated was found to have been so paid on reference to the cash-book. Major Searle's explanation is given in paragraph 7 of his letter, 27th May.

Opinion.—There was some irregularity no doubt in not conforming strictly to the terms of the resolution, but the reasons for not doing so are satisfactory, and we altogether fail to see that Major Searle's character was in any way impugned by what passed.

31. *Alleged insult offered to the Court by Major Searle.*—As regards the charge in paragraph 8, explained in paragraph 8 of Major Searle's letter, we consider Major Searle's explanation to be perfectly natural and satisfactory.

32. *Alleged insult to Mr. Cruickshank.*—In respect to the charges contained in paragraphs 9 and 10, as the gentleman principally concerned had not thought it necessary to take any steps in the matter, we declined to entertain them, they are however replied to by Major Searle in his letter, paragraphs 9 and 10.

33. The charge in paragraph 11 has not been repeated, it simply related to a supposed unduly high payment for certain materials. The matter alluded to in the postscript was settled at the time by an apology offered and received; it should never have found a place in a subsequent complaint.

34. A few more cases of a similar nature were mentioned in evidence, but we hope that those we have explained will be found amply sufficient to enable the Government to form a fair judgment of the whole. We must not however omit to mention that Captain Mayne and Mr. Beckett both very strongly urged that the evidence of Mr. Cruickshank was necessary to support their assertions. They were informed that the Government had declined to summon that gentleman from Vizagapatam, and the matter was then dropped. We are of opinion that no benefit whatever would have resulted from Mr. Cruickshank's presence.

35. *Suits against the Municipality.*—Having disposed of the distinct charges brought against Major Searle by the two Commissioners and the President, we beg to offer a few remarks on the suits brought against the Municipality by Mr. Frericks, the Contractor.

36. These suits were three in number, two were brought in the Civil Court at Chittoor and one in the Small Cause Court at Vellore.

37. The first suit is that described by Mr. Whiteside in paragraph 2 of his letter to Government, dated 21st September 1872, No. 50; it was decided in favour of the Municipality, and needs no remark from us. A copy of the decree and judgment is submitted.

Marked F.

38. The second suit is that described in the 4th and following paragraphs of the same letter; it has also been decided in favour of the Municipality and would not have needed any remark except that the President has recorded a strong opinion that it ought not to have been persevered with, as Mr. Frericks was willing to compromise.

39. We visited the building which formed the subject, and are of opinion that the Commissioners would not have been justified in allowing the contractor to proceed with it.

40. Not only has the specification been departed from in the omission of any basement and, as we were informed, in the depth of the foundations, but the wall on the eastern side has bulged to so great an extent that it is only now kept from falling by strong wooden supports. It is quite certain that at least a portion of the walls must be re-built and that the roof must be re-constructed or greatly strengthened. The decree and judgment in this suit also are submitted.

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41. The third suit was brought by Mr. Frericks to recover money due to him by the Municipality, which had been withheld to meet his shortcomings in other matters. This has been given against the Municipality, and the judgment will be submitted when received.

42. *The working of the Municipality.*—We did not think it necessary to take any detailed statement from the Commissioners on this point. Sufficient had transpired in the course of our enquiry to enable us to form a tolerably good judgment about it. We however inspected the different works alluded to in the correspondence, we went over the town, and finally held a Meeting of the Commissioners at their office at which the affairs of the Municipality were calmly discussed.

List of Members present at the Meeting.
Mr. Kelsall, Vice-President
Captain Macleod.
Captain Johnson.
Dr. Fox.
Soobroy Achari, Assistant Engineer.
Non-official.
Mr. Beckett.
Sivaramayya, Vakil.
Viziaraghava Chari, Vakil.
Narainswami *Moodeliar, Merchant.*
Viraraghava Moodeliar, do.
Ramiah Chetti, Merchant.

43. From all we could gather we did not find that the Municipality was more unpopular with the rate-payers in Vellore than elsewhere, nor was any complaint made against the administration by Major Searle; indeed, on his resigning the Vice-Presidentship a resolution was passed by the Commissioners expressing their regret that he had been obliged to vacate the post.

44. There was a tolerably unanimous expression of dislike to the trade tax, which the Commissioners have found great difficulty in assessing fairly. The assessments were formerly made by a single paid individual, and now, under rules framed by Mr. Whiteside, the town has been sub-divided into three parts, each of which is under the charge of two European and two Native Commissioners. The assessment will probably be more satisfactorily carried out under this arrangement, and, until it has had a fair trial, we would not recommend any change.

45. There is a very strong feeling amongst some of the Commissioners as to the manner in which the President has been in the habit of conducting business. They feel that Mr. Whiteside has received and acted on information supplied by individual members without the knowledge of the Commissioners as a body, and they feel that in so doing he has deprived their body of the independence which by right should belong to it.

See statements of Captain Macleod, Captain Johnson, and Dr. Fox.

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46. *Lighting.*—The lighting of the town has given great satisfaction to the people, and although capable of improvement seems to be fairly well managed.

47. *Conservancy.*—We regret that we cannot say the same of the conservancy, which appeared to us to be very deficient. The latrines are too few in number, but to judge from the state of the streets, lanes, and watercourses in the early morning even those cannot be used. The position of some of the latrines and urinals is objectionable; we observed one of the former, an old one, built against the outer wall of the old Christian cemetery, and one of the latter against the wall of a Mahomedan Mosque enclosure; another against the wall of a private house was most offensive to the neighbourhood, and naturally formed a ground of complaint to the inmate.

48. *Roads and Drainage.*—The roads are well kept and well supplied with side-drains, but, owing to a want of real systematic drainage, many of these latter do not carry off the water freely. The position of the town is such that without a well-considered system of drainage it will always be liable to damage from flood after heavy rain.

49. We venture to recommend that early steps should be taken with this view and would suggest that it would be wise economy to raise sufficient money on loan to carry out, once for all, a thoroughly efficient system of drains. One or more large intercepting drains would probably be required to carry off the water which flows off the hill-side into the town; at present the streets perform that function and are converted into torrents, at times almost impassable.

50. *Water Supply.*—We had no means of testing the purity or otherwise of the water, but there were no complaints about it.

51. *Market.*—The market building is large and well constructed, but it is not so freely resorted to as might be wished; it appeared to us that it was unnecessarily spacious; it is at present rented out and returns 15 per cent. on the outlay, but the subject of making it still more remunerative is under the consideration of the Commissioners.

52. *Floods in May last.*—We were informed that during the heavy rains which fell early in October the floods from the stream which passes through the tanks breached in May, caused very great damage in many parts of Vellore; the waterway being insufficient to carry off the flood, it inundated the compounds, destroyed the crops, and carried away large portions of the roads; a partial remedy for this has been applied by constructing a bund for the purpose of diverting the main stream from its present course and turning it into a large tank near the Central Jail; the bund across the stream is avowedly only temporary, and, having inspected it, we cannot but give it as our opinion that it is not calculated to withstand a heavy flood, and that, should it give way, the town and station of Vellore will be liable to a repetition of the floods of last month. We inspected the site of the Police lines, but as the buildings have been taken over by Government and are now undergoing repair in the Department Public Works, they do not call for any remark.

53. Having so far detailed our proceedings at Vellore, we beg to state that the conviction left on our minds, after having afforded to Mr. Whiteside, Captain Mayne, and Mr. Beckett the fullest opportunity of substantiating by evidence the statements made by them in the Civil Court at Chittoor in respect to Major Searle's credibility, is that the evidence signally fails to justify those grave accusations, nor is there a shadow of proof that in the acts brought forward against him, Major Searle was prompted by wrong motives or want of principle.

54. We consider that Mr. Whiteside's evidence is an enumeration of unfair inferences, derived from false data and information supplied to him by Messrs. Mayne and Beckett and by the late Manager, Venkataroyer. He appears to have been misled by subtle misrepresentations of occurrences which took place before he joined the district, to have adopted them as truths, and to have made them the basis of his accusations against Major Searle.

55. The deposition of Venkataroyer forms a tissue of contradictions, admission of falsehoods and underhand proceedings, and is therefore utterly worthless as evidence. Captain Mayne's evidence conveys to us the conviction that he has been prompted by unfriendly feelings in impugning the character of Major Searle, for proof of which he depended on the false representations of Venkataroyer, the strongly biassed testimony of Mr. Frericks, and the support of Mr. Beckett, who manifestly has borne malice against Major Searle, since he began fifteen months ago to search the records for facts which thereafter might prove injurious to that gentleman.

56. It has been shown in evidence that Captain Mayne has recently had money transactions with Mr. Frericks; receipts for Rupees 231, which he at first declined to produce, having been subsequently shown; that he was cognizant of the underhand manner in which these accusations against Major Searle had been fostered; and, finally, he has utterly failed to substantiate the imputations conveyed in his statement given on oath before the Chittoor Court in respect to Major Searle's credibility.

57. We feel that we should be wanting in duty were we to abstain from drawing attention to what appears to us the highly injudicious action on the part of Mr. Whiteside in having, at this juncture, when a reference had been made to Government, and while certain suits against the Municipality which Major Searle had been specially requested by Mr. Whiteside to retain office and defend, besides an appeal to the High Court, were pending, espoused the cause of Mr. Frericks, by giving over to him contract works in the Arni Jaghire exceeding 4000 Rupees, and in having advanced to him on his simple personal security Rupees 300 on each of three separate works, together with 80 Rupees on a minor work in the Chittoor Taluq, total Rupees 980, with the avowed object of setting him on his legs again; we beg to refer the Government to Mr. Whiteside's own account of this transaction as given in his additional statement, and leave it to them to decide whether, under the circumstances, it should have occurred.

See Mr. Frericks' statement and Mr. Whiteside's additional statement.

58. We also feel it our duty to point out that at the commencement of the Proceedings Mr. Whiteside expressed regret that he had written a letter, dated 29th October, referring to some documents filed at Chittoor, and disavowed any intention of reflecting on Major Searle's character; but it will be seen from Mr. Kelsall's statement that Mr. Whiteside undisguisedly affirmed to him his belief that Major Searle was capable of making away with those documents which were subsequently found in the Civil Court at Chittoor.

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59. In conclusion we deem it our duty to recommend that the names of Captain Mayne and Mr. Beckett should be removed from the list of Municipal Commissioners at Vellore. The element of discord which their presence afforded having been withdrawn, we see no reason why the affairs of the Municipality of Vellore should not be administered as harmoniously as those of any other town.

P. S.—Since the above was sent to Press, we have received a letter from Mr. Whiteside, date 18th November 1872, forwarding a paper of additional remarks on the part taken by him in these Proceedings. The letter and paper are forwarded in original for the consideration of Government, and will be found amongst the other original documents marked V. Major Searle's comments on the above will also be found marked W.

At the opening of the Proceedings the following remarks were made by Colonel Batten.

Mr. Thornhill, I beg that I may have your concurrence to read in Court a letter dated 29th October 1872, addressed to you by Mr. Whiteside. It brings to your notice that certain documents, which are required in support of the evidence to be adduced in this enquiry, had not been filed in the Small Cause Court, but were lying in the Municipal Office, and had been inspected on divers occasions by Major Searle; that it was suddenly discovered by Captain Mayne and Mr. Beckett that "three" of the *most important* papers had mysteriously disappeared; that Major Searle, on being asked by Mr. Kelsall for any original documents connected with certain suits, gave up a number of exhibits, which he must either have received privately from the Vakeel, or removed himself from the Municipal Office, the three most important documents referred to not being amongst them. The imputation implied in this part of Mr. Whiteside's letter very seriously affected the reputation of Major Searle; it was calculated to plant in your mind, Mr. Thornhill, a very unfavourable impression against Major Searle, and had those papers not been subsequently found in the Civil Court at Chittoor, as notified by Mr. Whiteside, the strong circumstantial evidence would have gone to prove that Major Searle had either purposely suppressed or dishonestly made away with those important documents. I therefore feel it incumbent on me to request that Mr. Whiteside may be required to declare, for record on the Proceedings, whether the imputation on Major Searle, which is indisputably implied in his letter, was just or fair, and whether he is prepared to retract the same.

Put in, marked A A.

Mr. Whiteside's reply.—I regret having written that portion of my letter which conveys to the minds of the Commissioners an imputation on Major Searle, and disavow any intention of casting such a reflection upon him.

Statement of W. S. WHITESIDE, Esq., Collector and Magistrate of North Arcot, and President of the Municipal Commission of that District.

Q.—Adverting to paragraph 6 of the Government Order, 19th of October 1872, No. 1422, in which it is stated that Mr. Whiteside states that no opportunity was afforded him for explaining the grounds on which he made the statement impugning Major Searle's credibility as a witness, will you now offer any explanation that you think necessary on the subject?

A.—I beg distinctly to state that the statement alluded to in the Government Order had sole reference to Major Searle's official acts, and that I disclaim any personal knowledge of Major Searle in his private capacity or of his private character. My sole knowledge of him is in connexion with official matters which came before me in my capacity as President of the Municipal Commission, and I beg to disavow any personal feeling one way or another in the matter.

My first ground is, that Major Searle, shortly after the Municipal Meeting held on the 7th July 1871, wrote an order to the Manager, Venkataroyer, desiring him to omit from the fair copy of the Proceedings of that Municipal Meeting that portion of the rough draft Proceedings which he himself had recorded, relating to the rejection of his own proposition for the erection of a latrine on the ground proposed to be reclaimed from the nullah at the entrance to the town of Vellore on the Katpadi road.

See entry A. in book of orders written in Major Searle's own handwriting, admitted by himself; the book is produced, and is stated by Major Searle to be a private Order-book for the information of the Manager.

See also rough draft of Proceedings of the Meeting of the Commissioners of 7th July 1871, in which the proposition is entered, also marked A.

Admitted by Major Searle.

See also fair copy of the same Proceedings in the book in which the proposition above alluded to is omitted in accordance with the order.

Admitted by Major Searle.

Q.—The next point is that in his official letter, No. 1, dated 27th May 1872, Major Searle stated his inability to account for the omission.

Original letter put in, marked B.

This letter is dated 27th May 1872, it was despatched from Vellore on the 7th June, and received by me at Arni on the 8th June, but it is a fact that, on the 1st June, the Manager, Venkataroyer, laid before Major Searle his own written order directing him to omit that portion of the Proceedings from the fair copy. No postscript was added to the letter noticing the above order. The fact that the letter was despatched on the 7th June was communicated to me by the Manager, Venkataroyer, some weeks subsequently; he was at that time, to the best of my belief, a servant of the Municipality. I took no action on the information at that time. In proof that Major Searle was aware of the order to omit the proposal from the fair copy I point to his letter noted in the margin, dated 6th September 1872.

See letter C, page 4, reverse side, from Major Searle to Mr. Whiteside, dated 6th September 1872. Admitted by Major Searle.

Another point.—On the 10th June, Major Searle wrote me a private letter, which I received at Arni, to the following effect:—"That, since I last wrote, on looking over my memorandum book to the Manager I see recorded after a memorandum dated —— I wish you to leave out of the last Proceedings about 'proposed by Major Searle that the latrine, &c.,' as I hope to bring it up at another Meeting, this will account for its omission," &c., &c. The impression conveyed to my mind by that letter was that Major Searle had really forgotten the existence of the order when he sent his letter to me. I accepted the information without demur, and I reported the fact of having received the letter in my letter to Government, No. 43, dated 22nd August, paragraph 12. I beg now to draw attention to Major Searle's letter dated 27th May, already referred to, paragraph 4, 1st clause, concluding words, "and likewise compare them with the draft Proceedings of the Commissioners under all the previous Vice-Presidents." I have seen in the possession of the late Manager, Venkataroyer, an order in Major Searle's writing, dated 3rd June 1872, wherein he desired the Manager to search in the Municipal records for all rough Proceedings of Commissioners and of former Vice-Presidents. I questioned the Manager as to when he supplied that information, and he said on the 4th June. I infer from this that Major Searle's letter, dated 27th May, was still under preparation on the 4th June, and that he had, therefore, ample time to have corrected the error in that letter with reference to the omission of the draft Proceedings before despatching it. I saw the order in Venkataroyer's possession on the 28th of October, but I had known of its existence before. I believe I had heard of it from Captain Mayne before. On seeing the order I questioned Venkataroyer how he knew that he had not submitted the information to Major Searle before the 4th of June. He told me that it had taken some little time to hunt up the papers, and therefore he was confident he did not send them to Major Searle until the 4th June.

Put in, marked D, admitted by Major Searle.

I consider Major Searle's letter of the 27th May to be official. It was received in reply to a private note of my own, asking Major Searle to reply to the charges of Captain Mayne and Mr. Beckett in an official form. I received the letter, but, to the best of my recollection, it was not accompanied by any private note. I see the Extract of Proceedings of the Commissioners, dated June 1867. I do not recollect having seen that Extract before. On examining the papers carefully I believe it must have been appended to Major Searle's letter.

Note put in marked E.—Major Searle begs to state that he does not consider the letter of the 27th May to be a strictly official document; it was not submitted to the Commissioners nor entered in the Municipal records; there is nothing on record to show its existence. He considers that the manner in which the letter of Captain Mayne and Mr. Beckett was sent to him was irregular, if it was intended that the reply was to be submitted to Government, and he thinks he should have received intimation of the fact when the letter was sent toGovernment.

The letter of Captain Mayne and Mr. Beckett, dated 16th May, was distinctly based on the Proceedings of Government of the 24th May 1872, No. 627, they therein requested me to examine the records in the Municipal Office, to institute such inquiry as I might think fit, and report

the same for the information of Government. A copy of this order was in the Municipal office, and I consider Major Searle must have known that the matter could not rest with me but must go on to Government, and I am aware of no order requiring me to inform Major Searle that I was sending the matter on to Government, and the tenor of the Government Order distinctly required me to state all the facts referring to the Municipality.

Question by Major Searle.—When was the Annual Report of 1871-72 sent in, and were the charges of Captain Mayne and Mr. Beckett sent in at the same time?

Answer.—The date of the Annual Report was 15th August 1872; the date of my letter on the working of the Municipality and forwarding Captain Mayne's and Mr. Beckett's charges was the 22nd August. I do not gather from the Government Order that it was essential that the second Report should be embodied in the Annual Report.

The next point is, that at the Meeting of the Municipal Commissioners held on the 2nd February 1872, Major Searle again brought up the question as to the erection of the latrine on the side of the Katpadi road. On Mr. Beckett asking if this proposition had not been previously made and rejected, Major Searle replied, No and on Mr. Beckett beginning to look at the back Proceedings, Major Searle stated "you will not find it there" or something to that effect. Mr. Beckett then asked Major Searle to produce the rough copies of the draft Proceedings. Major Searle replied, according to his own version, "they are not kept *here*," and according to Captain Mayne and Mr. Beckett, "they are not kept." Captain Mayne and Mr. Beckett understanding that they were not in existence dropped the subject. Had the rough notes been produced, it would have appeared that the original proposition had been entered in the Proceedings. I was not myself present at the Meeting. The statement I have made regarding the transaction is based on information given to me orally by Captain Mayne and Mr. Beckett, and from their written statement dated 16th May 1872, also from Major Searle's written explanation, from all of which I formed an opinion.

The next point is, that Major Searle, in his letter dated 27th May, No. 1, states that the work originally proposed by him on the 7th July 1871, was sanctioned by the Commissioners on 2nd February 1872, when he again proposed it. That the work was at the date of the letter nearly completed.

The whole of that is an inaccurate statement of facts, inasmuch as the original proposition made by Major Searle was for the erection of a latrine on a piece of ground to be reclaimed from the nullah.

When I was here in May, I went to the spot with Major Searle and a number of the Commissioners, and the subject of the erection of a latrine on that spot was again discussed at great length. I then agreed that it would be a good plan to erect a latrine in the neighbourhood, but not on the exact spot proposed. It was agreed eventually that it should be erected on the opposite side of the nullah, at a distance from the spot originally selected. I cannot state the exact date, but it was some time early in May. When about a month later I received Major Searle's letter of the 27th May, and I saw that he stated the work was nearly completed, I concluded he was writing of the latrine, and in paragraph 12 of my letter to Government, I wrote of it as if the latrine had actually been built. I accepted Major Searle's statement without hesitation. The wording of the original proposition, as recorded on 7th July 1871, is, that a latrine be erected on ground to be reclaimed from the "nullah," and therefore, when Major Searle wrote that the original work had been completed, I took it for granted that the latrine had been actually erected on the spot finally selected by Major Searle and myself.

Again, in his letter dated 6th September 1872, No. 390, Major Searle alluded to the work with regard to the latrine, and, in proof that such was the case, he forwarded the plan of the latrine. It is quite true that in a previous paragraph of the letter he alludes to the revetment of the nullah; but his subsequent remarks in no way led me to suppose that he alluded to any work other than the latrine. The revetment was only a portion of the plan for the latrine, and the plan is entitled "plan of a latrine." When, therefore, he spoke of the original work, I was given to understand that it was the latrine itself.

The next point is, that Major Searle entered in the Proceedings of the 21st July 1871, at a Meeting at which *I myself was not* present, a resolution that had been passed by the Commissioners in terms different from those in which it had actually been carried. The Proceeding as recorded is as follows :—Mr. Frericks agrees to take over the masonry works of the Municipality, and be paid at the municipal rates ; an agreement to that effect being entered into by him for each work previous to its being commenced. The resolution as it was really passed was to the effect, that Mr. Frericks should have execution of all masonry works above 20 Rupees. The resolution as recorded was meaningless and unnecessary, for it had already been recorded at a Meeting of April 25th, 1871, that Mr. Frericks should have all the contracts for keeping up the Cantonment roads, all repairs, new market, and general improvements. On further consideration I withdraw that part of the statement in which it is stated that the resolution as recorded was meaningless and unnecessary. I only wish to state that it was not an accurate statement of the resolution as passed. Mr. Frericks feeling aggrieved at the loss sustained by him in not getting all the works assigned to him, brought a suit in the Civil Court for damages, which was given against him on a point of law. The Judgment and Decree are put in. The suit was brought against my advice very earnestly pressed upon the Commissioners. The majority of the Commissioners, however, persevered with the suit, having rejected my advice. Some of the members of the Commission were averse to the employment of Mr. Frericks, but others considered that he had not had fair treatment at the hands of Major Searle. Mr. Cruickshank, late Sub-Collector, Mr. Beckett, Captain Mayne, and Captain Macleod, all stated that they thought Mr. Frericks had been badly treated. Captain Macleod did not speak so strongly as the others. Mr. Cruickshank spoke to me personally on the subject on the 29th or 30th April, when he delivered over charge of the district to me at Chittoor.

Judgment in Suit No. 15, marked F.

The next point is, that in February last Major Searle wrote two official letters to the President and circulated them amongst the Commissioners for information, and subsequently wrote a docket No. 63, 19th February 1872, wherein he stated that the two letters had been circulated to the Commissioners and approved of by them ; he subsequently cancelled the docket, which was never sent, the Commissioners never having expressed any approval. I refer to an entry in the memorandum book of orders in support of this statement. I cannot however point it out, the Manager will be able to do so.

The next point is, that when certain members of the Municipal Board complained that Major Searle had exceeded the allotments sanctioned in the budget under certain heads, Major Searle denied that he had exceeded the allotment under any head. The Commissioners then decided that a statement should be prepared showing the expenditure under each head in the budget, and when that statement was being prepared the Manager showed to Major Searle the rough statement, and pointed out to him that the budget allotment under the head "latrines" had been exceeded.

Major Searle, then, in his own hand, altered that draft statement; he amalgamated the two separate allotments for latrines and urinals into one; the figures then showed that the allotment for the joint entries had not been exceeded. A fair copy of that statement was then laid before the Commissioners, and relied on by Major Searle to confirm his denial of the excess expenditure. The altered draft is not in my possession, it is in the Civil Court at Chittoor. It was filed by Venkataroyer, and therefore could not be taken out by me as I was defendant in the suit.

Mr. Whiteside is requested to produce the budget and the statement as presented to the Commissioners.

In his letter of 6th September, Major Searle has admitted that he made the alteration in question—see paragraph 2—and defends the act.

I draw attention to the italics in paragraph 5, clause 2, in Major Searle's letter of the 27th May 1872, stating "the expenditure was never exceeded, but was in every case far below the amount sanctioned." Major Searle, when he wrote those words, must have been aware of the alteration he had made in the statement as originally prepared in the Municipal office, as he subsequently acknowledged the same in his letter of the 6th September 1872. I refer to the

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late Manager, Venkataroyer, and to the rough draft statement now in possession of the Civil Court at Chittoor for explanation of the details of this point. The statement now produced was taken from the records by the Manager of the Municipal Office.

G.
The Statement is put in by Mr. Whiteside, but neither Mr. Whiteside nor Major Searle can explain its contents.

The next point is, that Major Searle, subsequent to the Municipal Meeting held on the 25th August 1871, re-wrote a portion of the Proceedings of that Meeting on the fly leaf of a note addressed to himself on the 27th idem by the Rev. Dr. Sayers. The Almanac will show that the 25th was a Friday, and the Municipal records will show that a Meeting was held on that day ; the 27th August was Sunday, and the contents of Dr. Sayers' note, to which I have last referred, show that it was written on that day, as it refers to the administration of the communion and the hymns for the day. That note could not have been in Major Searle's possession on the date of the Meeting, viz., the 25th August, and my inference was, therefore, that the draft Proceedings must have been written after the Meeting. The fair copy of the Proceedings is a correct copy of the rough draft alluded to.

Paper put in marked H. acknowledged by Major Searle. The date on Proceedings is stated to be in the Manager's hand writing.

I also put in an explanation in Major Searle's handwriting of the above transaction, it is undated and unsigned. I found it in the Municipal records ; it was brought to my notice three or four days ago, and I wish Major Searle to be asked when he wrote it. I beg to draw attention to Major Searle's explanation of this transaction, given in clause 2, paragraph 4 of his letter of 27th May 1872, as follows :—"On looking at the draft Proceedings of the Meeting held on 25th August 1871, referred to by Captain Mayne, I observe that they are made out on half-sheets of French foolscap with the exception of the first sheet. I presume that the Proceedings were commenced before the Manager had placed writing paper on the table, and that the Proceedings were being recorded to save time."

Put in, marked I.

The only inference I can draw from that explanation is that Major Searle desired it to be understood that the note to his address from Dr. Sayers was on the table when the Meeting began, and that he commenced to record Proceedings on it before the Manager brought in blank paper. I wish to refer again to explanation marked I. In the commencement he makes use of the following words :—"and also another matter which required reference to certain office estimates "and document showing the actual expenditure "incurred and certain dates connected therewith, "and as these points probably had all been ascer- "tained previous to the Meeting, the Vice-Presi- "dent wrote them out roughly on the clean blank portion of the letter that in all probability presented "itself to his observation, and which was handy and fully answered the purpose, for roughly recording "those paragraphs for the Manager to make a fair copy of, which was invariably his custom to do "and which he likewise did in this case. It would appear that it was only the first two paragraphs "that required to be re-written (with the above points of information being supplied)."

Note by Court.—This is a rough memorandum in Major Searle's handwriting evidently hastily written and barely intelligible. G T.

Major Searle then goes on to say, "The rough draft copy of the Proceedings of the 25th August, as written on the back of a private note from Dr. Sayers, dated 27th August, were not at the Meeting held on the 25th, but were written a few days afterwards (as was usual)."

The document above quoted from was not in the records when I saw the Proceedings drawn on Dr. Sayers' letter. Dr. Sayers' letter was one of the documents which was found to be missing from the Municipal Office on the 29th of October. Mr. Beckett had discovered its absence on the day before, and he, in my presence, gave to Mr. Kelsall a list specifying the missing documents we required for reference. Mr. Kelsall promised to write and ask Major Searle if he had any documents connected with the case and beg that he would return them. Mr. Kelsall subsequently wrote to Mr. Beckett informing him that Major Searle's reply was that the letter of Dr. Sayers had been sent to the Civil Court with an endorsement appended to it—that

was the first intimation I had of the existence of any such endorsement—and on examining the bundle of records returned to me by Soobramanium, Vakeel, I found that endorsement (I.) attached to the Proceedings of the 25th August. It is in Major Searle's writing, and I had never seen it before. It was not in the records when I previously examined them; as I am now called on to justify my statement as regards my opinion of Major Searle's inaccuracy in official matters, and although this document was not before me at the time when I originally formed my opinion, I rely on it now as being a document among the Municipal records, in Major Searle's own handwriting, which, by its contents, justifies me and corroborates the opinion I have formed.

Major Searle desires it to be noted that the document I. was a strictly private memorandum made for his own use, and he is unable to account for its presence amongst the records sent to the Court by him; it must have been put up by accident. The paper does not form a part of the Municipal records.

Question by Major Searle.—Did you form your opinion that I was unworthy of credit on my explanation given in clause 2, paragraph 4, of my letter of 27th of May?

I consider that the answer therein given was not as straightforward as he might have made it if he had chosen; it was one of many reasons on which I afterwards expressed my opinion. When I received Major Searle's explanation I was well aware of the date of Dr. Sayers' note, and the note itself contained intrinsic evidence that it could not have been written on the 25th August, the date on which the Meeting was held.

By Major Searle.—Did you ever receive any other explanation from me regarding this subject?

A.—Not to my knowledge, I do not recollect receiving any.

The next point.—That at the Meeting of the MunicipalCommissioners held on the 7th November 1871, the Sub-Committee, who had been appointed to report on the repair of certain roads in the Municipality, made their report, and recommended that the bill for the repair of those roads should be passed; a resolution to that effect was carried. Major Searle, the Vice-President, being the only member present, who voted against the motion. It was of course his duty to record that resolution in the Proceedings; he omitted to do so. Mr. Cruickshank, the Sub-Collector, subsequently discovered this omission, and on the 17th November he specially brought the omission to the notice of Major Searle and remonstrated with him. Major Searle gave him to understand that the resolution as carried would be entered in that day's Proceedings, this was not done; it was not until the 1st December that the proposition was inserted in the Proceedings of that day.

I refer to the above as an instance of Major Searle's inaccurate manner of conducting business, for when Mr. Cruickshank brought the omission to notice it should have been at once remedied. This fact was stated to the President, Mr. Robinson, by Mr. Cruickshank in his letter dated 11th December 1871. It has subsequently come to my knowledge that at that time Major Searle was displeased with the contractor Mr. Frericks.

Major Searle wishes to state that Mr. Cruickshank's letter was never shown to him; that he knows nothing whatever of its contents.

The next point.—That Major Searle in paragraph 7 of his letter of 27th May 1872 denies positively the truth of Captain Mayne's and Mr. Beckett's assertion as to the collection of Municipal taxes, and he declares that the Contractor was not allowed to retain any money in his possession. This statement of Major Searle's is incorrect; it had been resolved at a Meeting on the 20th March 1871, that the Contractor should be allowed an extension of time up to the 30th June 1871, after which time all the uncollected bills should be taken from him and his contract cancelled. Major Searle presided at that Meeting, and, in contravention of that resolution, he allowed the Contractor to retain in his hands many bills for the collection of Municipal taxes for many months, and this was done without the knowledge and consent of the body of the Commissioners; and, finally, when Mr. Cruickshank brought the matter to notice, and the bills were taken away from the man on the 2nd December 1871, it was found he had Rupees 263-8-0, as shown by the cash-book.

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I rely upon the above as one of the reasons which led me to doubt Major Searle's accuracy in official matters.

I ascertained these facts from the letters of Captain Mayne and Mr. Beckett and Major Searle, and verbally from Captain Mayne and Mr. Beckett and from the Manager. I bring this forward as an instance of irregularity in the conduct of business by Major Searle.

I cannot say if any fresh bills were issued to the Contractor after the 30th June, or if the money remaining with him in December was on account of collection which ought to have been made previous to the 30th June.

I think this information did not reach me before the receipt of Captain Mayne and Mr. Beckett's letter. I am not positive however.

The next point.—At a Meeting on the 22nd September 1871, I am informed that Major Searle addressed the following words to Mr. Frericks:—"Remember I am your enemy, and I always will be your enemy." This was brought to my notice by Captain Mayne, Mr. Beckett, and Mr. Frericks; and while I was in Vellore in May, Major Searle explained that he had not made use of the words imputed to him, but that he had said:—"Remember Mr. Frericks you are your own enemy and will always be your own enemy." I accepted the explanation, as I had no reason at that time to discredit Major Searle, and I thought it quite possible that Captain Mayne and Mr. Beckett might be mistaken in the words made use of by Major Searle, and I was anxious to avoid revising bygone quarrels, and I did not consider it a matter of which I was bound to take cognizance as President of the Municipality. And when Captain Mayne brought it up again in his letter I was much annoyed, and expressed my regret in my letter to Government of 22nd August 1872. Subsequently, I received other information which induced me to alter my opinion. I learned that Major Searle had at the end of September 1871 made use, in conversation with Lieutenant Price, Assistant Superintendent of Police, of words relating to Mr. Frericks very similar to those he was said to have spoken in the Municipal office. Lieutenant Price himself told me.

Q. by Major Searle.—Did Captain Price inform you that the conversation was a private one?

A.—He said the conversation took place in his own, Lieutenant Price's house, it was a long conversation, and related principally to Mr. Frericks and Major Searle, and the latter's grounds of complaint against Mr. Frericks.

Q. by Major Searle.—I have authority from Lieutenant Price for repeating the conversation above alluded to. Lieutenant Price informed several others in Vellore besides myself that he had had this conversation with Major Searle.

Q.—Did Lieutenant Price make the statement in Court?

A.—No. Lieutenant Price was put into the witness box, but the question was not allowed by the Judge as not bearing on the suit under trial and relating personally to Major Searle.

The above was one of the reasons which led me to form an opinion adverse to Major Searle's credibility.

The next point.—That after the Proceedings of Municipal Meeting of 21st August 1871 had been fair copied into the book, Major Searle altered the Proceedings in one important particular by the insertion of certain words which do not appear either in the *rough draft* of the Proceedings or in the Proceedings as published in the *District Gazette*, by the addition of the words "until the expiration of the time of the present contract."

Put in marked J.

In Major Searle's handwriting and acknowledged by him.

This point was stated in evidence in the Civil Court at Chittoor in one of the recent suits. I never heard any thing of it before, and I have not seen the letter referred to as addressed to Doorgiah Naidoo. As I heard the case stated in Court, I looked on it as a dishonest act, and my opinion of Major Searle was influenced thereby. Now that I have seen the letter addressed to Doorgiah Naidoo, and heard Major Searle's explanation, I look on it only as an irregularity.

I have not received any explanation from Major Searle on that point, as he resigned his post as Vice-President on the very day that document was produced in Court.

The next point.—At the Meeting of Municipal Commissioners held in 21st August 1871, Major Searle was complaining to the Commissioners of Mr. Frericks' shortcomings; amongst other matters he complained that Mr. Frericks had refused to sign his name as Frericks and Co. to receipts for monies due to him from the Municipality; that the Commissioners then passed a resolution, which was recorded, "that on Mr. Frericks signing the bill for the money due to him as Frericks and Co. the bill will be paid."

Captain Mayne questioned Major Searle at the time as to whether there was no mistake as to Mr. Frericks' refusal to sign. Major Searle said there was no mistake. I heard this from others. I was not present.

The real fact was that Major Searle had refused to accept receipts except they were signed by J. Frericks, B. Doorgiah Naidoo and Malingam Pillay, as shown by Major Searle's written order in the order-book, whereas Mr. Frericks desired to sign himself alone as Frericks and Co. as the money was due to himself alone and the two native members of the firm had no right or share in it. I think a mistake has been made in recording above that Major Searle had all along refused to sign. I intended to state that Mr. Frericks had *all along* desired to sign as Frericks and Co.

Put in marked K.

I was not aware that the Native partners of Frericks and Co. had protested to Major Searle against the payment being made to Mr. Frericks individually, and had forwarded a copy of a document purporting to be a deed of partnership between themselves and Mr. Frericks.

I wish to draw attention to the letter of Messrs. Doorgiah Naidoo and Co. of the 19th August, stating they had decided to dissolve partnership from the 12th instant, as showing that payment was due to Mr. Frericks alone.

Marked L.

The next point.—I wish to draw attention to the letter addressed by Mr. Cruickshank to Mr. Robinson, dated 11th September 1871, No. 774. Mr. Cruickshank in this letter referred to misconduct by Major Searle in divers official matters. Mr. Cruickshank in one paragraph declares that the Vice-President "has entirely misrepresented certain facts, viz., I take the reply as recorded above as the one read to the Meeting by Major Searle, and would simply say that the Vice-President has entirely misrepresented what took place."

Again, further on he states:—The assertion in the last part of the reply is entirely untrue. No intimation whatever of the Vice-President's intention to leave the Meeting was given to the Commissioners till Mr. Beckett had actually finished his proposal.

Again, "The truth of my statement has not been denied point-blank, but it has been denied in a round-about way. I now most emphatically deny the truth of the Vice-President's assertion, and I trust you will be pleased to ascertain who was the offender."

I bring this to notice to show that accusations were made against Major Searle long before I joined the district.

Mr. Cruickshank's letter in reply put in, N.

I wish Major Searle to be asked how he came into possession of the papers returned from the Civil Court, forming part of the records in the suit lately decided, and belonging also to the Municipal records, he being no longer Vice-President.

Major Searle states that this question was already put to him by letter from Mr. Kelsall, and that he replied to the same by letter dated 31st of October 1872, to which I refer for his reply.

Letter put in, marked O.

Additional Statement of Mr. Whiteside.

I have heard what Mr. Frericks has stated about advances made to him by me for public works, it is quite correct. The contracts were made within the last four weeks.

Some time after the suits had been heard, Mr. Frericks came to me and said he was anxious to obtain work in the district and to show that he could perform contracts honestly. I said I would give him an opportunity of doing so. I was more inclined to do so as I felt he had been hardly dealt with by the Vellore Municipality. It happened that works had to be performed

under the Local Fund Board and in the Arni Jaghire. I had sent in a list of works in the Jaghire for the approval of the Court of Wards, and in anticipation of their final sanction I made these advances to Mr. Frericks for the collection of materials. I reported it to the Court of Wards. The work out of Local Funds had been fully sanctioned.

Mr. Frericks told me that he had spent all his money on his suits, and asked me therefore for some advance, as if he were set on his legs again he would be able to start afresh. I bound him down by strict agreements, and told him it was a special case and would never be done again.

I have received reports from the Arni Manager to the effect that the works are in progress; the works are closely supervised also by the Overseer of the Jaghire. I am satisfied that the money is *bona fide* being laid out on the works and not diverted to any other purpose. I did not know at the time of giving the advances that Captain Mayne had lent money to Mr. Frericks. I heard afterwards that he had done so, but I did not hear the amount. I never heard that Mr. Beckett had assisted him with advances. I know of no decree now against Mr. Frericks except the two in the Civil Court at Chittoor.

I recently received a letter from Mr. Kelsall (demi-official) stating that he was prepared to give Mr. Frericks contract works under the Local Fund Board of the Vellore Circle.

Statement of Captain Mayne.

Q.—Be so good as to state how you propose to substantiate the statements made by you before the Chittoor Court to the effect that Major Searle was not worthy of credit.

I draw attention to the Proceedings of the Municipal Board of Vellore, dated 25th August 1871, written on a letter from Dr. Sayers to Major Searle, dated 27th August 1871. I state those Proceedings could not have been written on the 25th of August, the date of the Meeting.

I point to paragraph 4 of Major Searle's letter, dated 27th May 1872, where he acknowledges having written on half sheets of foolscap paper, except the first sheet; the first sheet is the very draft note of Dr. Sayers to Major Searle, dated 27th of August 1871.

I did not see the draft Proceedings on the day of the Meeting. I saw them about ten days after the Meeting. They were written on the back of Dr. Sayers' letter. I can state that at the Meeting in question the Vice-President did write down the Proceedings as they passed. I see the paper marked H., it is the paper I have alluded to. I see the date 25th August attached to that paper, it does not appear to be in the same handwriting as the Proceedings, the Proceedings are in Major Searle's handwriting. I cannot say by whom the date was written.

On looking at the papers now shown I recognize the Proceedings entered on Dr. Sayers' letter, and one half sheet and one quarter sheet of blue paper, but the half sheet of white paper on which part of the Proceedings are written I do not remember to have seen before. I think it must have been put in before the papers were sent to Chittoor. My attention was never drawn to the fact that a portion of the draft Proceedings was missing. I never compared them with the fair copy.

Marked A-1.

The next point.—At a Meeting of the Commissioners, dated 21st August 1871, it was brought to the notice of the Commissioners by Major Searle that Mr. Frericks, the Contractor, had refused to sign the receipts for money due to him as Frericks and Co., I think I put the question once or twice to Major Searle if he were sure that such were the case, and he said "yes."

I then turned to Captain Macleod, who was sitting close to me, and said that I could not help thinking there was some mistake. Captain Macleod answered me by saying that he was of the same opinion in consequence of the abrupt manner in which the Manager had left the office room; I asked Captain Macleod to recall the Manager, and when he came into the room, I called him over to the side where I was sitting, and asked him if Mr. Frericks had refused to sign the receipts as Frericks and Co., his answer was "no," he never refused to sign. I then asked why the money was not paid to him, and he said by Major Searle's order. When I came home after the Meeting to my own house, the Manager met me and produced this copy of Major Searle's order, dated

B-1.

19th August 1871, in which Major Searle directs the late Manager not to pay the money due to Mr. Frericks unless signed by the Native partners of Mr. Frericks as well as by himself.

I did not communicate with Major Searle again on this matter, or ask him for any explanation. I bring this forward as an instance in support of my statement that Major Searle was unworthy of credit.

I was not aware that any correspondence had taken place between the Vice-President and Mr. Frericks on the 21st and 22nd August. Nor was I aware of any similar correspondence on previous dates. I have heard the letter of 16th of August read. I was not aware of its existence.

From Doorgiah Naidoo to Vice-President.

I do not know on what grounds Major Searle refused payment to Mr. Frericks. On hearing a letter from Mr. Frericks read I now remember that some correspondence took place and was laid on the table from time to time.

The next point.—At the Meeting of the Commissioners, 7th July 1871, a proposition was brought forward for erecting a latrine on the Katpadi road, and rejected by the Commissioners, which was subsequently expunged by Major Searle. The order-book to the Manager of 7th July 1871 will show that Major Searle directed him to omit the resolution from the Proceedings on the 2nd February 1872.

See in book marked A.

Major Searle brought forward a proposal to revet a portion of the nullah with the stones taken from the entrance to the fort. Mr. Beckett then asked Major Searle whether there was not a proposition made some time previously regarding the removal of the stones to the same spot for the purpose of building a latrine; Major Searle denied all knowledge of any such previous proposition, and when the Commissioner, Mr. Beckett, requested the draft Proceedings should be produced, Major Searle said that they were not kept. Whereas he had the Proceedings at the time. The second proposition was simply to revet the nullah without reference to the erection of a latrine and was carried by the majority of the Commissioners.

Q. by Major Searle.—I have no recollection of Major Searle's private memorandum book having been shown to me by the Manager at any time. I saw it when examining the records by permission of the President, Mr. Whiteside, after the receipt of the Order of Government directing the present enquiry. I do not recollect being aware of the existence of the order before.

The next point.—See the Minutes of the Proceedings of 21st July 1871 and *District Gazette*.

There was a proposition at the Meeting of 21st July 1871, that all masonry works costing 20 Rupees or upwards should be given to Mr. Frericks, and for such works he was to be paid at municipal rates. The proposition as it appears in the fair Proceedings and in the *District Gazette* is to the effect that Mr. Frericks agrees to take over the masonry works of the Municipality and be paid at municipal rates, an agreement to that effect being entered into by him for each work previous to its being commenced.

I never saw the rough draft of the Proceedings, but I can prove by witnesses that the resolution was different from what appears in record. I state that Major Searle must wilfully have omitted a portion of the resolution as carried at the Meeting. I wish to withdraw the word wilfully.

By Major Searle.—I did not bring the fact above stated to the notice of the Commissioners. I have not, as a rule, brought any omissions to the notice of the Commissioners at the Meetings. I may have remarked on some of the omissions to individual members in a private manner.

The next point.—The Proceedings of the 22nd September 1871. On Major Searle handing to Mr. Frericks the stamped agreements for the cantonment roads and a drain at the back of Davasagamoney Moodellie's godowns he made use of the following expressions to Mr. Frericks:—"I am your enemy and will always be so." I was present and heard the words and made a note of them on leaving the Municipal Meeting about ten minutes later. Major Searle subsequently, in the Small Cause Court on the 14th March 1872, denied having used those words. On 30th September 1871, Lieutenant Price, Assistant Magistrate of Police, came to my house, and in course of conversation on Municipal matters told me that Major Searle had come to him some time in September on or about the 27th and said that Major Searle had remained with him for 3½ hours, abusing myself

and Mr. Beckett, and said that he would from henceforth be Mr. Frericks' bitter enemy, and would make Vellore too hot to hold him. Lieutenant Price did not say that the conversation was private or otherwise. On Lieutenant Price leaving Vellore subsequently I asked him if in the event further inquiry being ordered he would be willing to substantiate what he had stated as above recorded. He replied that he would be willing to do so.

Questions by Major Searle.—Did you, before Mr. Whiteside was appointed to this district in April last, write to him complaining about the erection of a choultry opposite Vellore gate? Did he reply to you and to what effect?

No I did not.

Had you any correspondence with Mr. Whiteside on the subject after his appointment to the District?

Yes. I do not wish to state what it was, as the correspondence was private.

Did you write to Mr. Whiteside before he was appointed to the district complaining of the manner in which Major Searle was conducting the affairs of the Municipality?

A.—No.

Have you assisted Mr. Frericks with money?

Yes, I have.

Were the advances made in connexion with the steps taken by Mr. Frericks against the Municipality?

No. Major Searle has on different occasions put Mr. Frericks in the Small Cause Court, and on those occasions I have helped him. Major Searle acted so in his capacity as Vice-President of the Municipality.

Have you on any occasion directly or indirectly endeavoured to procure legal assistance for Mr. Frericks?

No.

Q. by Court.—Will you state on what terms you have been with Major Searle?

For about the last twelve months I have not been on friendly terms with Major Searle.

Q. by Court on the 8th November.—I decline to produce the receipts given me by Mr. Frericks for money lent to him, but will name the dates when I have referred to the receipts, which are of a private nature. My reason for not producing the receipts is that I consider the matter quite of a private nature.

I give in the receipts alluded to with the dates.

Note.—An hour later Captain Mayne produced the receipts. G. T.

Memorandum of Receipts.

		Rs.
3rd January 1872	... ...	30
23rd March	,, ...	50
6th April	,, ...	93
13th ,,	,, ...	78

These are all the receipts I have, and represent all the transactions that have passed between Mr. Frericks and myself during the past year.

Mr. Beckett's Statement.

Question.—You have stated before the Court at Chittoor that you did not consider Major Searle worthy of credit, will you give your grounds for making such an assertion?

Answer.—At a Meeting held on the 7th July 1871 a proposition was made by Major Searle as Vice-President to erect a latrine on the Katpadi road. This proposition was negatived, as the site was considered objectionable. Major Searle subsequently directed the Head Clerk to expunge this proposition from the draft Proceedings. On the 2nd February 1872, at a Meeting of the Commissioners, Major Searle proposed that the stones from the entrance of the fort should be removed to the same spot where the latrine was proposed on the former occasion, so as to reclaim the ground

and revet the nullah. I then, as one of the Members, asked if there was not a former proposition about the removal of the stones to that spot for the purpose of building a latrine. Major Searle denied all knowledge of such a proposition. I then took the fair Proceedings book and looked for the proposition, not finding it there I asked for the draft Proceedings to be produced. Major Searle then answered that they were not kept.

Another point.—The Proceedings of 21st July 1871—a proposition was made by some Members at the Meeting that Mr. Frericks, the contractor, should have all masonry works costing 20 Rupees and upwards, for which he was to be paid at municipal rates.

This proposition differed from that entered in the fair Proceedings and in the *District Gazette*. In order to show that the proposition as published was unnecessary I refer to the Proceedings of the 25th April 1871, when it was resolved as follows:—

"That Mr. Frericks' offer for taking up all the contracts for making up the Cantonment roads, all repairs, new market, and general improvements to be carried out in the Municipality for the space of eleven months from the 1st May 1871, be accepted at the municipal rates, subject to the work being approved of by the Commissioners." This proposition renders the resolution as recorded on 21st July unnecessary, because the latter is to the same effect as the former. The cause for the proposition regarding the masonry works of 20 Rupees and upwards being made was that the Contractor, Mr. Frericks, said it did not pay him to take up petty works, such as cutting side-drains, building mud walls, &c., for which he was paid at the same rate as tank diggers. Mr. Frericks was then directed to retire into the side room, when the proposition as I have stated was put and carried. He was then called and the proposition read to him as carried by the Vice-President; he said he was satisfied and retired. The proposition as published I consider to be injurious to Mr. Frerick's interest, inasmuch as it would have bound him to take up all works of whatever amount however small.

By Major Searle.—The discrepancy between the resolution as passed and as recorded was discovered by me two or three weeks subsequent to the Meeting. *I did not bring it to the notice of the Commissioners at any Meeting, as I was trying to trace other matters as well at the time.* Subsequently, in May 1872, I brought this point, amongst others, to the notice of the President. I am not aware that any new proposition cancelling that published has ever been made at any Meeting.

By Major Searle.—The Contractor, Mr. Frericks, has never to my knowledge complained to any one that the proposition as recorded was injurious to him. I consider that it affects Major Searle's credibility that he should have altered Proceedings once passed at a Meeting.

Major Searle had the entering of the proposition himself, therefore I assume the alteration was made by him. I am unable to say whether it was *purposely done or not.*

The next point.—At a Meeting of the Commissioners, 21st August 1871. An alteration was made in the handwriting of Major Searle in fair copy of the Proceedings by the addition of the words "until the expiration of the time of the present contract." These words are not found either in the draft Proceedings or in the gazetted copy. I first saw this four or five months ago. *I did not bring it to the notice of the Commissioners as I was still tracing some matters.* I was tracing things for the good of the Municipality. I did not think these things of sufficient importance at the time to bring them before the Meeting of the Commissioners.

The next point.—A portion of the Proceedings of 25th August 1871 is found to be written on a note from Dr. Sayers to Major Searle, dated 27th August 1871, two days subsequent to the date of the Meeting. This is to bear out a statement made by me in the Civil Court at Chittoor with reference to what had transpired at a certain Meeting where a Commissioner proposed that a bound book should be kept for the purpose of entering the draft Proceedings instead of their being written on slips of paper. Major Searle had stated that assertion was incorrect, whereas this draft Proceedings will prove that the Commissioner was right in his statement. I saw this document first in March last. I see the date on it 25th August, it is not in

H.

the same handwriting as the body of the Proceedings; it is in the handwriting of the late head clerk, who has since been removed from the office. The propositions written on that paper correspond with the fair copy of the Proceedings of the 25th August. I have seen the draft Proceedings of that date before the Court. I distinctly recognize the sheet of paper on which Dr. Sayers' letter is written, but I cannot recognize the other sheets of the Proceedings. I brought this to Mr. Whiteside's notice in the month of May.

The next point.—Referring to paragraph 5 of Major Searle's letter of 27th May, a statement was furnished on 15th December 1871 by Major Searle showing the different grants in the Budget for 1871-72, where urinals and latrines have been put together in one column, and shown that the sum expended did not exceed the allotment, whereas it did exceed in one of the two items. I cannot prove this statement without the production of the written statement in question. The alteration alluded to has been made in the handwriting of Major Searle.

Another point.—In section 7 of Major Searle's letter of 27th May, he states "at this time" * * * * * * * down to "with the knowledge, I believe, of several of the Commissioners;" to the best of my knowledge no entry to this effect was made in any Proceedings. I asked Major Searle to point it out if it had been entered. In the same paragraph, last sentence, Major Searle says "no money was retained by "the Collector, as erroneously stated by Captain Mayne and Mr. Beckett," whereas, when the bills were taken from him according to Proceedings of 1st December 1871, he paid into the Office on the 2nd December, Rupees 263-8-0 in cash, as shown by the cash-book. I point to this to show that Captain Mayne and I were correct, and that Major Searle was in error.

Major Searle states that he believes many of the Commissioners were aware of the fact, but that no entry of it was made on the Proceedings.

7th November.

The next point.—Unauthorized expenditure of Municipal funds by the Vice-President.

I have complained that Major Searle expended large sums without the sanction of the Commissioners, although a special allotment for emergent works was made by the Commissioners, to be adjusted at the next Meeting. The amount so expended, I believe, was about 10,000 Rupees, the details are given in a statement furnished by the Auditor of Accounts.

See statement C. in G. O.

I do not say that there was any inaccuracy in the account of expenditure, I only complain that money was expended on certain works without sanction.

Major Searle acknowledges some expenditure without sanction, but does not state the amount.

I allude to the statement prepared at Captain Mayne's requisition at the Meeting of 1st December 1871, as well as to the statement accompanying the Auditor's report.

Marked G.

Q. by Major Searle.—State the amount of special allotment above alluded to?

A.—By a former proposition the sum of 20 Rupees was allowed to be spent on emergency This sum was raised to 50 Rupees about November or December last, twelve months ago.

Q.—Was the allotment exceeded by former Vice-Presidents?

A.—I have never inquired nor seen if it was exceeded.

By Major Searle.—Do you know any instance in which Major Searle has exceeded the allotment since it was raised to 50 Rupees?

A.—I do not recollect any instance.

The next point.—Major Searle entertained some servants in the establishment of the Municipality without the previous sanction of the Commissioners. For instance, the servants in the 2nd Division were increased from 19 to 23 in March 1872 by the Vice-President without the previous sanction of the Commissioners. The servants so entertained were sweepers. I heard that the expenditure incurred was subsequently sanctioned. I name this as an instance of irregularity.

G

Another point.—Paragraph 8 of Major Searle's letter of 27th May 1872 is written as follows:—"This letter it would appear he (Mr. Frericks) took to Captain Mayne and Mr. Beckett." This statement is incorrect, as no such letter was brought to me.

My remark, as quoted below in the same paragraph, was made after I had seen the letter at the Meeting.

By Major Searle.—Had you any knowledge of that letter previous to the Meeting?

A.—None whatever.

The next point.—Paragraph 8 of above letter. At a Meeting of Commissioners Major Searle addressed the Commissioners as follows:—"I am glad to see you two, as gentlemen know how a gentleman should be treated." I then asked Major Searle if he intended to cast any reflection on any of the other Commissioners present by such a remark. Major Searle declined to answer.

Another occurrence at the same Meeting.

Major Searle in handing over certain papers to Mr. Frericks expressed himself thus:—"Mr. Frericks, remember I am your enemy and will always be your enemy," and subsequently that this statement was denied by Major Searle. I was not present when the denial was made. I heard it from a Commissioner, Captain Mayne.

Another point.—Paragraph 9 of Major Searle's letter of 27th May. I refer to paragraph 9 of the letter from Messrs. Mayne and Beckett to the President, dated 16th May 1872. As I consider that the words therein recorded were an insult to the general body of the Commissioners. No notice was taken of the expression at the time by any one, and I am not aware that any notice has been subsequently taken of it either by Mr. Cruickshank or Captain Mayne; it was brought forward, for the first time, on the 16th May 1872, in the letter above quoted. I beg to record that Captain Mayne and myself were the only two European Commissioners present on the 22nd September 1871, and Captain Mayne, Mr. Cruickshank and myself the only three present on 1st December, when the words referred to were used. I note this to show that it was only in the absence of other European gentlemen that Major Searle behaved to us in an insulting manner.

In Proceedings, 5th December 1871, it is recorded in paragraph 10 as follows, from "the following is seconded by Mr. Cruickshank to the end of the paragraph."

I state that the version of what took place as stated by Mr. Cruickshank is correct, whereas the version given by Major Searle is incorrect. I was present at both Meetings, and heard what passed. It was heard by others.

Major Searle adhered to his statement that the Proceedings were always written on sheets of French foolscap. I state that this is not the case, as will be seen by reference to the paper.

See rough Proceedings, 25th April, marked P.

I call the paper I point to a slip of paper. I also state that half-sheets of paper are often used, and that they are not rightly described as sheets of paper; this is an inaccuracy of Major Searle's.

By Major Searle.—Did you or any other Member point out the discrepancy above noted at the time or subsequently?

A.—No.

Another case.—Mr. Frericks wrote to the Vice-President, Major Searle, requesting the Commissioners would allow him a special Meeting for the purpose of laying before them his grievances in connexion with the contracts. In reply he gets a letter, 26th October 1871, stating, in paragraph 2, I regret to inform you that it is not convenient to the Commissioners to do so. Whereas the Commissioners were not consulted; if they were I, as one of the Commissioners, should know it.

Letters acknowledged by Major Searle.

By Major Searle.—Have you been in the habit of writing to Mr. Whiteside, the President, in connexion with the working of the Municipality?

A.—I never wrote to Mr. Whiteside in connexion with the working of the Municipality. I wrote once explaining my reasons for not attending the Meetings. Some time after the despatch of the letter of 16th May 1872.

Q.—Have you ever given any money to Mr. Frericks?

A.—Never more than two or three rupees at a time. I cannot state the total amount, but a very few rupees, it could not be more than 10 or 15 Rupees altogether. The money was given both before and after the suits. The money was given as a loan, but I have never asked re-payment. I should leave it to him if he got on his legs again to repay me or not as he pleased.

Questions put to Mr. Beckett by Captain Mayne.	*Mr. Beckett's replies to questions put by Captain Mayne.*
1. Did not the Commissioners before resolve to give all contracts in the Municipality to Mr. Frericks?	1. Answered before.
2. Then what was the necessity for again making another proposition on the 21st July 1871?	2. Do.
3. When the proposition was worded by Major Searle—see this—is it here worded as it was passed at the Meeting?	3. Proceedings of Meeting of 21st July 1871, paragraph 2, regarding Mr. Frericks taking over works. The resolution is not recorded as it was passed. My answer was given fully in my own statement.
4. Do you know any other instance in which propositions have been subsequently altered?	4. Answered.
5. Can you call to mind or have you seen any of the draft Proceedings re-written by Major Searle subsequent to Meetings. If so, what instance?	5. I have already answered that.
6. At any of the Meetings you were present at do you remember whether a proposition was put and carried to give Mr. Frericks all masonry works (about what time?)	6. Already answered.
7. Did Major Searle propose to erect a latrine on the Katpadi road, close to the nullah, after re-claiming the ground by the removal of the stones from the entrance of the fort to that spot?	7. Already answered.
8. Was it carried at a Meeting?	8. No, it was not.
9. Why was it not carried?	9. The site was considered objectionable.
10. Did Major Searle at any subsequent time propose that these stones from the entrance to the fort should be removed to the Katpadi road or nullah?	10. Yes.

Questions.	*Answers.*
11. Was any question raised by any of the Commissioners present as to whether a proposition had been brought forward and rejected at a former Meeting about bringing the stones to the very same spot for the purpose of building a latrnie ?	11. I was the Commissioner.
12. What was Major Searle's reply ?	12. Answered.
13. Did any of the Commissioners then ask that the rough drafts of Minutes of former Meetings should be produced where former proposition was entered ?	13. Do.
14. Were the rough Proceedings produced, if not, what was Major Searle's answer ?	14. Do.
15. Is Major Searle authorized to spend any amount he pleases out of the Municipal funds without the previous sanction of the Commissioners ?	15. Major Searle was not authorized to spend any amount he pleased out of the funds.
16. Was Major Searle allowed by the Commissioners to spend a fixed sum, and on what conditions ?	16. Major Searle was authorized by one resolution to spend 20 Rupees and by another 50 Rupees, to be spent on emergencies and to be sanctioned at the next Meeting. Prior to Major Searle's time 20 Rupees was the limit. I do not know if it was exceeded or not.
17. Are you aware of any extension of time having been granted to Narrainsawmy, Tax Collector, for the year 1870-71, by the Commissioners, at a Meeting, as stated in his letter to the President, dated 27th May 1872 ?	17. No, not as stated in the question.
18. Are you aware what amount the Contractor made over in cash the day his contract was cancelled finally ?	18. Answered before, Rupees 263-8-0.
19. At a Meeting held on or about the 22nd September 1871 did Major Searle address Soobroya Chatry and Pillamoottoo Pillay in any manner as to be offensive to you and myself? Did he address Mr. Frericks at the same Meeting in any manner offensive, and, if so, to the best of your belief, what were the words, as nearly as you can remember, which he said ?	19. Answered in evidence.
20. Was any question then put by you to Major Searle, if so, what was it ?	20. Answered in statement.
21. What was his answer ?	21. Do.
22. Did any of the Native gentlemen present wish to know from you what it was all about, and what did you tell them ?	22. I told them that Major Searle meant to say that they two alone were gentlemen and that the others were not gentlemen.
23. Can you remember whether Major Searle did at any of the Meetings offer a direct insult to any of the Commissioners, if so, to whom and why ?	23. Has already been replied to.

Questions.	*Answers.*
24. Before Mr. Cruickshank made the proposition to write the rough Proceedings in a bound book, was the Meeting considered closed for the day ?	24. See former statement.
25. Subsequent to the proposition made by Mr. Cruickshank did Major Searle put any proposition himself ?	25. Yes, he did. Major Searle proposed, subsequently to Mr. Cruickshank, that the Proceedings of the day should be read out to the Commissioners at the close of the Meeting.
26. At the same Meeting, when you proposed that all papers should be filed in a book, what took place ?	26. When another Contractor petitioned, the petition was circulated among the Commissioners.
27. Did any of the Commissioners remonstrate with Major Searle with regard to his conduct at the time ?	
28. When were you made aware that Rupees 34-6-0 was paid per square for stones used for the well in the bandy-stand on the Bangalore road ?	
29. Were you present on the day when Mr. Frericks signed the Agreements for the Cantonment roads, if so, what took place ?	29. Stated in my own evidence. I told the Native Members what passed in English, they understood. Major Searle addressed these two gentlemen.

(Signed) ROBT. MAYNE, Captain,
8th November 1872. *Commissioner for the Town of Vellore.*

Questions put to Venkataroyer by Captain Mayne.

Venkataroyer, late Manager, Municipality, Witness for Captain Mayne.

1. Can you certify that all the rough copies of the Proceedings from which you copied the fair ones were the originals drawn up at a Meeting ?

1. I cannot, as the rough papers were not given to me always at the close of the Meeting by Major Searle, as was the custom with former Vice-Presidents.

2. Do you know if Major Searle did at any time entertain servants in the Municipality permanently without the sanction of the Commissioners and President ? Did you draw Major Searle's attention to this irregularity, and what answer did Major Searle give you ?

2. Yes, I brought to Major Searle's notice that some sweepers or toties had been entertained without sanction. He paid them notwithstanding.

Acknowledged by Major Searle.

3. Are you aware of any extension of time having been granted to Narrainsawmy, Tax Collector, for the year 1870-71, by the Commission at a Meeting ?

3. No extension was granted at any Meeting.

4. Are you aware what amount in cash the Contractor made over the day his contract was cancelled ?

4. About Rupees 200 and odd.

5. Before Mr. Cruickshank made the proposition to write the rough Proceedings in a bound book was the Meeting considered closed for the day ?

5. Sometime in December 1871, *i.e.*, on the 1st December, the Meeting referred to occurred. The Meeting was not closed when the proposition stated was made.

6. At the same Meeting, when Mr. Beckett proposed that all papers should be filed in a book, what took place ?

6. Major Searle said it was too late, and he would not record any more.

Questions.

7. Did you remember at that Meeting if the Commissioners spoke to Major Searle with regard to his conduct at the time ?

8. Were you present at the Meeting on the day when Mr. Frericks signed the Agreements for the Cantonment roads ?

9. Can you remember any thing that took place at the Meeting on the 22nd September 1871 ?

10. What were Major Searle's instructions to you with regard to the receipt that Mr. Frericks was to give for the money due to him ?

11. Can you point to any document in proof of what you say ?

12. Were you present in the room where the Municipal Commissioners were holding their Meeting on the 21st August 1871, and did you hear what was stated by Major Searle in regard to that receipt ? if so, state all that passed.

Answers.

7. Yes, they remonstrated. Mr. Cruickshank, Captain Mayne, and Mr. Beckett.

8. Yes.

9. Yes, I recollect a discussion about a letter written by Mr. Frericks to the Vice-President, some Commissioners approved, and some disapproved. On that Major Searle said to two Native Commissioners, "I am glad that you two, as gentlemen, know how a gentleman should be treated," or words to that effect. On that Mr. Beckett asked Major Searle if it was meant to apply to other Commissioners, Major Searle declined to answer. Captain Mayne explained to the Tahsildar and other Native Commissioners that Major Searle was telling himself and Mr. Beckett that they were not gentlemen. On the same day Major Searle said to Mr. Frericks "I am your enemy and will be your enemy," or words to that effect. The last recorded statement took place first, the first recorded occurred at the close of the Meeting.

10 & 11. I do not recollect any particular instructions about the Cantonment roads. I recollect about the money due to him (Mr. Frericks) for the slaughter-house. Major Searle sent me an order not to pay unless the three partners signed the bill.

K. The order is in Major Searle's order-book.

12. Major Searle said to the Commissioners that Mr. Frericks refused to sign as Messrs. Frericks and Co., and that was the reason why the money was not paid. The Commissioners asked me about it, and I said he never refused to sign as Frericks and Co. They then passed a resolution that when he signed as Frericks and Co. the money should be paid to him.

By Major Searle.—Some days afterwards I showed Captain Macleod a copy of Major Searle's order, he said nothing. I copied the order and took it to Captain Macleod. I copied it from the book. I did not show it to any one besides Captain Macleod. I did not tell Major Searle that I showed the order. I did not think I was bound to do so. I used to take copies of the orders when I required them. I do not know if I gave a copy to Captain Mayne ; he came to

Questions.

13. Have you any documents to which you can refer in proof of what you say ?

14. Did you ever receive from Major Searle instructions to omit any portion of the Proceedings of the Municipal Commissioners as recorded at the Meeting ? if so, state all the circumstances.

15. Can you refer to any documents in proof of what you say ?

16. Are you aware whether any complaint on the subject of this omission of a part of the Proceedings was ever made to the President by any of the Commissioners ?

17. Did Major Searle make any reply to that complaint ?

Answers.

office and referred to the order-book. I considered Captain Mayne, as a Commissioner, was entitled to see any document. I was Manager for about one year, and previously I was Head Clerk. I was six years attached to the Municipal Office.

13. Refer to order-book.

14. & 15. Yes. I refer to the *order in the book.*

A.

16. Yes, Captain Mayne and Mr. Beckett wrote to the President about it.

17. Yes, he replied ; but I did not know at the time what the reply was, as it was not despatched through the office. I refer to my memorandum book, date 1st June 1872, in which I bring to Major Searle's notice the existence of his order to me of July 1871, directing me to omit certain parts of the Proceedings of a Meeting referring to the construction of a latrine in the Katpadi road. I assert that the letter of Major Searle, dated 27th May, could not have been drawn up until the 4th of June for the following reasons : Major Searle asked me for certain information on the 1st, 3rd, and 4th June, on which that letter was drawn up. On 3rd June Major Searle wrote to me "desiring me to bring rough draft copies of the Proceedings of Meetings held when Colonel Babington, Colonel Rich, and Capt. Johnson were Vice-Presidents." In his letter, paragraph 4, 1st clause, Major Searle writes, "and likewise compare with draft Proceedings of former Vice-Presidents." This is one reason for my saying the letter was not drawn up before the 4th June.

Order put in, Q.

On 1st June he ordered me to come to his house, and on my arriving there he said he had just received a letter from Mr. Whiteside to expedite his explanation on Captain Mayne and Mr. Beckett's complaint, and directed me to furnish information about bills given to Contractor Narrainsawmy at once, as he wanted to enter it in the letter—see paragraph 7 of Major Searle's letter in which the information

See memorandum book R.

Questions.

Answers.

regarding the bills is given. See also paragraph 11, clause 2, alluding to the stone slabs for the market. The information on this point was furnished to me by the Overseer by written memorandum, dated 4th June, I sent it to the Vice-President. I have no proof of that; I speak from memory. About the end of May, Major Searle asked me about the omission of the part of the Proceedings, and I told him "it might have been omitted by his orders." I thought Major Searle was aware of the omission at the time, but that he wanted to cast the blame on me. He said that he thought I must have omitted it by my mistake. *I knew of the existence of the order at that time.* I was afraid to tell Major Searle of it for fear he should make away with the order. I then went home and consulted a friend, who advised me to show the order, on which I referred to the order and wrote the memorandum in my own memorandum-book, bringing the case to Major Searle's notice. Major Searle's order-book in which the order to remove the Proceedings was contained was in Major Searle's own keeping.

Major Searle wishes reference on this point to letter marked R. From Venkataroyer to the Vice-President, dated 1st June 1872.

NOTE.—On hearing this re-read I wish to state that I feared Major Searle would make away with the order; but that was not my reason for not showing the order to him, but because I wanted to *consult a friend, as I thought it a serious matter.*

By Major Searle.—I was dismissed in July last. I understood it was for insolence. I have seen the *District Gazette* in which the reasons for my dismissal are given as deceit and falsehood as well as gross insolence.

By Major Searle.—I showed the order to the President, who directed me to show it to Mr. Kelsall.

A.

By Major Searle.—I did not tell you the truth about the order, because I thought you knew of the order well, and that you were trying to throw the blame on me as you told me you thought the entry had been omitted by my mistake. I was induced to tell the truth on the 1st June because I had in the meantime consulted a friend who advised me to do it. I decline to say who my friend was and where he was. I decline to say if it was Mr. Cruickshank.

Questions.	*Answers.*
18. Do you know what was the date of its despatch to the President?	18. I do not know.
19. Previous to its despatch did you draw Major Searle's attention to any particular document that was of special importance in connexion with his reply? On what date did you inform him of the existence of that document? Have you any particular reason for recollecting that date?	19. Yes, see above.
20. Prior to the despatch of this letter to the President, did Major Searle order you to search for any document in the Municipal records, if so, on what date did he do so? Have you any document to which you can refer in proof of what you say?	20. Answered in 17.
21. Did you find the records, and, if so, on what date?	21. Do.
22. Were you present at any Meeting of the Commissioners at which Major Searle was questioned by a Commissioner as to the non-appearance of that portion of the Proceedings in the fair copy book, if so, state all that passed?	22. Yes, it refers to the latrine in the Katpadi road. On Mr. Beckett asking if the same proposition had not been brought forward before and rejected, Major Searle denied all knowledge, and wanted it to be shown in the fair Proceedings. Mr. Beckett asked for the rough copy of the Proceedings, and Major Searle said they are "not kept." I understood it to be meant that the rough Proceedings were not at all kept. Some time after he brought the rough Proceedings to the Small Cause Court, and after that they were kept in the office.
23. Were you present at the Municipal Meeting of the 21st July 1871, and do you recollect any proposition in regard to masonry works to be given to Mr. Frericks? Do you recollect the terms of that proposition as carried? Was the proposition finally recorded in the exact terms in which it was passed?	23. Yes, I recollect the proposition. The words of the resolution as recorded were, "Mr. Frericks agrees to take over masonry works of the Municipality at the municipal rates." As far as I recollect, the above were the words recorded. The words of the resolution as passed at the Meeting were: "That Mr. Frericks should have all masonry works from 20 Rupees at the municipal rates." I cannot say if the resolution was written down at the time, because the Proceedings were not read over. I cannot say that they were written down at all. A proposition to the above effect was made by Captain Johnson or Captain Macleod and carried unanimously. *By Major Searle.*—I observed the discrepancy when I copied out the fair Proceedings, but I did not bring it to Major Searle's notice because he himself wrote the rough Proceedings. He intentionally wrote them different from what had been resolved, therefore I did not bring it to notice.

I

Questions.	*Answers.*
24. Was Mr. Frericks present at that Meeting? Was any reference made to him with regard to that proposition?	24. Yes, the resolution was communicated to Mr. Frericks in person at the Meeting.
25. Are you aware of any instance in which Major Searle caused the erasure of any official letter or document from the Municipal fair copy book? if so, state the facts.	25. Two letters were circulated amongst the Commissioners, and, in forwarding them to the President, Major Searle wrote that they had been approved by the Commissioners, whereas they were never approved. Major Searle cancelled the covering letter before it was despatched and caused it to be erased from the letter book.
	On re-reading states:—The Commissioners never signified their approval; it was not customary for them to signify approval when papers were sent for information.
26. Have you any document to which you can refer in proof of this?	26. (Admitted by Major Searle.)
27. Are you aware of any instance in which Major Searle caused any important alteration of any official statement required for the information of the Commissioners, if so, state the circumstances.	27. Major Searle altered the statement presented to the Commissioners so as to show the budget allotment had not been exceeded, whereas it had been exceeded in the item of latrines as below:— In Statement A. of Budget the allotment for latrines is 750 and for urinals 200 equal 950. The amount spent on latrines exceeded the allotment, while that on urinals was below the allotment. Major Searle altered the Statement so as to bring the two items together and to show no excess. He bracketed the two heads together.
28. Have you any documentary evidence to which you can refer in proof of what you say?	28. (Admitted by Major Searle.)
29. Look at the rough draft of the Municipal Proceedings of the 25th August 1871. Did you ever before see the paper on which the first portion of this Proceedings is recorded?	29. I have seen the paper before.
30. From what paper was the fair copy of the Proceedings of that Meeting prepared?	30. The fair copy of Proceedings was prepared from the paper before the Court.
31. Was there ever any other rough copy of that portion of the proposition filed in the Municipal office? Did you ever see any other rough draft of that portion of the proposition?	31. No other rough copy was ever filed. I never saw another.
32. Look at this paper (the witness is here to be shown the document in Major Searle's writing appended to the Proceedings of the Meeting of the 25th August 1871). Was this document filed by Major Searle amongst the rough drafts of the Municipal Proceedings during the time when you were Manager of the Municipal office?	32. No.
33. Can you explain how this document came to be filed amongst the draft Proceedings?	33. I never saw it before.
34. When did you cease to be Manager of the Municipal office? Were you dismissed for impertinence to the Vice-President?	34. In July last. I was dismissed for giving insult to the Vice-President.

Questions.	*Answers.*
35. Have you appealed against that dismissal? Has your appeal been finally disposed of?	35. I have appealed, but the appeal has not been finally disposed of.
36. Do you remember of any thing in particular having occurred at the Meeting held on the 22nd September 1871?	36. Answered above.
37. Any other occurrence?	37. I do not recollect.
38. Can you call to recollection whether Major Searle did at any after-period deny having made use of such language to Mr. Frericks?	38. Yes.
39. Were you in attendance at the Meeting held on the 1st December 1871?	39. Yes.
40. Did Mr. Cruickshank propose that a bound book should be provided for the entry of the Minutes at Meetings instead of it being copied on slips of paper?	40. Yes.
41. What did Major Searle say when the proposition was put?	41. Major Searle said the Proceedings are not made out on slips of paper, "It is a lie."
42. Did Mr. Frericks ever refuse signing as Frericks & Co.?	42. Mr. Frericks never refused to sign as Frericks & Co.
43. Did not Major Searle state at the Meeting on the 21st August 1871 that Mr. Frericks had refused to do so?	43. Yes.
44. Had Major Searle given you any instructions as to the signing of the receipt by Mr. Frericks for the money before you gave him the cheque?	44 & 45. He told me not to give the cheque unless the three members signed the receipt.
45. What were Major Searle's instructions?	
46. Were you present at any Meeting when a proposition was made to give masonry works to Mr. Frericks? if so, state the particulars to the best of your recollection.	46, 47 & 48. Answered.
47. See what is here recorded (shown the fair proposition book).	
48. Is it as was proposed at the time?	

(Signed) ROBT. MAYNE, Captain,
Commissioner for the Town of Vellore.
8th November 1872.

By Major Searle.—I had a statement of expenditure without sanction prepared before Mr. Majoribanks, the Auditor, came. It was done by order of the President. He also gave me the headings. Mr. Majoribanks in examining the accounts found that there had been expenditure without sanction, and then called for the statement. I did not show the statement till it was asked for.

Q.—Mr. Majoribanks writes that he was informed that there had been expenditure without sanction. By whom was he informed?

I do not know; not by me.

Questions put to Mr. Frericks by Captain Mayne.

1. Did you ever address a letter to the Vice-President and Commissioners to grant you a special Meeting for bringing to their notice grievances about your contract ?	1. Yes.
2. What reply was sent to you by Major Searle ?	2. Major Searle replied that it was not convenient for the Commissioners to have a special Meeting.
3. Did you write to the Commissioners subsequently complaining that the Vice-President stated that the Commissioners refused granting you a special Meeting ?	3. Yes.
4. Did any of the Commissioners endorse your letter stating that they had no knowledge of a special Meeting being required ?	4. Yes. Mr. Cruickshank, Mr. Beckett, Captain Mayne and a Soubadar endorsed the letter.
5. Do you recollect the date on which you signed your agreements for the Cantonment roads ?	5. Yes. The 22nd September 1871, I signed two agreements.
6. Was there a Meeting of the Commissioners on the date on which you signed your agreements for the Cantonment roads, and do you remember the names of the Commissioners who were present ?	6. Yes, there was a Meeting. The Commissioners present were Captain Mayne, Mr. Beckett, Soobroy Achari, and the Tahsildar.
7. When Major Searle handed over the agreements to you, what did he say to you ? What were the words he made use of ?	7. Major Searle said, "he was my enemy and he would always be my enemy."
8. Have you lately brought an action in the Vellore Small Cause Court against the Vellore Municipality for the recovery of damages for breach of contract on the part of the Municipality in respect of your contracts for the Cantonment roads ?	8. Yes.
9. Have you been successful in that suit and obtained a decree against the Municipality?	9. Yes, I have obtained a decree : the amount will *be about Rs.* 170, I think.
10. Have I assisted you in any way in the prosecution of your suits against the Vellore Municipality, either as regards legal advice or money to carry on those suits ?	10. No, *in no suits* here or elsewhere have you assisted me with any *money*.
11. Have I not assisted you on two or three occasions with money when you were hard pressed owing to warrants having been suddenly issued against your person and property at the instance of Major Searle in his capacity of Vice-President ?	11. Yes, Captain Mayne assisted me on some occasions when warrants were issued against me at the instance of Major Searle in his capacity as Vice-President.

(Signed) ROBT. MAYNE, Captain,
7th Nov. 1872. *Commissioner for the Town of Vellore.*

Proceedings of the Madras Government, Financial Department, 7th January 1873.

By Major Searle.—Did you ever get a letter from Captain Mayne to the address of J. D. Mayne, Esq. ?

No, not that I remember. I have spoken on my own behalf to J. D. Mayne, Esq., at Madras.

Yes, Mr. Mayne gave me a legal opinion about my own affairs. I did not pay anything for the opinion.

Captain Mayne advanced me about 300 Rupees altogether. I received it as a loan and gave a receipt. I cannot tell the dates on which I received the money. I could tell if I looked at the receipt. The transaction is not entered in my books. I think I received the first payment in January or February 1872. I might have had 10 or 20 Rupees before that, for which I gave a receipt. I might have borrowed two rupees or so from Mr. Beckett on loan.

I have received advances from Mr. Whiteside, as Collector, for works to be executed. I decline to state how much I have received. I have given receipts and entered into proper stamped agreements in every case. I have been engaged by Mr. Whiteside for about four weeks.

I have received an advance of 300 Rupees on each of three works in the Arni Jaghire, and of 80 Rupees for one Local Fund work between Chittoor and Vellore. A horse-stable and coach-house for gentlemen travelling between Chittoor and Vellore. The three works are estimated nearly at 5,000 Rupees. I have given no security.

Questions put to Mr. Whiteside by Captain Mayne.

1. Did you receive a reply from Major Searle to the charges that I and Mr. Beckett addressed to you on the 16th May 1872 ?	1. I did, it consisted of Major Searle's letter, No. 1, dated 27th May 1872.
2. Subsequent to the receipt of the letter of the 27th May 1872 from Major Searle, have you received any other letters, either official or demi-official, correcting any statement he made in his letter of the 27th May 1872 ?	2. I received subsequently on the 11th June 1872 a private letter dated 10th June, already filed, in which Major Searle admitted a certain fact which he had denied in his former letter. (Letter read.)
3. Did you ever see the draft Proceedings of the 25th August 1871 written on a paper bearing subsequent date ?	3. Yes, I did, it is the document that has been filed already.
4. Did I ever write to you privately before you were appointed Collector of this district regarding the choultry lately built outside my gate ?	4. No. Captain Mayne did not.
5. Did I write to you at all on the subject, and, if so, when ?	5. Yes, Captain Mayne did write to me on the subject. I was then Acting Collector of North Arcot, in Madras, on special duty. He wrote me then a private letter, in the course of which he mentioned that a choultry was being built in the Cantonment, on a very objectionable spot, close to his gate. *By Major Searle.*—I cannot specify the exact date. I believe it was between the 20th and 25th of April.
6. Have I ever complained to you verbally or in writing of Major Searle's insulting language and overbearing manner towards me when I attended Municipal Meetings at which he presided as Vice-President ?	6. Captain Mayne complained to me many times, both orally and in writing, of Major Searle's insulting language and overbearing manner. In his last letter Captain Mayne informed me that he declined to sit at the Municipal Board any more as long as Major Searle presided, in consequence of the insults he received.

Questions. *Answers.*

By Major Searle.—I have never asked Captain Mayne whether he has sat at the Board since Major Searle resigned the Vice-Presidentship.

7. Did I write to you privately complaining of Major Searle's irregular mode of discharging his duties as Vice-President before you were appointed to this district as Collector ?

7. Never so far as I can recollect, either before I was appointed or after I was appointed, and before I joined the district.

(Sd.) ROBT. MAYNE, Captain,
7th Nov. 1872. *Commr. for the Town of Vellore.*

By Major Searle.—The one letter I received was that referred to above about the choultry, but it contained no allusion to Major Searle.

Q.—What action did you take regarding Captain Mayne's complaints of insulting language and overbearing manner ?

A.—When Captain Mayne first complained to me I remonstrated with him both orally and in writing, and begged him not to be too thin-skinned. I convinced him that he was bringing to notice various shortcomings of Major Searle, and it could not be expected he would he very pleasant ; finally, however, when Captain Mayne wrote to me at Palamanair a few days before I sent in my report, and declared that he could not sit any longer at the Municipal Board while Major Searle presided, I replied I was extremely sorry, but I really did not think it could be avoided ; that I was reporting the whole matter to Government, and that Government, I was sure, would take proper steps.

By the Court.—In answer to question 2, you state that Major Searle admitted a certain fact which he had denied in his former letter. Please to point out the denial you allude to, and the subsequent admission.

A.—In his letter No. 1, dated 27th May 1872, paragraph 1, Major Searle writes : "I am quite unable to account for the omission." This is the denial. At the moment when he sent that letter, Major Searle was in a position to account for the omission, for he had, many days prior to its despatch, viz., on the 1st of June, seen his own order in writing, directing the omission of those Proceedings. In his subsequent letter, dated the 10th June, Major Searle writes in such a manner as to convey to me the impression, and he did convey to me the impression, that subsequent to the despatch of his letter of 27th May, he had, for the first time, become cognizant of the existence of his order to which I have just referred. In that letter he says, "My order * * * will account for the omission," but he does not attempt in any way to explain the assertion in his former letter of his inability to account for the omission.

D.

By Major Searle.—If you had any doubt on the matter when you received my letter of the 10th June, did you ask for explanation ?

A.—I had no doubt whatever at the time. I considered the letter contained a satisfactory explanation of the omission. I did not discover the inaccuracy which I now notice until many weeks afterwards, when the matter was so far advanced that I was preparing to lay the whole case before Government, as I did. I therefore did not think it necessary or advisable to have any further correspondence on the subject. I began to entertain doubts about the beginning of July.

By the Court.—Will you state what steps you took to bring about harmony and to conciliate the Commissioners as stated in 5th line, paragraph 8, of your letter to Government, dated 22nd August 1872, No. 43 ?

A.—As soon as I arrived at Vellore, about the 4th May, many complaints were made to me by Captain Mayne and Mr. Beckett of the manner in which they were treated by Major Searle whenever they differed with him. I then tried to impress upon them that as they were endeavouring to introduce reforms it was hardly to be expected they would find everything very pleasant, and that they should not be too ready to take offence. In the same way I spoke to Major Searle. I had a long

conversation with him in my Cutcherry, and said that I believed Captain Mayne and Mr. Beckett were both sincerely anxious to do their best for the interests of the Municipality. I hoped that he would think the same, and treat them accordingly. I spoke to Captain Macleod, whom I looked on as an unbiassed man, and he fully admitted Major Searle's manner was very often disagreeable, but at the same time he said it was naturally difficult for him to receive very pleasantly the constant bringing forward of his shortcomings.

Major Searle told me that he found hardly any of the Commissioners took any part in the direct supervision of the municipal works, and that it was all thrown on his shoulders, which led to his having the whole work of the Municipality in his hands. I took pains to arrange matters by dividing the town into divisions, each to be supervised by Sub-Committees consisting of equal numbers of European and Native Commissioners. I drew up a code of rules defining the exact position of those Commissioners with regard to the Vice-President. Notwithstanding this Captain Mayne continued to bring forward the complaints that he and Mr. Beckett had to make against Major Searle. Their chief cause of complaint was that Major Searle continued to spend money on works which had not been estimated for or sanctioned, and I am bound to say that in that respect I thought their complaints well founded.

I never received any formal complaints from other Commissioners, and I did not think it would be right in any way to seem to invite complaints.

Veeraragavu Moodelliar, a Native Commissioner, alone spoke on the subject ; he came to see me, and I said, "things are not going on very pleasantly, they will mend, I hope, soon." He said "you know what a man Major Searle is, I do not expect things to go on well, &c." He said he wished to resign, but I would not accept his resignation.

I had no further conversation on the subject. I purposely abstained from asking any questions that might seem to reflect on Major Searle.

Questions put to Captain Macleod by Captain Mayne.

Captain Macleod, Witness for Captain Mayne.

1. Were you present at Meetings of the Municipal Board where you have heard Major Searle speaking to me in an abrupt and uncourteous manner ?

1. I have been present. I can call to mind one occasion when Major Searle's words were what I consider uncalled for and harsh. About a year ago, so far as I can remember, Major Searle told Captain Mayne at a Municipal Meeting to stick to facts. On the occasion when these words were made use of I thought Captain Mayne's manner to Major Searle had been irritating in the extreme. I consider that on other occasions also Captain Mayne's and Mr. Beckett's manner has been very irritating to Major Searle.

2. Have you at any time spoken to Major Searle as to his manner of addressing me at the Meeting of the Municipal Board ?

2. To the best of my recollection I never spoke to Major Searle on the subject until three or four months ago.

3. Have you at any time stated to any person in Vellore that you did not approve of Major Searle's discourteous manner to me at Municipal Meetings?

3. Disallowed.

4. Were you present at the Meetings of the Municipal Board on the 21st July 1871, and to the best of your recollection how was the proposition worded at that Meeting regarding giving masonry works to Mr. Frericks ?

4. I cannot call to mind the date, but I recollect the proposition alluded to. I see the Proceedings and now state I was present. To the best of my recollection Mr. Frericks was called in at my suggestion and asked if he would take

Questions.

Answers.

over masonry works above 20 Rupees and be paid at municipal rates. There was a good deal of discussion and desultory talking at the Meeting. Mr. Frericks agreed to take the works, and, until quite recently, when my attention was drawn to the Proceedings as published in the *District Gazette*, my impression was that we had made over works above 20 Rupees to Mr. Frericks. I was under the impression that Mr. Frericks did not wish to undertake works below that amount. I believe Mr. Frericks has not since undertaken any works below that amount, but I cannot state positively. I do not recollect any definite proposition being made, but the impression on my mind was that the agreement was for works above 20 Rupees.

(Signed) ROBT. MAYNE, Captain,
8th November 1872. *Commissioner for the Town of Vellore.*

By Major Searle.—I see by the Proceedings that another request was made by Mr. Frericks on that date. I recollect the fact of Mr. Frericks wishing to take the roads, but I cannot say at what Meeting the request was made.

By the Court.—I was present at a Meeting recently held about a month or six weeks ago, at which a public expression of the opinion of the Commissioners regarding Major Searle was recorded. I concur in that opinion. I have never known Major Searle in his capacity as Vice-President to act otherwise than with truthfulness.

By Major Searle.—I attribute this state of affairs in the Municipality chiefly to the persistent support given by Captain Mayne and Mr. Beckett to Mr. Frericks; to their continuously bringing forward petty matters of detail in which they were of opinion that Major Searle was individually wrong. It appeared to me, in fact, that their chief object was to bring forward some matter in which Major Searle may have personally erred or have been supposed to have erred. I also attribute it to want of support from the President in accepting information through other channels than that of the Vice-President and Commissioners as a body. This is simply my own opinion, which I offer with reluctance. I consider that the letter addressed by Captain Mayne and Mr. Beckett to the President, dated 16th May 1872, No. 1, is an instance of what I have stated above. It should have been addressed through the Commissioners as a body, and not direct to the President. I also think that any mistakes that may have occurred or been supposed to occur should have been taken exception to at the time of their occurrence, and not kept for upwards of a year and then brought forward. I do not consider Mr. Frericks has been badly treated by the Commissioners; on the contrary, I think we should have failed in our duty as Commissioners had we acceded to all Mr. Frericks' demands. I refer especially to the suits brought against the Municipality by Mr. Frericks. The President differed with the Municipality as regards the suits, but I consider the opinion of the majority of the Commissioners was sufficient to determine the cause of action in the case. I consider that Mr. Frericks did not give satisfaction to the body of the Commissioners in the way he carried out the works entrusted to him.

9th November.—I wish to add to my deposition that there were several instances in which Captain Mayne brought forward several useful propositions and suggestions.

Mr. Kelsall, Witness for Major Searle.

Q.—To what do you attribute the unfortunate state of affairs prevailing in the Vellore Municipality?

A.—I think, for one thing, that the affairs of the Municipality cannot go on properly unless the Vice-President has the support of the President. I think also that some of the Commissioners are disposed to import their own private feelings into the affairs of the Municipality instead of setting them aside. I refer to Captain Mayne and Mr. Beckett.

I think the support of the President has not been always fully given. I allude to the fact of the President receiving reports and complaints in municipal matters direct instead of insisting that all should come through the channel of the Vice-President and Commissioners. I am not speaking of my own experience since I have been Vice-President, I have no reason to complain at all. I brought to the notice of the President in a demi-official letter the state of feeling amongst the Commissioners on the above point, and since that time there has been no repetition of the same.

It was agreed amongst the Commissioners that it would be better to address the President in demi-official form than to place any resolution to the effect on record. It was on this account that I wrote.

I have never noticed any thing overbearing in Major Searle's manner since I joined the district in May last.

I recollect on one occasion Captain Mayne making a remark that was calculated to give offence. Mr. Beckett's manner was also annoying, he seemed to forget his position altogether. These two members have only attended two or three Meetings since I have been here.

I do not consider that Mr. Frericks has been badly treated by the Commissioners, except in the matter of the Cantonment roads, in which, I think, it was an error of judgment to withhold payment. It is on that point the Small Cause Court has just decreed in Mr. Frericks' favour.

I had a conversation with Mr. Whiteside in Madras before I joined, in which he said the affairs of the Vellore Municipality were in a very bad state and wanted looking after.

He referred to some instances in which there had been great waste of money; he attributed it to mismanagement on the part of Major Searle. The late Manager, Venkataroyer, showed me Major Searle's private memorandum book in May.

On looking over some papers in the Municipal office with me last week, Mr. Whiteside expressed great surprise that they were not forthcoming. I said I thought they were with the Court at Chittoor.

Q. by Court.—Since the suits in Court at Chittoor have been dismissed, Mr. Whiteside has often written to me to the effect that Mr. Frericks had been badly used, and asked me to do anything I could for him; he suggested his employment on Local Fund works. As far as I can recollect I said I should be glad to give him some assistance in starting again, without reference to any particular works. My reason for agreeing to assist him was that he had lost very heavily in the cases and was very poor, and as the Local Fund works are all carried out under the supervision of the Range Officers, I considered he might be employed in them if the Department Public Works Officers approved. As regards Municipal works, I think it would not be desirable to employ him, partly on account of what has already passed, and partly because there is no sufficient supervision. I never knew Major Searle in his capacity of Vice-President of the Municipality of Vellore to act otherwise than with truthfulness and honesty.

The extract from the Proceedings of the Commissioners now sent in, dated 24th September 1872, Marked T. expressing their appreciation of the zeal and energy of Major Searle during the time he filled the office of Vice-President is a true extract of the Proceedings. I believe that the remaining Native Commissioners also who were not present would have fully concurred in this had they been present. I wish to state that the reason why I took no action on the information given me by Mr. Whiteside in Madras and at Vellore was that I saw the irregularities complained of had occurred

a year ago, and I believed they had all been disposed of, and that they were shown to me to put me on my guard lest similar irregularities should occur again. The impression conveyed to me both in Madras and up here was that Mr. Whiteside had no confidence in Major Searle, and wished me in my capacity to guard against the repetition of any irregularities Had I known that any enquiry into past occurrences was to take place I should have declined to listen to anything in the absence of the Vice-President. From my present knowledge of matters I think that the course adopted was not straightforward.

I was the person who proposed the suspension and afterwards the dismissal of the late Manager, on these grounds ; at a meeting on the August, Major Searle made some remarks about the order to omit a portion of the Proceedings, and was explaining how it was he had denied doing so. He said, so far as I recollect, that having no recollection of the fact himself he had asked the Manager, who had told him the same, and that he had then written to the Collector stating that he had not done so. I then said, "Major Searle, I saw an order in your handwriting to the Manager to omit part of the Proceedings. The Manager showed it to me three months ago." The Manager was then called into the room, and when I questioned him as to why he had denied it to Major Searle when he had shown it to me at least three months before, *he admitted that he had told an untruth lest Major Searle should tear the order out of the book* ; that he had since consulted a friend in Madras, who had advised him to tell the truth ; and that he had therefore shown the order to Major Searle on a subsequent occasion. It was on this that I proposed he should be suspended. At the next Meeting he reiterated his assertions and put in a written statement, when I proposed that he should be recommended to the President for dismissal. His dismissal was confirmed by the President.

Soon after I came here I sent for Mr. Frericks, went through all his papers with him, and tried to see if he was willing to effect a compromise. In regard to the Cantonment roads I thought the payment for two months had been improperly withheld, and I proposed and carried at the next Meeting a resolution that the money should be paid to him.

In the slaughter-house business he was unwilling to accept any compromise short of full payment. I thought, in the first instance, he had been hardly treated on his own statement of the facts ; but, on hearing the other side also, I changed my opinion. Mr. Frericks kept back several important facts from me, one being that he failed to state that his contract time had expired before the Municipal Commissioners resolved that they would not go on with the contract and would pay him for the work done at municipal rates. Another point he omitted was that the foundations had been examined by the Commissioners and found wanting. He conveyed to me the impression that the work had been capriciously stopped by Major Searle without any reason.

Mr. Frericks is without capital and in debt, he has had decrees out against him since I have been here. He owes me, as Sub-Collector, twelve months' rent for his house, for which, at the direction of the Collector, I filed a suit against him, which, under the same authority, I withdrew on his promising to pay instalments. He paid one instalment of 60 Rupees about ten days ago. The total debt is now about 180.

Referring to what I stated above (sheet 2) regarding a conversation between Mr. Whiteside and myself at the Municipal office last week when looking for some papers, I have further to state, there were two other Commissioners present, it was Tuesday week, 29th October. I was sent for and asked where these papers were, as they were needed for the enquiry. I said they had been sent to the Civil Court at Chittoor and had not been returned so far as I knew. Mr. Whiteside said he had ascertained from the Judge that all papers had been returned and that therefore they must have been taken away out of the office. I disclaimed all responsibility, as they had not been returned to me. After that there was some desultory conversation, and Mr. Whiteside in speaking about them conveyed the impression that his explanation of their non-appearance was that they had been taken away by Major Searle. I said it was impossible that anything of the kind could have happened. I do not know that Major Searle was here half the night after returning from Chittoor.

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I said I knew nothing about the papers. I had never seen them since they had been sent to Chittoor. I said, "there were no grounds for supposing Major Searle had taken them more than any one else." There were four documents,

NOTE.—As a fact these papers had never left the Court; they were given to Mr. Whiteside the following day on his return to Chittoor.

1. Dr. Sayers' letter.
2. } Proceedings in August 1871.
3. }
4. Major Searle's book of orders to the Overseer.

A memorandum of the papers was given to me I wrote to Major Searle and asked if he had those four documents. I wrote also to the Civil Court. I also asked Major Searle for any other papers connected with the Municipality that he might have in his possession. Major Searle replied that the first three papers were not in his possession, but the book of orders to the Overseer was with him ; that he considered it a private book kept for his own convenience, and that he declined to give it up. Mr. Whiteside never told me whether the papers were found or not. I have only seen him once since, and have had no discussion on municipal matters with him.

Mr. Kelsall's separate statement.

I give as an instance in which the President has received information from an individual Commissioner and not through the proper course, and acted in it, that a Commissioner forwarded to him specimens of the different drinking water in the town, and that the President without communicating with the other Commissioners through the Vice-President forwarded the water to the Sanitary Commissioner in Madras. I think that the Commissioners felt that a step of the kind should not have been taken by the Commissioner in question, and that the President should not have acted on it.

Dr. Fox, Witness for Major Searle.

I have been associated with Major Searle in the Vellore Municipality for about eighteen months. I am acquainted with the accusations that have been made against his credibility. I think they are unjust.

Q.—Have you any reason to believe that Major Searle has been guilty of untruthfulness ?

I have known Major Searle to make an inaccurate statement, but it was, I believe, simply from forgetfulness. On one occasion was there was some dispute at a Meeting of the Municipality regarding the form of receipt Mr. Frericks was to give for money paid to him. I asked Major Searle if orders had been given to the Manager only to pay Mr. Frericks on his giving a receipt in a certain form. Major Searle was busy writing the Proceedings at the time I asked him, he did not appear to take much notice at the time, but he answered to the effect that no such order was given. On a subsequent occasion the Manager showed me a copy of the order directing him not to pay unless the receipt was signed by Mr. Frericks as Frericks and Co., or Frericks, Doorgiah Naidoo and Co. I cannot remember the exact terms. I took no further notice of it at the time. I was annoyed at the Writer showing it to me. It was about a year ago; he brought it to my office to show to me.

I spoke to Major Searle afterwards about it. Major Searle told me that he must have misunderstood the question, as he was of opinion that Mr. Frericks should not be paid unless he signed in the manner directed. It was only when I saw the order that I was aware of the inaccuracy. I do not consider that Major Searle could have had any object in misleading me. I consider Major Searle's integrity and truthfulness as good as any other Officer's. I did not consider the inaccuracy above stated as in any way affecting Major Searle's integrity. I was present at a recent Meeting when a vote favourable to Major Searle was passed. I concur in that vote.

I was annoyed at the Writer showing me the order because I thought it an underhand proceeding. I have never had papers brought to me in the same way since. The Writer gave me no explanation. I handed the paper back to him, and I think he saw I was annoyed. He was present at the office when Major Searle gave me the reply.

The Writer was not authorized by me to bring this matter forward.

I attribute the present state of affairs in the Municipality to the ill-feeling existing amongst some of the Members, *i. e.*, between Captain Mayne, Mr. Beckett, and yourself, as well as to the manner of conducting business by the President; to his practice of receiving information direct from others instead of through the Vice-President and Commissioners. There is, I think, a feeling amongst the Commissioners that they are looked on by the President in the light of subordinates and not as independent gentlemen. I do not wish to state that there is any want of courtesy on the part of the President; but I have the feeling which, I think, is shared by some of the other European Members, that he dislikes our acting on our own opinions when it runs counter to his.

By Major Searle.—I cannot recall any instance in which Major Searle treated the Commissioners as a body with discourtesy.

I look upon the dispute as mostly of a personal nature.

I think the accusations that have been made have been prompted by personal animosity. This is quite a matter of opinion.

I think the Municipality is fairly popular.

Additional Statement of Dr. Fox, submitted in writing.

Until I received an explanation from Major Searle regarding the order he gave the Manager not to give the cheque to Mr. Frericks unless he signed as "Frericks, Doorgiah Naidoo and Co.," I considered he had given an inaccurate reply; but since that I have been perfectly satisfied that it was only an inaccuracy on the part of Major Searle, founded on his not having correctly understood the question I put to him, and his being under the impression I had asked him (as he states he must have been) whether he had not given an order to the effect that payment was to be withheld from Mr. Frericks unless he signed "Messrs. Frericks and Co. only."

VELLORE,
10*th November* 1872. (Signed) W. S. FOX,
Assistant Surgeon.

Captain Johnson, M. S. C., Witness for Major Searle.

I attribute the present state of affairs in the Municipality at Vellore partly to the manner in which the President carries on the business with the Commissioners. He has been in the habit of acting on private information without ascertaining the correctness of the information from the Vice-President and Commissioners. I can quote two instances in which he has acted on information which was incorrect.

The President stated incorrectly that, in one instance, the Commissioners had proposed to incur an expense of 1,000 Rupees for taking the levels of the town, and that a further sum of 500 Rupees was about to be laid out on the Sooriagunta aqueduct; whereas the 1,000 Rupees was for a full and complete survey of the town including levelling and preparation of the plans, and no proposition had been made regarding the Sooriagunta tank for many months previously. Had the President applied to the Commissioners, through the Vice-President, he would have received correct information, and the remarks in his Proceedings regarding these letters would not have been made.

Letters, 21st and 24th June.

I consider that Major Searle, as Vice-President, did not receive proper support from the President.

I consider that the Commissioners have been allowed proper independence by the President in all matters affecting the Municipality within their jurisdiction.

I thought Major Searle's manner as Vice-President perfectly correct.

I sometimes thought the tone of voice and manner of putting propositions by Captain Mayne and Mr. Beckett rather irritating. If they had taken the trouble to inquire into some of the subjects before they were introduced there would have been no occasion to bring them before the Meeting. I do not consider that Mr. Frericks has given satisfaction to the body of the Commissioners in the way he has carried out works. I do not think they will employ him again, as he has failed in former contracts and has no capital; he failed in the slaughter-house and in the survey of the town, and in the conservancy and in the rent of the market; the two latter he was allowed to resign within a few days after he took them; he failed also in constructing a drain.

I have been associated with Major Searle in the Commission about eighteen months. I have never known him act otherwise than with truthfulness and integrity. The opinion entertained of him by the Commissioners is favourable.

I remember the Meeting of the 1st July 1871. There was considerable discussion about the works to be given to Mr. Frericks, but I do not recollect any resolution of any kind being passed at the Meeting; the general impression was that Mr. Frericks was to have the masonry works above 20 Rupees.

No proposition was made by me. If any proposition to the effect that works above 20 Rupees only were to be given to Mr. Frericks had been made it would have been recorded. I do not think there is any ground for the assertion that have been made to the effect that Major Searle was unworthy of credit.

Colonel Babington, Commanding Vellore.

Major Searle has been at Vellore above eighteen months. I have known him during that time.

I know nothing whatever against Major Searle, either as regards his general conduct or as respects his integrity.

His conduct has always been such as to meet my approval.

From Major A. T. SEARLE, Vice-President, Municipal Commission, to W. S. WHITESIDE, Esq., Acting President, Municipal Commission, Vellore, dated Vellore, 6th September 1872, No. 390.

I have the honour to acknowledge the receipt of your letter No. 86, dated 23rd ultimo, calling upon me to furnish you with a clear and specific explanation on each of the several accusations brought to your notice against me by a subordinate of the Municipality since his dismissal by a large and influential body of Commissioners present at the Meeting held on the 11th July 1872, approved and confirmed by yourself.

I would here observe that as the majority of these charges were preferred against me by the two Commissioners, Captain Mayne and Mr. Beckett, some months ago, and an explanation thereon then made by me to you, and as they were also on the 16th ultimo at your request laid before the Commissioners, who unanimously considered that the question of the Manager's dismissal had been finally disposed of, and declined to re-open it, or to take notice of the charges, as they were not the judges of my conduct, etc., etc., I have not felt myself bound to reply to them again, especially as they have no connexion whatever with the cause of Venkataroyer's present dismissal, which was for falsehood, deceit, and gross insolence, nor would my doing so, I consider, enable you to alter your decision as to the justice of his punishment; but to avoid any further correspondence in the matter, I again make all the explanation I can, and request that if you are not satisfied with it, you will be so good as to submit the whole of the correspondence, proceedings, etc., together with the former charges and my replies to them, for the information, consideration, and final disposal of Government, with a view of effectually preventing these charges against me being brought up from time to time; whereby, in my opinion and that of the Commissioners, the transaction of public business and the working of the Municipality would be carried on much more smoothly, and with greater pleasure and satisfaction to all concerned.

II.—At a Meeting of the Commissioners held on the 7th July 1871, I made a proposition that the nullah at the corner of the Katpadi road should be revetted, and that a latrine should be erected thereon.

Latrine on Katpadi road.—Though it was admitted that the want of a latrine in that locality had long been urgently felt, the majority of the Commissioners were not acquainted with the site and its filthy condition, and the proposition was accordingly not carried.

It appears, on reference to my order book to the Manager, that thinking it important that this work should be carried out, I directed him to leave out the proposition from the fair copy of the Proceedings of that date, in order, as I therein stated, "that it might be brought up at some future time."

That my object was a good one, and that this work was afterwards considered of importance, was proved by the fact of its being carried by the Commissioners the second time I brought the proposition up (on the 2nd February 1872), and of the universal satisfaction it has given to all who have seen it since its completion.

III. *Reclaimed portion of Nullah.*—1st.—A short time after the above, I met Colonel Babington, a former Vice-President, near this spot, and pointed out to him the great benefit that would result from a portion of this filthy nullah being reclaimed and revetted on each side, and also mentioned my having proposed it to the Commissioners, and the reason they rejected it.

2nd.—Shortly after this, when Dr. Cornish paid his official visits to the town of Vellore, he and I visited this spot, and we both agreed as to the necessity and great advantage of the work, which Dr. Cornish strongly recommended should be carried out. Reference to the minutes of the Proceedings of the Meeting held on the 2nd February 1872, will show that I then made no mention whatever of my having made allusion to Dr. Cornish some months before, to the fact of my proposition having previously "been rejected by the Commissioners," as falsely stated here by the Manager.

3rd.—The very fact (as stated by the Manager himself) of my producing and submitting before the Commissioners at the Meeting held on the 2nd February 1872, "the *same plan** which was produced and rejected on the 7th July 1871," (and which bears the date 26th June 1871, will show that it was impossible I could then have "denied all knowledge" of the proposition having been made before, or have proposed it again then "as if for the first time." When asked by the Commissioners to produce the rough copies of the Proceedings at the Meeting held on the 7th July 1871, what I did state to the Commissioners was, that they were not kept "*here*," meaning in the Municipal office, as after they had been fairly entered into the book kept for that purpose, the draft Proceedings were always sent to my house.

* Herewith forwarded.

This same charge was made against me in the month of May last by two Commissioners, Captain Mayne and Mr. Beckett, and denied by me then as it is now.

IV.—After the lapse of nearly a year since its occurrence, I received a complaint made by Captain Mayne and Mr. Beckett against me regarding the omission of the above proposition from the Proceedings, and, having entirely forgotten the circumstance, I asked the Manager, on 25th May last, whether he remembered my giving him any order to leave it out, and remarked that I thought he must have omitted it by mistake. He replied that he never recollected being ordered by me to leave out the proposition, and that he could not in any way account for its omission, and, moreover, suggested that it might have been left out by Mr. Judge, the former Manager, knowing perfectly well at the time that he was deceiving me and uttering a falsehood, as he had only a few days previously (on the 8th of that month) surreptitiously taken my private memorandum book containing my order to him to omit the proposition, and shown it to you and another of the Commissioners without my knowledge.

That he wilfully told an untruth and deceived me on the 25th of May, is admitted by him in the reason he states he gave before the Commissioners on the 6th and 11th July, viz., (quoting his own words) and I "so feared that if he were to make away with the order the blame will be thrown on me, and therefore I merely said that it might have been omitted by his orders."

Having acquainted his friend at Madras with the circumstances and reason of his deceit towards me in withholding from me on the 25th May the knowledge of the existence of my order, and having already shown the same both to you and Mr. Kelsall, it is impossible that he could have entertained the fear of my destroying the order and throwing the blame upon him; and his conduct too plainly shows his evil intent towards me, and is in itself, I consider, sufficient to

confirm the just opinion the Commissioners unanimously formed on the 11th July, "that the Manager is utterly unfit for a post of trust and responsibility, and that the Vice-President cannot place any confidence in him, and they resolve that under these circumstances, the President be requested to remove him from his post," which you confirmed.

I may here point out that the second time I brought up the proposition was at the Meeting of 2nd February 1872, *just seven months* after it had first been made (7th July 1871) and not *three months*, as falsely stated by the Manager.

When the Manager, on the 1st June, pointed out to me in my memorandum book the said order to leave out the proposition in question, I at once exclaimed, "I thought that if I had given such an order it must have been for some very good reason."

C.

V.—The following extracts from the Minutes of the Proceedings of the Municipal Commissioners are entered, showing the reason of the suspension and dismissal by the Commissioners, and the decision of yours in the matter.

Special Meeting held on the 6th July 1872.

Paragraph III.—"Proposed by Mr. Kelsall, that the Manager of the office, Venkataroyer, be suspended from his work from this date, and that his late conduct with reference to disclosures made and admitted by him this day before the Commissioners be taken into consideration at the next Meeting of the Commissioners, and that another Writer be employed to supply his place in the meanwhile.

Carried *nem con.*

Meeting held on the 11th July 1872.

Paragraph V.—"Proposed by Mr. Kelsall, that taking into consideration the disclosures made and conduct admitted by the Manager of the Municipal Office, Venkataroyer, on the 6th instant, and reiterated to-day by him before the Meeting, as the Commissioners feel that the Manager is utterly unfit for his post of trust and responsibility, and that the Vice-President cannot place any confidence in him, they resolve that, under these circumstances, the President be requested to remove him from his post.

The proposition is carried unanimously."

Meeting held on the 18th July 1872.

Paragraph III.—Read letter No. 61 dated 12th July 1872, from the President.

"..... but that they recommended his dismissal for having been guilty of deceit and falsehood, and for gross insolence to the Vice-President in the presence of the Commissioners at their Meeting held on the 6th and 11th instant, whereby they considered he was unfit to hold his post of Manager of the Municipal office any longer."

Meeting held on the 8th August 1872.

Paragraph IV.—"Read letter No. 74, dated 26th July 1872, from the President, informing the Commissioners that he quite agrees that for misconduct such as that now brought to notice on the part of Venkataroyer, the Manager of the Municipal Office, summary dismissal from office was the only possible punishment, and that he approves and confirms the recommendation of the Commissioners."

VI.—1st.—The Manager's gross insolence to me he repeats in the opening statement of paragraph 6, by bringing a charge against me with reference to a private letter written by me to you, and which, although a private communication, he audaciously states, "was sent not through the office, thinking, I suppose, that I might be made aware," etc. etc.

Although I was informed by the Manager on the 1st of June, for the first time, of the existence in my memorandum book of my order to him to leave out the proposition (on the 7th July 1871), I did not consider it necessary that I should incur a further delay by writing the replies over

again, as I had already got them ready to send, and, moreover, had received a note from you, only that morning, requesting me to expedite their despatch, which I would have done earlier and on receipt of the note, had I not been informed by the bearer of it that you had been at Vellore the previous night and had gone down to Madras. I was therefore only waiting to send them until I knew where to address you, which I ascertained on enquiry from Mr. Kelsall and the Post Master.

Moreover, the charges had not been sent to me officially but in a private manner by you, and I thought it would be quite sufficient for me to acquaint you of the correction by a separate letter, which I told the Commissioners at their Meeting on the 11th July I had intended to have written on the same day so that it might have reached you about the same time, there being no desire or any motive on my part for keeping you misinformed on the subject.

It may be asked what object the Manager could have had at this time in making himself acquainted with the contents, etc., of private communications that passed between me and you ?

The replies to the charges preferred against me by the two Commissioners, Captain Mayne and Mr. Beckett, were prepared by me on the 27th of May, and shown by me to the Manager himself as well as to five or six of the Commissioners *before the 1st June*, and the information regarding the amount that had been paid for the slabs of stone at the wells in the market was known to me some time previous to the date on which the charges were received (25th May), for a petition had been laid before the Commissioners in the previous month by a contractor regarding the payment that had been made by the Municipality for certain other stone slabs, and I then made enquiry, and was informed of what had been paid for them as well as for the slabs at the well ; and the following extract from the Manager's own memorandum book, dated 1st June 1872, will show plainly that the very bills for the stones in question had been submitted by him to me before that date, viz., "I have *some days ago* forwarded to you the bill for the stones of the well in the market 1-6." It is therefore only too palpable that the statements the Manager makes regarding the object I had for asking him for information regarding the stones, on the 1st and 3rd of June, are with a malicious view of bringing an untruth against me.

2nd.—Knowing how eager the two Commissioners, Captain Mayne and Mr. Beckett, were to find every opportunity they could for bringing opprobrium on all my acts, when Captain Mayne in the month of December last called for a statement of expenditure from the Municipal Fund without due sanction, I directed the Manager to prepare a separate statement to show the Commissioners that the amount spent under each head had not exceeded the sums granted in the annual budget.

As the total sum spent on urinals and latrines was less than the sum allotted in the aggregate for that purpose, I directed the Manager to class them together under the head of "urinals and latrines," which I consider that I, as Executive Head of the office, was perfectly justified in doing. This I did for no other reason than that there should be no opportunity given to the Commissioners, Captain Mayne and Mr. Beckett, for disputing about the matter.

When a similar statement of expenditure was again accordingly prepared in May last by your instructions to the Manager, according to the form you gave him, for the information of Mr. Majoribanks, the Deputy Collector, who had been appointed to audit the Municipal accounts for the year 1871-72, I directed the Manager again to prepare and submit another statement with the items "urinals and latrines" classed under one head, but as the sum spent on urinals had been exceeded (though that on latrines was considerably within the budget grant) owing to the special demand that had been made by the Assistant Superintendent of Police and the Sub-Collector for additional urinals in the town, I afterwards desired them to be shown separately.

It would appear from the Manager's own admission here (made in the margin) that he acted in a very deceitful manner, and one which, I am of opinion, all would consider rendered him quite unworthy of any position of trust, in showing this private instruction of mine, as he states, "written with his (my) own hand" to you when recently at Vellore, unknown to me, his immediate

superior ; and it is only too evident *from this fact as well as from other of his deceitful acts*, that he must have been harbouring evil intentions against me for some time past.

3rd.—The assertion made by the Manager that "on the 21st July 1871 a resolution was passed by the Commissioners that masonry works costing Rupees 20 and more to be carried out in the Municipality till 31st March 1872 were to be given to any particular contractor," etc., etc., (and that "the Proceedings recorded by Major Searle on the subject is worded in a somewhat different manner,") is wholly false, as a reference to the original rough Proceedings of the Meeting held that day will show. (The matter was *discussed*, but no proposition or resolution to that effect was ever made or carried, or it would certainly have been recorded at the time.) If such a resolution had been made and passed, it does not appear very probable that either the contractor would not have appealed against the omission from the copy of the Proceedings published in the *District Gazette*, or that the Commissioner who made the resolution, or the rest of the Commissioners who carried it, would have allowed the omission to have passed unnoticed !

The Manager is fully aware that this same charge was also brought against me by Captain Mayne and Mr. Beckett, and that Captain Mayne made a similar statement on oath before the Acting Judge of the Small Cause Court here on the 14th of March last, which I then denied and proved was incorrect by producing before the Court the original draft copy of the Minutes of the Proceedings of the Meeting held on the day mentioned (21st July 1871), and showing what was actually proposed and recorded at the time, and comparing it with the published Proceedings ; but the Manager has now chosen to again bring this charge against me since his dismissal.

If it was always the custom previous to the time I took office, "to leave at the office the rough copies of the Proceedings of each Meeting," the Manager, I consider, failed in the performance of his duty in not acquainting me with the fact.

It has been always my habit to take down the Minutes of the Proceedings at each Meeting in the rough, and take them to my house, where the Manager used to attend (as soon after the Meeting as his perhaps other more pressing and important works would allow him,) and after being read over to the Manager, he used to take them to the office, and to prevent mistakes being copied into the book make copy of them first, which was submitted to me for approval and afterwards entered in the office book of Proceedings. This, I believe, has always been the custom pursued in this Municipality, and there is nothing in the Act regarding it to the contrary. Happily to avoid any such allegations being again made against me by the Commissioners, the rough Proceedings have for some months past (on a proposition made by Mr. Cruickshank) been recorded in a bound book kept for that purpose. With reference to the statement made by the Manager that the rough copy of the Proceedings of the Meeting held on the 25th August 1871 (Friday) was written on a note from Rev. Dr. Sayérs, dated 27th August 1871 (Sunday) two days subsequent, *it is untrue and impossible.*

On recent examination I found that the document referred to by the Manager was a rough memorandum only, of a portion of the Proceedings, made at my house subsequent to the Meeting held on the 25th August, and which I gave to him to make the fair copy from.

I may here observe that this false accusation on the part of the Manager was also one embodied in the number of charges that were brought against me in May last by the two Commissioners, Captain Mayne and Mr. Beckett, and the fact known to the late Manager, to whom I showed all the charges on their receipt, he having been the first to apprise me of their having been made to you, through information he told me he had obtained from the writers in your office.

4th.—The 1st Division Maistry, Kistnappa Moodelly, was fined for neglect of duty *on three several occasions*, as the following extracts from the Municipal order-book will show :—

"*26th March* 1870.

Kistnappa Moodelly, Overseer 1st Division, is fined one rupee for neglect of duty.

(Signed) J. BABINGTON, Colonel."

"Kistnappa Moodelly, Maistry of the 1st Division, and Moonesawmy Moodelly of the 2nd Division, are each fined Rupees 1-14-0 for neglect of duty and disobedience of orders issued by the Vice-President.

VELLORE, (Signed) J. H. JOHNSON, Captain,
28*th February* 1871. *Vice-President.*"

"The 1st and 2nd Division Maistries are fined four annas each for neglect of duty.

VELLORE, (Signed) A. T. SEARLE, Major,
3*rd April* 1871. *Vice-President.*"

A few days after the third and last occasion on which he was fined, viz., on the 8th of May 1871, Kistnappa Moodelly wrote me a petition, throwing the charge of neglect on another individual, and requested "that the fine imposed on him *(as he stated) by mistake* may be remitted." At the earnest recommendation of the Manager, I afterwards directed that the four annas should be returned to him.

Shortly afterwards he was again guilty of great neglect of duty, and consequently dismissed on the 1st of October, which was confirmed by Mr. Robinson, the President, on the 2nd October 1871. On his afterwards writing a petition to the President, which he now states was prepared for him by the Manager himself, and in which was falsely stated that "he had never been fined for neglect of duty &c." The petition was submitted for opinion to the Commissioners at their Meeting on the 17th November 1871, and notwithstanding his having been repeatedly found guilty of neglect of duty, and fined by *three different Vice-Presidents*, and the circumstances of his dismissal "after having been repeatedly warned," &c., &c., were fully explained and brought to the notice of all the Commissioners at that Meeting by me (as the Proceedings will show). Commissioner Mr. Beckett proposed "that the Maistry should be recommended to be restored," and another declined to vote!

VII. & VIII.—So that the representation of the matter as here made by the Manager is perfectly false.

It can only be best known to the Manager himself the motive that he must have had in so long pursuing a system of deceit; and, in spite of his being dismissed, continuing to persist in further insolence by making out such insulting charges as these against me.

IX. & X.—The statement contained in paragraph IX. is wholly false. The Manager *was present at both* the Meetings of the Commissioners held on the 6th and 11th July 1872, and was perfectly well aware of the "falsehood and deceit" he was charged with, and which he himself admitted, and herein admits having committed, (*vide* charge IV., &c.) He was, on a proposition made by one of the Commissioners, J. Kelsall, Esq., on the 6th July, suspended from his work "from this date" on account of his "late conduct with reference to disclosures made and admitted by him this day before the Commissioners;" and was unanimously recommended by the Commissioners to be dismissed on a proposition also made by Mr. Kelsall on the 11th July before a large and influential body of Commissioners, twelve in number, "that taking into consideration the disclosures made and *conduct admitted* by the Manager of the Municipal office, Venkataroyer on the 6th instant, *and reiterated to-day by him* before the Meeting," &c., &c.; which recommendation was approved of and confirmed by you on the 26th July.

His falsehood and deceit are not only what he admitted before the Commissioners at their Meeting on the 6th, and again reiterated before them on the 11th July, but are *again made* manifest in this paragraph and in these charges now under consideration.

XII.—At the Meeting held on the 6th July, the disclosures made and admitted by the Manager were brought about by one of the Commissioners, Captain Macleod, informing me and the rest of the Commissioners that he had seen the Manager leave Captain Mayne's compound at 11 o'clock one morning recently, and as the Manager on being called upon for an explanation,

admitted, after much prevarication, that he had gone to see Captain Mayne on account of some information Captain Mayne had written to him for from the Municipal office; and as the Commissioners had every reason to know that for some time past information had been obtained from the Municipal office, or from certain individuals connected with the Municipality, regarding official matters, documents, and letters, &c., and the same made known, and made use of, to the detriment of the interest of the Municipality, by an individual wholly unconnected with the Municipality, the Commissioners passed the following resolution then, that "having reason to believe that information has been sought or obtained from the Municipal office by certain Commissioners without the knowledge of the Vice-President, it is unanimously resolved by the Commissioners that the Manager Venkataroyer be prohibited from attending any Commissioners' quarters during office hours, or taking any office documents of any kind whatsoever from the office, or allowing any document or copies of any such to be taken by, or furnished to, any one without the previous sanction of the Vice-President," &c. (*Vide* Proceedings.)

XIII.—This matter had nothing to do with the suspension of the Manager, as the Commissioners informed you (*vide* Proceedings of 18th July 1872) "that the Manager of the Municipal Office, Venkataroyer, was not suspended by them by giving retrospective effect to the rule prohibiting him from attending the houses of Commissioners during office hours with official papers, but" &c., &c., &c.

P. S.—With reference to the memorandum forwarded by the Manager, in which he represents that he has "seven votes out of thirteen Commissioners now present in the station in my favour," I would observe that four of the Commissioners whose signatures are attached to the memorandum were present at the Meeting on the 11th July, and voted with the eight other Commissioners that the Manager *should be dismissed for his conduct*, and that one of those four Commissioners, at the special Meeting of the Commissioners held on the subject on the 16th ultimo, wished it to be recorded that an English letter was brought to him by the late Manager, the contents of which he did not thoroughly understand, and that the Manager told him that he was guiltless, and that he accordingly wrote at the foot of the letter that he thought "if he were not guilty he should not be punished."

From Major A. T. SEARLE, M. S. C., to G. THORNHILL, Esq., and Colonel BATTEN, dated Vellore, 10th November 1872.

I have the honour to afford you in writing the explanation you have desired from me with respect to three of the numerous charges brought against me, and I do so as briefly as possible.

1. I am, first, to explain how a part of the Proceedings of August 25th, 1871, came to be written on a letter from Dr. Sayers, dated August 27th. When I wrote my first explanation the difference of dates did not attract my attention, and I thought it most probable that at the Meeting I had commenced to write the Proceedings on the fly leaf of Dr. Sayers' note while waiting for a supply of paper. I now see that it could not have been written at that Meeting.

As will be seen by the printed Proceedings, the first business conducted in August 25th was to place on the table statements and replies to several lengthy questions asked by Captain R. Mayne at a previous Meeting (held 11th August).

I cannot now remember if I made any notes of this; it is probable that I did not, and that I read Captain Mayne's questions from the Proceedings of the last Meeting, and put on the table my reply. Afterwards at home I wrote out the questions and answers in full on the back of Dr. Sayers' letter, and sent them to the office to be inserted at the head of the Proceedings. I cannot remember if I wrote from memory assisted by the minutes of the previous Meeting in which Captain Mayne's questions are embodied, or whether the writing on Dr. Sayers' letter is the corrected and amplified transcript of notes hurriedly made at the Meeting. If I wrote rough Proceedings at all, which I cannot remember, it was probably in this form, "with reference to

Captain Mayne's proposition that, ... Major Searle begs to place on the table"..... ..... This I subsequently wrote out in full at home, and inserted at the head of the Proceedings. But I cannot remember whether it was prepared from rough Proceedings hastily written in an abbreviated form (which would have been the first sheet of the rough Proceedings), or whether it was written out from memory.

2. The second charge is of "inaccuracy" in having, when questioned by Dr. Fox whether I had ever given any order that Frericks and Co. should not be paid, replied to him that I had not done so. Of this also I have no recollection, and Dr. Fox himself has told you that he did not think I fully heard the question, as I was writing the Proceedings down at the time. I had given an order that Mr. Frericks was not to be paid unless he signed as "Frericks, Doorgiah Naidoo and Co." and a cheque made out in that form (Frericks, Doorgiah Naidoo and Co.) was at that time in the office. I could have had no motive whatever in giving an incorrect reply to Dr. Fox, and it is hard after the lapse of more than a year to be called on to explain my answer to a question, when the questioner himself says that I answered apparently without having grasped the meaning of it.

3. I now proceed to the third point. Captain Mayne and Mr. Beckett in their letter of 16th May 1872, charged me with having ordered a certain portion of the Proceedings of a Meeting held in July 1871 to be omitted.

By looking at the rough Proceedings and the fair copy I saw there was such an omission, but after the lapse of so many months I could not account for it. When writing my reply on May 27th, I asked the Manager, Venkataroyer, and he told me that he could not explain it, but supposed it was some mistake. In perfect good faith I wrote on May 27th to the President that I could not explain the omission and that it had not been made by my orders. I did not send off the letter at once as I sent it to four or five of the Commissioners to read.

On June 1st I received a letter from Mr. Whiteside asking me to hasten my reply, and I procured it from the Commissioner who had it and despatched it on the 3rd or 4th. The delay was caused by having to find out from Mr. Kelsall and the Postmaster where Mr. Whiteside then was, and where a cover for him should be directed, as Mr. Whiteside had then gone to Madras.

Between the date of writing and despatch, Venkataroyer showed me, in June 1st, my order directing the omission, which he said he had suddenly discovered. As Mr. Whiteside was impatient for my reply, and I did not wish to cause further delay by re-writing the letter as I should have to do, I sent it as it was, resolving to write to Mr. Whiteside at once, and tell him of the error. I admit that it was a grave error of judgment to send on the letter without making the correction in paragraph 1, but I was anxious to despatch it, and it did not occur to me to put a postscript, and I thought the best way would be to send it as it was and correct what was wrong in another letter, which I did shortly afterwards.

T.

EXTRACT from the Minutes of Proceedings of the Municipal Commissioners of Vellore at a Meeting held on the 24th September 1872.

PRESENT.

J. KELSALL, Esq., *Vice-President.*
Captain W. S. MACLEOD.
Captain J. H. E. JOHNSON.
W. S. FOX, Esq.
V. NARRAINASAWMY MOODELLIAR, AVERGUL.

XIV.—The Commissioners regret to learn that circumstances have compelled Major Searle to tender his resignation as Vice-President, and desire to place on record their appreciation of the zeal and energy he has displayed in the last eighteen months as Vice-President of this Municipality.

(True Extract.)

(Signed) JOHN KELSALL,
Vice-President.

LIST OF DOCUMENTS REFERRED TO IN THE REPORT AND DEPOSITIONS.

No.		Mark.
1.	Draft Proceedings of Meeting of Commissioners of 7th July 1871, regarding the Latrine on Katpadi Road and Vice-President's entry in his order book.	A.
2.	Letter from Major Searle to President, dated 27th May 1872, printed in G. O., 19th October 1872, original not put up	B.
3.	Letter from Major Searle to President, date 6th September 1872, printed in Appendix page 33, original not put up	C.
4.	Private note, Major Searle to Mr. Whiteside, 10th June 1872 ...	D.
5.	Private note, Mr. Whiteside to Major Searle, date 23rd May 1872	E.
6.	Decree and judgment in suit No. 15, Chittoor Court	F.
7.	Decree and judgment in suit No. 16, Chittoor Court	F (1).
8.	Statement of Expenditure of Municipal Funds, 1st April to 30th November 1871, see Mr. Whiteside's deposition, page 5	G.
9.	Rough copy of Proceedings, 25th August 1871, (partly written on Dr. Sayer's note	H.
10.	Rough private memorandum of Major Searle, relating to above, see side note to Mr. Whiteside's deposition, page 5	I.
11.	Rough notes of Proceedings, 21st August 1871. Mr. Whiteside's deposition, page 7	J.
12.	Major Searle's order in his book regarding the payment of Bills ; depositions, page 8	K.
13.	Correspondence between Vice-President and Doorgiah Naidoo and Co., eleven letters	L.
14.	Letter from Mr. Cruickshank to President, 11th December 1871, with Mr. Robinson's endorsement	M.
15.	Reply to above	N.
16.	Letter, Major Searle to Mr. Kelsall, Vice-President, 31st October 1872 ...	O.
17.	Bundle of Rough Proceedings of Meetings	P.
18.	Note by Major Searle to the Manager, 3rd June 1872, see depositions page 19...	Q. R.
19.	Order in Memorandum Book, 3rd June 1872	S.
20.	Extract Proceedings Small Cause Court, Vellore	T.
21.	Statement of Expenditure by former Vice-Presidents in 1870-71	
22.	Statement showing the items passed in the budget called for by Captain Mayne at Meeting of 1st December 1871. Draft as altered by Major Searle. See report, paragraph 28	Ta.
23.	Letter from Mr. Whiteside to Mr. Thornhill, dated 29th October 1872, see Colonel Batten's remarks, Appendix, page I	U.
24.	Letter from Mr. Whiteside to Mr Thornhill, date 18th November 1872, with "concluding remarks," to be appended to Mr. Whiteside's statement ...	V. W.
25.	Major Searle's comments on the above...	

No. 28. ORDER THEREON, 7th January 1873, No. 19.

The Governor in Council has very carefully considered the report submitted by Mr. Thornhill and Colonel Batten of the result of their inquiry into the matters relating to the Vellore Municipality which were referred to them, and is glad to be able to state his entire concurrence in the conclusion at which they have arrived

in completely exonerating Major Searle from every imputation cast upon his character by Mr. Whiteside, Captain Mayne, and Mr. Beckett.

2. The Government consider that, notwithstanding the minor irregularities in the Municipal administration which Major Searle admits, he well deserved the confidence and support of the great majority of the Commissioners which he evidently enjoyed; and, while thanking him for his services, the Government desire to express their regret that he should have been subjected to so much insult and annoyance.

3. The Governor in Council considers Mr. Whiteside to be deserving of grave censure for accusing Major Searle of having, by his mal-administration and misconduct, brought the Commission into extreme discredit with the rate-payers—an accusation which facts were so entirely wanting to establish. It is greatly to be regretted that Mr. Whiteside should have given evidence defamatory of Major Searle's conduct and character without having thoroughly informed himself of the facts of the case, which would have prevented him from making a statement for which there was no foundation. His almost ostentatious patronage of Mr. Frericks, while that person was actually prosecuting the Municipal Commissioners, and after his insolent demeanour towards Major Searle, was a manifestation of partizanship most unfitting his position in the district as Acting Collector, and most antagonistic to the harmonious working of the Commission of which he was ex-officio President.

4. Major Mayne and Mr. Beckett will be removed from the Vellore Municipal Commission. Their conduct in combining together to thwart and defame Major Searle is viewed by Government as extremely reprehensible.

5. The Government desire Mr. Thornhill and Colonel Batten to accept their thanks for the thorough and satisfactory manner in which they performed the task entrusted to them.

6. Ordered that these Proceedings be communicated to His Excellency the Commander-in-Chief through the Military Department.

(Signed) W. HUDLESTON,
Chief Secretary.

No. 27. Read Report by Mr. G. THORNHILL and Colonel J. S. BATTEN, dated 16th November 1872.

No. 28. ORDER THEREON, 7th January 1873, No. 19.

The Governor in Council has very carefully considered the report submitted by Mr. Thornhill and Colonel Batten of the result of their inquiry into the matters relating to the Vellore Municipality which were referred to them, and is glad to be able to state his entire concurrence in the conclusion at which they have arrived in completely exonerating Major Searle from every imputation cast upon his character by Mr. Whiteside, Captain Mayne, and Mr. Beckett.

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5. The Government desire Mr. Thornhill and Colonel Batten to accept their thanks for the thorough and satisfactory manner in which they performed the task entrusted to them.

6. Ordered that these Proceedings be communicated to His Excellency the Commander-in-Chief through the Military Department.

(True Extract.)

Chief Secretary.

To G. Thornhill, Esq.
,, Colonel J. S. Batten.
,, W. S. Whiteside, Esq., Acting Collector of North Arcot.
,, the Military Department.
Major A. S. Searle Vellore

Exd. J. Wright.

Govt. of {1873} Madras.

FINANCIAL.

To

G. THORNHILL, Esq.,
&c., &c., &c.

Dated January, 7th.

Read.

Read.

G. O., 7th January 1873, No. 19.

JANUARY.
Nos. 27-28.

Passing orders on the report, submitted by Mr. Thornhill and Colonel Easten of the result of their inquiry into the matters relating to Vellore Municipality.

At the opening of the Proceedings the following remarks were made by Colonel Batten

Questions by Colonel Batten

Put in marked A A

Mr Thornhill, I beg that I may have your concurrence to read in Court a letter dated 29 October 1872 addressed to you by Mr Wilkerson. It brings to your notice that certain documents, which are expected in support of the evidence to be adduced in this Enquiry, had not been filed in the small Cause Court but were lying in the Municipal office, and had been inspected on divers occasions by Major Steele; that it was suddenly discovered by Capt Hoggan and Mr Beckett that

"three" of their most important papers had mysteriously disappeared: that Major Searle on being asked by Mr. Kelsall for any original documents connected with certain suits, gave up a number of Exhibits, which he must either have received privately from the Valuer, or removed himself from the Municipal office, the three most important documents referred to being amongst them. The imputation implied in this part of Mr. Whitesides letter was seriously objected

to reputation of Major Searle; it was calculated to plant in your mind, Mr Hornbill, a very unfavourable impression against Major Searle, and had those papers not been subsequently found in the Civil Court at Chilton as stated by Mr. Whiteside the strong circumstantial Evidence would have Existed to prove that Major Searle had either purposely suppressed or dishonestly made away with those important documents. I therefore feel it incumbent on me to expect that Mr. Whiteside may be

required to declare for record on the proceedings whether the imputation on his people, which is undoubtedly implied in his letter, was just or not whether he is prepared to retract the same.

I regret having written that portion of my letter, which conveys to the minds of the Commissioners an imputation on his people, and disavow any intention of casting such a reflection upon him.

W. Whitewides
Esqr

61 3

Statement of
W. S. Whitewiller Esquire
Collector & Magistrate of Kath
cach & President of the Municipal Commissioners of that District.

2 Adverting to para 6. of the Govt. order. 194 of October 1872 No. 1422 - in which part of it is stated that Mr Whitewiller states that as Chairman was debarred him from explaining the grounds on which he made the statement imputing bigotry people credibility as a witness. both he how he after any explanation that may think necessary on the subject -

A - I beg distinctly to state that the statement alluded to in the Govt order had the reference

the Mayor Leaders Official
~~Title~~ acts & that I do
declare any personal knowledge
of Mayor Leeds in his
private capacity or of his
private character.
My sole knowledge & views
in connection with Official
matters which came
before me in my Cabinet-
as President of the Municipal
Council commission and
I beg to disclaim any personal
feeling one way or another
in the matter —
My first acquaintance is that
Mayor Leeds, shortly after
his Municipal Election
held on the 7th July 1871

wrote an order to the Manager
Bankers Messrs
him to omit from the fair
copy of the Proceedings of
that Municipal Meeting,
that portion of the Rough
draft Proceedings which
he himself had recorded,
relating to the rejection of
his own proposition for
the election of a Lecture
on the ground proposed to
be reclaimed from the
Mudflat at the bottom
of the town of Belmont in
the Kutpindi Road.

See entry in book of Orders written in Mayor Leeds own hand writing & dated July 7th

The next point is that in his official letter No 1 dated 27. May 1872 Major Searle states his inability to account for the omission: His letter is dated 27th May. It was despatched from Ootacamund on the 7th June & received by me at Coonoor on the 8th June but it is a fact that on the 1st June the Manager, Venkatanarayana, laid before Major Searle his own written order directing him to omit that portion of the proceedings from the fair copy. No postcript was added to the letter

original letter put in marked B?

The book in his charge & is stated by Major Searle to be a private note book for the information of the Magistrate

I also sought Assistance of the Head Sheristadar & the Secretary & the Commissioners of 7th July 1871 in which the proposition is entered as marked

I also fair copy of the same proceedings in the book. in which the proposition above referred to is omitted in accordance with the order

a similar & Major Searle

attended by Major Searle

noticing the above order.
He said that the letter
was discovered on the
7th June was communi-
cated to me by the Mayor
the same week subsequently
the Municipality
was at that time
by the best of my belief
I took no action on the
information at that
time =

In proof that
Mayor Leach
was aware
of the order
to omit the
proposal from

the face copy I append to this letter
noted as the Mayor dated
6 September 1872 =

4 lessons title from
Mayor Leach to Mr
Whiteside date 6 Sept
tember 1872
admitted by Mayor Leach

But in
rebuttal
examined
by Mayor
Leach

Cross Point; on the
10th June Mayor Leach
wrote me a private letter
which I received after
some weeks subsequently
from the Mayor stated that
"since the last
"sitting over the
"Bridge Mr. Whiteside
"has received after a
"memorandum dated
"Sunday 7th last proceedings
"about proposed by-laws
"Leach Street Latimie
"&c." as I hope to bring
"it up at Council meeting
"Monday account for dis-
"mission" &c &c
The impression conveyed
to my mind by that
letter was that Mayor

Leade had only forgotten the existence of the order when he sent his letter to me. I accepted the information without demur & I reported the fact & having received the letter in my letter to Government. No 43. dated 22. August. Para 12. = I beg now to draw attention to the passage in Leade's letter dated 27th May; already referred to, para 4. 1st clause. concluding words. "and wherein compare them "with the draft proceedings "of the Commissioners under "all the previous Rec Mr. "Edents". I have seen in the possession of the late Manager ~~Inhibitions~~

Inhibitions an order in Magistrates writing dated 3 June 1872. wherein he directed the Manager to search in the Municipal Records for any proceedings of former Commissioners & mentioned the Manager as to when he supplied that information & he said on the 4th June. I infer from this that Leades letter dated 27th May was still under preparation on the 4th June & that he had therefore ample time to have corrected the error in that letter with reference to the existence of the draft proceedings before despatching

it :- I saw the order
in Lieutenant Governor possession
on the 28th of October - by
which known of its existence
before I believe I had heard
of it from Captain Mayne
before - on seeing the order
I presumed Lieutenant
Governor knew that he had
not submitted the informa-
tion to Major Leech
before the 4th of June - he
told me that it had
taken some little time
to hunt up the papers
& therefore he was confident
he did not send them to
Major Leech until the
4th June :- ::
I consider Major Leeches
letter of the 27th May
to be official - it was

received in reply to a
private note of my
own asking Major
Leech to reply to the
charges of Lieutenant
Mayne & Mr Beckett
in an official form -
I received the letter
but to the best
of my recollection
it was not ac-
companied
by any private
note - I see
the extract of
Proceedings of
the Commissioners
date June 6th -
I do not recollect
having seen
that Extract
before - on
examining

Note put in
marked -

May a Leech begs
to state that he
does not consider
the letter of the
27th May to be
strictly official
document - it was
not submitted to
the Commissioners
nor entered in the
municipal Records
there is nothing on
record to shew its
existence -

he considers that
the manner in which
the letter of Lieutenant
& Mr Beckett was
sent to him was irre-
gular if it was intended
as such the reply was
to be submitted to Govt.

the same for the information of Government. The
a copy of this order was
in the Municipal Office
& I consider myself bound
must have known that
the matter could not
with me but must go on
& Govt.

& same answer if no order required
= but informs myself bound to
that I was ready to carry the matter on to
Govt.

& the terms of the Govt order distinctly required that the facts relating to the Municipality

2. by myself bound
which was the annual Report for 71
72. sent in & the
~~Report on the working~~
with the Charges of
Capt. Maynard & Mr. Dallas
sent in at the same
time &

a. the date of the summons
Report was 15 August
1872. the date of
my letter in the working

and he thereby he should have an opportunity of knowing the fact when the letter was sent to Govt.

Mr. Pinhorn carefully & therefore it may have been supposed to mean under letter:

The letter of

Capt. Maynard & Mr. Dallas to Mayor - was distinctly based in the Proceedings of Govt. of the 24. May. 72: No 627: stating there in requested me to examine the Records in the Municipal Office & institute such enquiry as I might think fit & report

of the Municipalities & Friend=
ly Captain Magnes & Mr
Dedetts Charges brought
the 22. August. I do
not gather from the
Go. that it was Essential
that the Decree upon
Should be published in
his annual Report. =
The next point is that
at the hearing of the Municip
pal Commissioners held
on the 2 February 1872
Major Leslie appeared
upon the question of the
erection of the Latrine
on the side of the Kat=
padi Road. On that
Mr Dedett objecting if

they prohonition had not
been previously Made
effected. Major Leslie
replied "No. & as Mr
Dedett Enquiring if Code of
the Local Procedure Major
L. stated "on write not
"find it there" & something
"to that effect." - Mr. Dedett
then asked Major Leslie
to produce the Copy & Codes
of Local Procedure -
Major Leslie replied
according to his own Version
"they are not Kept here" &
according to Captain Magnes
Mr Dedett "they are not
Kept." = Captain Magnes
& Mr Dedett understanding
that they are not in Existence
& cannot therefore be produced, had the

though subs. been modified
it would have appeared
that the original subscription
had been retained in the
proceedings.
I was not myself present
at the meeting. The date
must therefore depend
on information given
me orally by Captain
Maynard & Mr. Beckett &
from their written state-
ments dated 16 May 1872,
also from Major Leeds
written & explanation,
from all of which I
formed an opinion.

5
The next point is that
Major Leeds, in his letter
dated 27 May 1871 stated
that the work originally
proposed to
7 July 1871. was handed
to the Commissioners
on 2 Feb 72. when he
again proposed it.
That the work was at the
date of the letter nearly
Completed.
The whole of that is an
inaccurate statement of facts,
inasmuch as the original
proposition made
by Major Leeds was
for the erection of a
Column on a piece of

ground (the reclaimed
from the Mullah-
* when I was here in May
I sent to the Govt with
despatch Encls 2 a number
of the Communications
the subject of the election
of a Lecturer on Natural
Hist which was again discussed
at great length.
I then agreed that it would
be a good plan to erect
a Lecturie in the neighbour-
hood but not on the ground
that had been fixed - it was
agreed eventually that it
should be erected on the
opposite side of the Mulla
at a distance from
the Shed originally
selected - I cannot

state the exact date
but it was some time
early in May when
about a month later
I received Mayor Lewis's
letter of the 27th May &
I saw that he stated the
work was nearly completed
I announced to him verbally
on the Lecturie & in June
of the letter to Govt. I
[illegible] of it as of the Lecturie
and accordingly Lewis Bros.
I accepted Mayor Lewis's
Statement without hesitation.
The working of the original
proposition as recorded on
7 July 1871 is "that a
Lecturie be erected on ground
to be reclaimed from the
"Mullah." & therefore when

Major Leslie made that the original work had been commenced & took it for granted that the Lecture had been actually erected on the Hill finally selected by Major Leslie & myself -

Again in his letter dated 6 September 72 40390 Major Leslie alluded to his work with regard to the Lecture, & in how far that such was the case, he forwarded the plan of the Lecture.

It is quite true that in a memorandum para: of the letter he alludes to the Lecture but his subsequent remarks in his way led

6

me to suppose that he alluded to my work after the Lecture. The Lecture was only a portion of the plan for the Lecture & the plan is entitled "plan of a Lecture". when therefore he spoke of the original work I was led to understand that it was the Lecture itself -

The next point is that Major Leslie entered the Board of the 21st July 1871 at a meeting, at which I myself was not present, a resolution that had been passed by the

Commissioners in being
different from those in
which it had actually
been carried. The
Proceedings recorded
in the Minutes

Mr Fenwick called the
latter the masonry works of
the Municipality the
paid at the Municipal
Rates - an agreement
to that effect being
entered into by him
on such certain persons
to it being Communicated -

The Resolution as it was
really passed was to the
effect - That Mr Fenwick

should have execution
of all Masonry works
above 20 Rupees -

The resolution as recorded
was meaningless & unnecessary for it had
already been passed
at a meeting of April
25th 1871. That Mr Fenwick
should have all Municipal
Civil works & ~~Contracts~~
the Contracts for keeping
up the Embankment
Roads all Retains,
new Buildings & Original
improvements -

On further consideration
for the Chairman that part of
the Resolution in which it

ej stated that the Resolution
as recorded was meaning
less nonsense. I only
wish to state that it was
not an accurate Statement
of the Resolution as passed;
Mr. Fenwicks feeling as
regard. of the loss
sustained by him in
not selling at the 10/6
originally & then 10/3
& last in the Court
Court. for damages
which was given against
him in the Judgment
& Decree now last in-
the suit was brought
against. the above
two named & the Insured
upon the Commissioners

pd money
in full
to 15th
March
F.

of the majority of the Commissioners
however. persisted with
the suit. ~~in~~ ~~that~~ ~~was~~
having rejected by ad-
vice. Some of the
Members of the Commission
were aware of the undertak-
ment of Mr. Fenwicks
but others considered
that he had not had
fair treatment at
the hands of Major Hank-
ford Smith & Lieut. Cole-
but Colo. M. Bechett
Captain Morgan & Captain
Macleod. did not
think that they thought
Mr Fenwicks had been
badly treated. Captain
Macleod did not speak

he stated that the
hostilities had been ca-
culated to the Commis-
sioners & approved of
by them: he subsequently
cancelled the docket
which was sent
sent: the commissioners
were having a second
copy approval.
I refer to an entry in the
memorandum book of
orders in support of
this statement I cannot
however limit it out
the manager with be
able to do so=
Hunt

The next point is
that when estimates
were by the Municipal
Board complained that
Major Hendle had ex-
ceeded their allotments
in the Budget. under
heads. Major Hendle
denied that he had
exceeded the allotments
under any head &
the Commissioners
then decided that a
statement should be
prepared showing the
expenditure under
each head in the
Budget. when that
statement was being

of

prepared the Manager
showed Major Hendle
the rough statement &
pointed out that
that the Budget allotments
under the head Latrines
had been exceeded.
Major Hendle then in his
own hand altered that
draft statement. he am.
algamated the two separate
allotments for Latrines
& Urinals into one -
the figure then showed
that the allotment for
the joint duties had
not been exceeded &
their copy of that statement

was then laid before
the Commissioners
& called in & they
declared & confirmed his decision
of the 24 Dec 1872 & handed.
them. The attested Copy.
is not in my possession
it is in the Civil Court
at Chittoor. It was
filed by Venkataramiah
& therefore could not
be taken out by me
as I was Defendant in
the Suit.=
In his letter of 6 Feb
Major Beadle has

admitted that he made
the allocation in question.
See paragraph 2. & Schedule
thereto.

Mr Whitehead is wanted
to produce the Order
& the Statement as
presented to the Com-
missioners.

I draw attention to the
Italics in para. 5 Cl. 2.
in Major Beadle's letter of
the 27 May 1872. Plaintiff
"His Highness was never
"asked but was in very
"bad health for the journey
"& sometimes". Major
Beadle when he wrote

those Words must have been chosen by the Solicitor in the Statement. He ~~had admitted it is~~ originally included in the Municipal Act ~~he~~ as he subsequently acknowledged in the same in his letter of the 6th September 1872 Refer to the late Manager Lombata 1872 & to the rough draft statement now in possession of the Civil Court at Chelton. for explanation of the details of this point.

93 19

9. The Statement now produced was taken from the Records of the Municipality of Apia

The Statement is put in by Mr Whitmee but neither he nor any other Witness can explain its Contents.

The next point is that Mr Moore made subsequent to the Municipal meeting held on the 25th August 1873. to which a portion of that proceedings of that meeting in the Polynesian of a note addressed & enclosed in the 27th inst by the Rev. J. Sayers. The almanac with them that the 25th was a Friday & the Municipal

Reeves will show that a meeting was held on that day. The 27th August was Sunday and the Contents of Dr Segers will likewise show. But reference to that will show that it was written on that day as they refer to the admission of the Communicants this happens on the day. But such could not have been in any Church Records for the date of the Meeting of the 25th August. & any inference was therefore that the Church proceedings

happens not on the Marked

acknowledged by them in Court. on previously the date is stated to be in the Messengers hand writing.

must have been written after the proceedings Meeting. The fair copy of the Proceedings is a correct copy of the rough Minutes produced &c.

not amended

I also put in an Explanation in their Letter Book with dates of the above transactions it is undated & unsigned I found it in the Municipal Records. it was brought to my notice three or four days ago. & I wish to explain how the error occurred. I beg to draw attention to their Letter Explanation & this transaction

proceeding of the Police of 27th May 1872 as follows. "In Closing the Court Proceedings of the Meeting held on 25th August 1871. opened by Capt Inspector Thomas that they are made out in half Sheets of French Foolscap with the Heading of the first sheet Thereon that the Proceedings were commenced before the Manager had placed Money before him on the Table & that the Proceedings were being recorded to same time" The only inference I can draw from that Explanation is that Mr Segrie Magistrate desired it to be understood that the address from Mr Segrie was on the table when the meeting began. & that he commenced proceedings as if the Manager brought in Blank books. Such Explanation could in the commencement. in the Manner as the following Entries: and also another Matter which appeared upon a Certificate of Appointment. Namely the Entries & Documents. Namely the Entries in Cash & Cash Account Daily Receipts Items with

Note by Coroner.
This is a wrong Assumption as Mr Segrie handed Receipts Vouchers & Cash Books to Manager -S.S.

"and as these points
"probably had also been
"ascertained between the
"two meetings. the Rev.
"Secretary could then read
"to the meeting the
"Minutes of the last
"Meeting which were immediately
"to be taken into consideration
"& the Chairman did in this
"case - & would afterwards
"observation could then
"were briefly & fully
"answered by the Secretary.
"It ought to be stated here
"that the Minutes of the
"Meeting of the 25th August
"(a copy of which was
"written on the back of a printed
"Notice from the S. dated
"27th August - and which
"after the words held on the
"25th but were written
"after days after dated (as
"was usual)"
The Observations above recited
from was not in the
Secretary when I came.

the Proceedings Clerk on
Dr Sayers letter ... when
The Dr Sayers letter was
one of the documents which
was found to be missing
from the Principal Office
when on the 29th of
October. Mr Bickell had
discovered its absence on
the day before. & he on
my presence gave to Mr
Kelsall a list of papers the
missing Documents he
required - In reference
Mr. Kelsall promised to
write & ask Mayor Searle
if he had any documents
connected with the Case
that he would return there

10

Mr K subsequently wrote
to Mr Bickell informing
him that Mayor Searles
reply was that the letter
of Dr Sayers had been
sent to the Civil Court. with
an Endorsement appended
to it - That was the first
intimation I had of the
existence of any such Em-
dorsement - & on examining
the bundle of Records returned
to me by Mr Kelsall I found that
endorsement attached
to the Proceedings of the 25th
August. It is in Mayor
Searles writing & I had

I have found

the copy headed Abstract of the contract. That the document was a strictly private memorandum made for his own use & that is unable to account for its presence amongst the papers sent to the Court by him - it must have been sent up by accident. The paper does not form a part of the Municipal Records -

2. by Mayor Neville.
Different form of Minutes

been seen if before it was put in the Records when I previously examined them but I am now called on to justify my statement as regards my opinion of Mayor Neville's inaccuracy in official matters & attribute this document. was not before me at the time when I originally formed my opinion I thereby on it now as being a document among the Municipal Records. in Mayor Neville's own hand - writing which by its contents institutes one & corroborates the Minutes

that I was unworthy of credit
on my explanation given
in A 2. Para 4 of my Letter
of 27th of May?

I consider that the reason
therein given was not a straight
forward one as he might have
made it if he had chosen
it was one of many reasons
on which I afterwards relied
did my decision. When
I received Major Leach's
explanation I was believed
at the date of Mr Sayer's note.
& the note itself contained
intrinsic evidence that it
~~the Court Procedure~~
it could not have been written
on the 25th August. The date
on which the meeting was held

12.

by memory
scale
I can now recall
any other explanation
from me respecting the
subject -
A. Not to my knowledge -
I should recollect having
any:

The next Point
that at the Meeting of
the Municipal Council
held on the 7th November
1871. The Sub Com-
mittee who had been
appointed to report on
by Lieutenant
the Contract Local in the
Municipality Made
their report. & recommended

that the bill pro the relief
of Three Rivers should
be passed. a resolution
to that effect was carried.
Mayor Leach the two Repre-
sentatives being the only Members
present also voted against
the motion. it was of course
his duty to send that
resolution in the Proceedings,
he omitted to do so.
Mr. Cuthbert. the Sub-
Coll. subsequently Obtained
leave of this omission
on the 17th. how he already
brought the omission

to the notice of Major Leach
& remonstrated with him.
Major Leach gave him to
understand that the resolu-
tion as carried would be entered
on that days Proceedings.
this was not done. it was
not until the 1st December
that the protestation was
inserted in the Proceedings
of that day.
I refer to the above as an
instance of Major Leach's inaccu-
rate manner of conducting
business: for when Mr.
Cuthbert brought the omission
to notice if she have been
at once removed

this fact was stated to the Resident Mr Robinson by Mr Cruickshank in his letter dated 11th Dec 71. It has subsequently come to my knowledge that at last time Mr in Lewis was discussing with the Contractor Mr Frenicks.

Never heard visibly to state that Mr Cruickshanks letter was shown to him. Does he know nothing whatever of its contents

The next point that Mr in Lewis in June & his letter of 27 May 72 denies positively the truth of Capt. Enquire & Mr. Beckett assertion to the effect of Municipal Taxes. & he declares that the Contractor was not allowed by or allowed to retain any

10927

money in his possession His statement of Mr in Lewis is incorrect. It could have resulted at a meeting on the 20 March 71. That the Contractor should be allowed an Extension of time to the 30 June 71. when time at the which time all the uncollected bills in the taken from him & his Contract Cancelled Mr in Lewis then acted that meeting & in Contravention of that Resolution he allowed the Contractor to retain in his hands many bills in the collecting of

for many months
Municipal taxes & they were
done with at the request
of the ~~them~~ body of the Commissioners
officially when Mr Cuniffe
brought the matter
& notice of the bills was
taken away from the
mass on the 2nd Dec. 1871
and $2673.8 as shown
by the Cash book
I duly submitted them
on the various which
led me to doubt their
legality & accuracy in
their entirety.
I ascertained these points
from the letters & Cash
Book & Mr Bechett &
Major Searle & verbally
from Mr. Mr & Mrs Bechett
& from the Treasurer

I bring this forward as
an instance of the pleasing
& the conduct of business
by Municipal Councils.
I cannot say if any such
bills have issued by
the Contractor after the
30th June. & if the Money
remaining with him on
Dec. was on account
of Collections which ought
to have been made during
or the 30th June.
I think this information
did not reach me before
the receipt of Cash. Treasurer
& Mr. Bechett's letter. I
am not positive however.

the next morning
at an early hour on the 22d
September 71. I was informed
that Major Lemke had left
the following words to
Mrs Fredricks. "Remember
I am Mr. Fredricks & I always
write to Mr. Fredricks" He
was brought to my notice
by Captain Mayne. Mr
Bechett & Mrs Fredricks &
while I was in Pretoria
many. I heard a long time
to Major Lemke & obtained
that he had not made
use of the words imputed
to him but that he had
said. Remember Mrs. Fre-
ricks you are known
enemy & wish always be

14

for. non enemy... I
accepted the explanation
as I had no reason at
that time to discredit Major
Lemke. & I thought it quite
possible that Capt. Mayne
& Mr Bechett might be mis-
taken in the words made
use of by Major Lemke-
& I was anxious to avoid
moving by-gone grievances &
I did not consider it a matter
of which I was bound to.
take cognizance as Penelly
of the municipality. When
Capt. Mayne brought it up
again in his letter I was
much annoyed & expressed
my regret in my letter to-

Sept. 22. August. 77.

Subsequently I received other information which induced me to alter my opinion. I learned that Major Searle had at the early part of the week had a conversation with Lieut. Price, Ass.t Sub: Police, of words relative to Mr. Fenwick by similar to those which he was said to have spoken in the Municipal Office. Lieut. Price himself told me.

2 Price himself told me.

He said the conversation took place in his room. It was a long conversation & related principally to Mr. Fenwick & Major Searle. He said the latter's ground of complaint against Mr. Fenwick was

2 by Major Searle.

Lieut. Price was informed by Major Searle that he had had this conversation with Major Searle.

Did Lieut. Price make the statement in Court.?

Yes. Lieut. P. was put into the witness box but the question was not allowed by the Judge as not bearing on the trial and totally irrelevant to Major Searle.

The above was one of the reasons which led me

to form an opinion as to
the Magistrates credibility.

The next point
that after the proceedings
of the Mund. Court of
21st August. 96. had
been permanently entered
the book. Mr Smith stated
altered the Proceedings
in the important particu-
culars. by the insertion
of certain words which
do not appear either in
the rough draft of the
Proceedings or in the Pro-
ceedings as published
in the District Gazette.
by the addition of the
words "under the Seal
ration.

in Mund. Court. Dealers. hand writing & acknowledged of Mr.

"Extract of the time of the present contract:

This point was stated in evidence in the Court Court at Chilton in one of the recent suits. I heard nothing of it before. & I have not seen the letter referred to - considered to Dunfield Maidoo =.

as I heard the case stated in Court. I looked upon it as a dishonest act. & my opinion of Mr Dunfield Maidoo was influenced thereby - Since that I have seen the letter addressed to Dunfield Maidoo & heard further

Leaves. Explanation I took on it only as an
irregularity.
I have not seen
any Explanation from
Major Leach on that
point as he resigned his
post as Price Assessor
on the 29th day that Docu-
ment was first placed in
Court.

The next round
at the Meeting of the Commis-
Commissioners held on 21st
August 1871. Major Leach
was complaining to the Com-
missioners & Mr Ferris
that Commissioners amongst
other matters he complained

that Mr Ferris had refused
to pay his account to
Ferris & Co. he accepts for
Municipality — that the
Commissioners then passed
a resolution which was
recorded that on Mr Ferris
signing the bill for the Major
due to him as Ferris & Co.
the bill should be paid.
Certain Major questions
Major Leach at the time
as to what then was to
Mistake and Mr Ferris
refused to sign —
Major Leach said there
was no mistake —
I heard this from others
was not present

The real fact was that
Mayin Lemle had ~~the~~
~~Plaintiffs~~ refused to accept
accepts & sent the same
signed by J. Fenicks
D. Sengial Kenian &
Mahingam Pillay as
shown by Mayin Lemles
written admission in the
cross
book - whereas Mr.
Fenicks denied & says
himself alone as Fenicks
& Co. as the money was
& done & himself alone
& that the two native
members of the firm had
no right or share with.
I think a mistake has been
made in deciding above that
Mayin Lemle had all along

put in marked

1891 53

16

refused & says. I
intended & state that
as Fenicks had
all along decided & sign
as Fenicks & Co.
I was not aware that the
native partners of Fenicks
& Co had protested &
Mayin Lemle against
the payment. has made
& Mr. Fenicks willingly
& had forwarded a copy
of a document purporting
to be a deed of Partnership
between themselves &
Mr Fenicks -
I wish to draw attention
& his letter of dates 4th January
Marked Haddon & Co. of the 19
L of August stating that

decided to
had direct but hesitation
shrink from the 12 instant
in sending that despatch
was done by Lt. Govr. Fenwick
alone

The next point
which Mr Chase attempted
to establish in addressing
by Mr Cumberland
& Mr Robinson dated
11th Feb 71. No 774.
Mr Cumberland in this
letter referred to Mr Cox.
and by Major Lewis in
their official meeting.
W. C. in one hand: declared
that the Vice President

has entirely misrepresented
certain facts. "By
stating that the ship
was ordered to
be ready as a cover
to the meeting by Major
Lewis. I would simply
say that the Vice Pres!
has entirely misrepresented
what took place.
upon further
be stated.
The assertion in the
last part of the ship is
entirely untrue. No
intimation of the
kind was Presidents intention
to leave the meeting was
given by the Commissioners
to Mr Beckett had actually

published his Memorandum

"The truth of my statement has not been denied but others have denied in a round about way. I now most solemnly call upon the truth of the accusation made against Major Lamb before I found his character.

Mr Lamb. Charles Allen & others

17.

Such cases should be
looked to & how be
came with possession
of the papers returned
from the Civil Court
forming part of the
records in the suits
lately decided.
& below is also a true
Municipal Records.
Sd/ Wm Wodgson
True Translation.

Major Seale states that this
question was already put to
him by letter from Mr Kelsall
& that he replied & Mr Swan

by bills dated 3rd of
October 1877. 6
which Letter he says
why =

bills
and is
marked
C

Additional Statement
of Mr Blatchford.

I have heard what Mr Ferris
has stated about advances
made to him by me for
public works. It
is quite correct.=
Mr Contractor drew small
sums within the last four
weeks.
Some time after he
sent had been heard
Mr Ferris came to
me & said he was anxious
to obtain work in his
district & then that
he could have perform con-
tracts cheaply.
I said I would give him

an opportunity of doing
so — I shall have occasion
to do so as I fell he
had been handly dealt
with by this Lillone Mun
cipality — It happened
that words had been used
under the Local Fund
Board & in the Annual
Report. I should put
in a list of works in
the Report for the approval
of the Court & words &
in anticipation of their
final sanction & made
those payments & the
Friends for the Meeting
of materials. I submitted
it to the Court of Works.

The Head Clerk of Local

fully sanctioned.
Mr Fenwick told me
he had spent all his
money in his mill &
hoped asked me therefore
for some advance as if
he were set on his legs again he would be able
to start afresh soon by
Local expenditure & the
sum it was a Special
case & would never be
done again:
I have acted upon his
true Christ message &
his Word that the words
are in his Profession.
Closely observed also
by the Course of the Report.
I am satisfied that the
money is bona fide laid
laid out in the works
& by & Cleared by
a Certificate

Mr Whitcombe

I did not know at the time of giving the answers that Captain Magee had had any dealings with Mr Francis. I heard afterwards that he had done. did not hear the amount.

I never heard that Mr Bickell had assisted him with the documents.

I know of no document against Mr Francis except the two in the Civil Court of Clutton.

I recently received a letter from Mr Roberts denying that he was present at Mr Francis' contract with the Local Board of the Melone Circle.

133 38

Statement of Captain Magee.

2 Prove as well as he can the statements made by him before the Clutton Court. & that Magee made any such statement

Prove attestation

To the Proceedings of the Municipal Board of Belloc dated 25th August 1871. written on a letter from Mr Sayers to Magee dated 27 August 1871.

State these proceedings could not have been written on the 25th of August the date of the meeting

I submit to the Court a letter dated 27th May 1872 which is a document consisting written on half sheets of foolscap paper. Except the first sheet: the first sheet is the only draft note of Dr Sayers to Mayor Lewis dated 27th August 1871.

I will not read the draft proceedings in the day of the meeting. I can then about 10 days after the meeting. They are written on the back of Dr Sayers letter. I can state that at the meeting in question the Vice President did ~~not~~ write down the proceedings as they happened. I see the paper marked H

It is the paper I have alluded to. I see the date 25th August attached to that number. It appears to be in the same hand writing as the proceedings. The proceedings are in Mayor Lewis hand writing. I cannot say by whom the date was written.

On looking at the papers now shown I recognise the proceedings entered on Dr. Sayers letter & one half sheet & one ~~two sheets~~ sheets of blue paper. The half sheet of white paper on which the proceedings are written I do not remember to have seen before. I think it must have been put in before the papers were sent

marked A

to Chilton. My attention was never drawn to the fact that a portion of the Court Proceedings were missing. I never compared them with the fair copy =

The next point.

At a meeting of the Commissioners dated 21st August 1871. it was brought to the notice of the Commissioners by Major Searle that Mr Jenicks the Contractor had refused to sign the receipts for money due to him as Jenicks & Co I think I put the question once or twice to Major Searle if he were sure that such were the case & he said yes.

2. Capt. Macrae 135A 40

I then turned to Captain Macleod who was sitting close to me & said that I could not help thinking there was some mistake Capt. Macleod answered me by saying that he was of the same opinion in consequence of the abrupt manner in which the Manager had left the Office room I asked Captain Macleod to send the Manager & when he came into the room. I called him to the side where I was sitting & asked him if Mr Jenicks had refused to sign the receipts as Jenicks & Co - his answer was "no" he never refused

to Major Tulloch asked why the money was not paid to him that day by Major Leake adding when I came home after the meeting to my own house the Manager met me & produced this copy of Major Leakes order dated 19 August 1871. in which Major Leake directs the late Manager not to pay the money due to Mr Fenwick unless signed by the native Inspectors of Mr. Fenwick as well as by himself=

I did not communicate with Major Leake again in this matter. or ask him for any explanations.

I bring this forward as the instance in support of my statement that Major

B1

Leake was unworthy of Credit.

Robert Grant.

I was not aware that any correspondence had taken place between the late Resident & Fenwick on the 21st & 22nd August. nor was I aware of any correspondence on previous dates.

I have heard the letter of 16th of August read. I was not aware of its existence.

from Deputy Collectors to the Resident

I do not know on what grounds Major Leake refused payment to Mr Fenwicks. Here on hearing a letter from Mr. Fenwicks read I now remember that I saw correspondence took

3. Capt. Mayne.

place & was laid on the Table from time to time.

At the next meeting of the Commissioners 7th July 1871 a proposition was brought forward for erecting a Latrine on the Kathaori & rejected by the Commissioners, 2 odd ^ which was subsequently suspended by Major Leade. The order book of the Proceedings of 7th July 1871 with these 2 ^ books marked that Major Leade directed him to omit the resolution from the Proceedings on the 2nd Feb. 1872 Major Leade brought forward

proposal to erect a portion of the Buildings with the stones taken from the entrance to the Fort. Mr. Beckett then asked Major Leade whether there was not a proposition made some time previously regarding the removal of the stones & the same should be the purchase of building a latrine, Major Leade denied all knowledge of any such previous proposition unless the Commissioners & Mr Beckett were to be the Court Proceedings should be produced Major Leade said that they were not kept.

whereas he had the proceed-
ings at the time -
The second proposition was
simply to vest the unlet-
tlement reserve in the
erection of a Latrine &
was carried by the majority
of the commissioners -
I have no recollection of the 2. & 3 Mayn
Mayor Lewis's private S.
memorandum book having
been shown me by the
Secretary at any time.
I deem it when examining
the records by permission
of the President W. White-
side. After the receipt
of the order of Govt. directing
the present enquiry -
I do not recollect being
aware of the existence

of the order before -
The next would
be the summoning the
proceedings 21st July 1871
& District Gazette -
There was a resolution
at the meeting of 21st July 71.
that the necessary works
costing 20 Rupees. upwards
should be given in as
Tenders & no such works
be done by the hands of
Municipal rates. ~~the~~
~~Publication of this Resolution~~
&
The Resolution as it
appears in the Proceedings & in the D. Gazette
is a true Abstract that

Mr Fenwick agrees to take
care. the Minutes wrote y
the municipality the heir
at municipal Rates. and
agreement to that effect
being entered into by him
in each wrote proceedings
to its being confirmed).

I believe now the Copy of
the Proceedings but I
can have & certainly that
the Resolution was different
from that appears in
Rend. I state that
Major Beadle must
evidently have omitted
a portion of the Resolution
as carried at the
Meeting:
I wish to write down the

Cobt. Magne 145 44

4.

wrote verbatim.
I said that his last part
by Major Beadle above stated to the letter
of the Commissioners:
I have not as a rule
brought any omissions
to the notice of the Com.
missioners at the meeting.
I may have omitted on
one of the occasions to
mention individual members in
a private manner.

The next Minute
The Proceedings of the 22
September 1871.
on Major Beadle hand.
ing in Mr Fenwicks the
stamped agreements

In the Cantonment Roads
Court a Claim at the back
of Barrackpore Trunk Roads
follows he made use of
the following threatening to
Mr. Ferris. "I care your
enemy until always he so"
I was present when he
words: "I made a note of them" Major Leith
subsequently in the Small
Cause Court on the 14th March
1872. denied having used
those words = on 30 September
1871 Lieut. Price Asst. Pol.
of Price came to my house
in course of conversation
on Municipal matters told
me that Major Leith had
come to him some time in

September or about the
27th. I said that Major
Leith had remained with
him for 3/4 hours about
supply of Mr Beckett I said
that he would pass him on
to Mr Ferris's letter every
I would believe to that
told him: that
Lieut Price said not that
the conversation was principally
on otherwise =
On Lieut: Price leaving before
Last subsequently I asked him
if in the event further en-
quiry him ordered. He
would be willing to substantiate
what he had stated as
above recorded. He replied
that he was he willing to
do so.

Dr Lewis & Morgan Lewis.

Did you, before Mr. Whitside was absolved & his Deed executed, read the Conveyance & explain the Contents of it to Mrs. Whitside? & Did he apply to you & Counsel thereon? —

No I did not.

Had you any Conversation with Mr Whitside on the subject after his absolvement & his Death? —

Yes. — I do not recollect what it was but at the Time of the Conveyance Mrs Whitside was Insane:

Did you write to Mr Whitside before he was absolved by his Death. Conveying to him an Opinion in which Morgan Lewis

5.

was Concurred by you & Morgan Lewis? —

A No:

Have you written to Francis with Mr Morgan Lewis?

Yes: I have

Were the Advances made in Connection with the Notes taken by Mr. Francis & his Immediate? —

A No: Mr Morgan Lewis has in different occasions spoke to Mr. Francis in Mr L. C Court & on those occasions I have helped him:

Mr Morgan Lewis acted as his Counsel as Mr Francis & his Municipality

Dans que in my occasional
dealings & intercourse legal
assistance for Mr Ferrick[s]
&c:

2 & Court.

Write my statement in short
terms, for home Office &
Mayor Lambe[s].

Reading & Court in the
P. & Co.

I decline to produce the
receipts given me by
Mr Ferrick[s]. In many

that is true but with
some statements, when
I have referred to
the receipts. which are
of a private nature
I may mean to withdraw
the receipts in that
Consider the matter
further & furnish
nature.

I prefer the ~~duties~~ receipts to the
& write the date.

(note can form
later what
Capt. has
produced
& receipts
&?)

3 January	1872	30 P.
23 March	"	50.
6 April	"	93
15 April	"	78.

Where are the receipts
I have represented all the

Captain Bd.

Capt Reiss

6th Feb

2

Transactions that have passed between Mr. Reiss & myself during the last few

Mr. Beckett. Statement.

2. On leaving Galle for Point de Galle I sent an order that you did not receive any Money from Galle untill you received further Instructions from me

a. On a meeting held on the 7th July 1871 a Memorial was made by Mayor Lewis as Vice-President to erect a Latrine on the Kattadi Road. This Memorial was negatived as the site was considered Objec-

Turnable. Mayn Leale subsequently directed the Head Clerk to strike this proposition from the draft Proceedings = on the 2nd February 1872. ~~that was~~ at a meeting of the Commissioners Mayn Leale proposed that the stones from the Entrance of the Fort. shall be removed to the same spot where the latrine was proposed on the former occasion. Do ask Mr Clunn the proposal read the minute. I then, as one of the members, asked if there was not a former proposition about the removal of the stones to that spot for the purpose of building a latrine. Mayn Leale denied the knowledge of such a proposition = I then took the Fair proceedings & looked for the proposition not finding it there. I asked for the draft proceedings. the produced.

Mayn Leale then answered that they were not kept =

Martin Point -

The Proceedings of 21st July 1871.

2 a proposition was made by some member at the meeting That Mr Fenich the Contractor should have all the masonry works. costing 20 Rs. & upwards for which he was to be paid at

Municipal Rates -

The proposition circulated from that called on this Journal Proceedings & in the District Gazette -

In order to show that the proposition as published was unnecessary. I append to the Proceedings of the 25th April 1871 - when it was resolved as follows

That Mr. Francis - after putting up all the contracts for making up the Cantonment Roads, all arrears - have marking & general improvements be carried out in the Municipality - for the space of seven months

Mr Bethell 155 50

2

from the 1st May 1871 - be accepted as Municipal rates - subject to the work being approved by the Commissioners -

~~from this it will~~

This proposition renders the resolution on 21 inst unnecessary - because this tallies in ~~rate~~ to the same effect as the former -

The cause for the proposition regarding the masonry only - 20 Rs each - hands being made by Mr. Francis that the Contractors said it did not pay them to take up petty works - such as cutting drains - making building mud walls &c

for which he was hired at the same rate as Tank diggers. Mr. 7 was then directed to return with the rice room. when the resolution as I have stated was put & carried. he was then called & the resolution read to him as carried. by the Vice President. he said he was satisfied & retired.

The resolution as published I consider to be injurious to Mr. Pereira's interest inasmuch as he & he have bound him to take the old works & abutters amount however small.

The discrepancy between the resolution as known

By Chairman

& as recorded was discovered by me two a three weeks subsequent. I did not bring it to the notice of the Commissioners at any meeting as I was trying to have other matters as well at the time. Subsequently in May 1892 I brought this point among others to the notice of the President. I am not sure that any mention was made of the resolution being published has been made at any meeting.

By Chairman: The Contractor Mr Pereira has never to my knowledge

end importance at the time to bring them before the meeting of the Commissioners -

The next Point -

a portion of the proceedings of 25th August 71 is Found the written on a slate from D Lacey & Mayne dated 27th August 1871. two days subsequent to the date of the Meeting. This is to be found at a statement made by me in the Court at Clifton with reference to what had transpired at a certain meeting

when a Commissioner proposed that a bound book should be kept in the purpose of entering the Court proceedings instead of their being written on slips of paper. Mayne Teale had stated that correction was incorrect. - whereas the Court Books will prove that the Commissioner was right. in his statement:-

I saw this document first in March last. I see the date on it 25th August. it is not in the same hand writing as the body of the Proceedings

it is in the handwriting of the late Head Clerk. who has been removed from the Office.

The proceedings written in that book ceased with the 24th of May & the Proceedings of the 25th August.

I have seen the last Proceedings of that date before the Court. I distinctly recognize the seal of which & Sayers letter is written but I cannot recognize the other seals & the proceedings.

I brought this to Mr. White-side's notice in the month of May.

4 Pr Beckett

The last visit.

Referring to Mr. Lewis's letter of 27th May. a statement was furnished on 15th Sept. 71 by me, in Head Mr's the different Courts in the Bridges for 71-72:

where Animals & Lasting ~~are entered~~ have been sent to petition in the Column & Mr. Lewis's ~~pleader~~ did not see the Statement. whereas it did stand in the two items:

I cannot prove this statement without the Proceedings & the

written statement in question. The attestation alleged to have been made in the hand writing of Major Leach.

Lord Auditor Orrist.

In Lett. 7 of Major Leach's letter of 27th May he states. "At this time" x x x x x x x "to the knowledge" of the Commissioners. To the best of my knowledge no entry to this effect was made in any proceedings. Each Major Leach is positive if it had been entered.

Major Leach states that he believes many of the Commissioners were aware of the fact. But that there no entry of it was made on the Proceedings.

In the same paragraph, last sentence, Major Leach says "no money was retained by the Contractor as suggested by stated by Captain Magrath

" 2 Mr Beckett: whereas when the Bills were taken from him according to Proceedings of 1st Dec. 1871 he said "with the Office on the 2nd Dec. - Whereas at 2.263.8 in Cash. as shown by the Cash Book & point of this between that Capt. Magrath & were correct & that Major

Leave was given
for

the next Item

Unauthorized Expenditure
of Immunical Funds
of the Port Phenocenal.

I have explained that
Major Leach & Glenden
have acted without the
sanction of the Commis-
sioners. altho. a special
allotment for Emergency
works was made by
the Commissioners. when-
pressed at the last meeting.
The amount to Glenden
Shelter was about 10,000
Rupees. The detail
are given in a Note
sent. furnished by the
Auditor & Accts.
Nor am I sure that there
was any inaccuracy in
the account of Glenden-

See Instructions
C. in C.O
which is
note

Major Leach
& Glenden
some Glenden
time written

per Packet 167/56

5

time. Sorry Complain
that money was Expended
on Certain works without
Sanction.
Called to the Statement
prepared at Captain
Rogers Requisition at
the meeting of 1st Dec. 1871
agreed as to the State-
ment. Accompanying the
Documents Report.

Major Leach 2 Note the Amount of Special
allotment above alluded
to:

a. By a former Resolution
the sum of 20£. was allowed
to be spent on Emergency.
This sum was raised to
50 Rupees ~~two~~ about
November or December
last. 12 months ago.

Sanction
not drawn
Note the
amount.

marked
C

was the allotment exceeded by former Vice Chancellors?

A.) I have never inquired nor seen if it was exceeded.

Q.) Can you mention any instance in which Mayor Leach has exceeded the allotment since it was raised to 50 N.B.

A.) I do not recollect any instance —

The next Point.

Mayor Leach entertained some servants in the establishments and the Municipals — without the permission & sanction of the Commissioners. for instance the servants in the 2nd Division were excused from 1 to 23 in March 1872. by the Vice Chancellors sanction & the Commissioners servants to entertained the workers: I heard that the Steam Cutter was also employed sanctioned: I cannot say as an instance of circumstance —

Q. Mayor Leach

Answer A.) Mayor Leach called & 27th May 1872 & invited — after dinner "Mrs Letter & Mrs Labb Mayor & Mrs Beckett" This statement is incorrect as no such letter was ever written:

by such a remark=
Major Seale declined
to answer=

and the occurrence of
the same nature=
Major Seale in handing
over Certain Papers
to Mr Fenwick & there-
upon Mr Fenwick
"Enemy" & with always
"to y^r Enemy" &
subsequently that his
statement was denied
by Major Seale=
I was not present when
the Remark was made
I heard it from a
Commissioner (Captain
Mayne

My remark, as stated
below in the same
paragraph, was made
after I had seen the
letter at the meeting=
Had you any knowledge
of that letter previous
to the meeting?

By Major Seale

None whatever=

Mr Rose 6. point =

8

Para 8 states that
at a meeting of Commissioners
Major Seale addressed
the Commissioners
as follows. "I am glad
to see you two gentlemen
"know how a Gentleman
"should be treated"
I then asked if Major
Seale if he desired
to cast any reflection
on any of the other Com
missioners present by

Mr Rose's question
struck out as
irrelevant & the
answer
struck out
as irrelevant
&
the question
struck out
as irrelevant
&
the answer
struck out
as irrelevant

Dear
Cuthbert Brindle.

Draft of Treasury
Letter to the 27th May.
as a Postscript to be added
by Mr Lumsden that
Copy immediately should
be inserted in a bound
book.

Refer to Draft of the
letter from Messrs.
Mayne & Bechett to
the Receiver dated 16th
May 1872 — as I
shall mention that
the words therein re-
corded were simply
a true general Copy
of his Commissions.
No letter was taken
of the Signatures at
the time by any one

I am not aware that
any letter has been
subsequently taken of it
either by Mr Cuthbert
or Captain Mayne.
It was brought forward
for the first time on
the 16th May 1872. On
the letter above quoted
I beg to read that Major
~~Beadle~~ Captain Mayne
& myself were only
two Members Commissioners
present in the 22nd Article
1871 & Captain Mayne
Mr Cuthbert & myself
the only three present
on 1st December when
the words ~~were~~ referred to
were used.
I wish this to show that

it was only at the adjourned
of the Sunderland petition
when that Magistrate
behaved to us as an
insulting accuser.

In proceeding 5th December
1871. It appeared in
para 10 - as follows
from "The petitioners received
"after Counter Schedule
[illegible]
to the end of that
Paragraph 11 -

I state that the meeting
of which took place
as stated by Mr
Cruickshank is correct

7 Mr Declt 175

when the petition
prin by Mayor Lewis
is incorrect -
I was present at both
meetings & heard what
passed - it was heard
by others -
Mayor Lewis adhered to
his statement that
the Proceedings were
written on Sheets of Paper
foolscap - that
the date that was put
the case - or title to
them by reference to
the petition - I take
the paper I should be
width of foolscap. I also
state that the half sheets

Wrongly
sent Nov.
25 admitted
Amended

P

of paper on which it was written & that they can not
rightly described as sheets of paper. He
did so in accordance with an opinion
pointed out the discrepancy
above noted & may the
time a subsequently?

by
mayor
Leader

Ans -

Referred the case

to Messrs Francis Watson & the
Civil Service Mayor
Leader requesting the
Commissioners to call them
in a special meeting
for the purpose of hearing
their views & instructions
in connection with the
Contracts. Messrs -
Watson & Watson 26th October
1871 stating in reply to
"inform me that they
are communicating with the

letter withdrawn by Mayor Leader.

Commissioners & do so.
Whereas the Commissioners
since last consulted -
if they have any
Commissioners should
know it -

Have seen in the Local
& write to Messrs. Watson
by which the Resident in connection
Mayor will the Working &
Leader
Chairs -

Have wrote - to Mr. White
connection with the Municipality
& all matters. & write me
stating my reasons
for not attending the
meetings. Some time
after the despatch &
the letter of 16th May 72

Mr Bacher

Have you seen your
money in the Pencils.
Never more than two
a three Pencils at a
time.
I cannot state the
total amount - but
a very few Pencils =
It could not be more
than 10 or 15 Pencils -
altogether =
The money was given
both before & after the
Sale. The money was
given as a loan but
I have never asked re-
payment. ~~But~~ I shall
leave it to him if he
put in his leg again
When one is not to
be planned -

Questions to be put to Wm. Birkett Captain & Major

1 Did not the Commissioners before resolve to give all contracts in the Municipality to Wm Francis

2 Then what was the necessity for again making another Proposition on the 21st July 1871.

3 When the Proposition was worded by Major Searle did not insist there worded as it was first set at the Meeting

4 Do you know any other instance in which Propositions have been subsequently altered

5 Can you call to mind or have you seen any of the draft Proceedings re-written by Major Searle subsequent to Meetings - If so what

6 At any of the Meetings you were present at - Do you remember whether a Proposition was put & carried to give Mr Francis all Masonry works (about what time)

7 Did Major Lewis Propose to erect a Latrine on the Cattoo Foundy Road, close to the Bullah after reclaiming the ground by the removal of the stones from the entrance of the Fort to that spot -

8 Was it carried at a Meeting

9 Why was it not carried

10 Did Major Lewis at any subsequent time propose that those stones from the entrance to the Fort should be removed to the Cattoo Foundy Road or Bullah.

11 Was any question Raised by any of the Commissioners present as

to whether a Proposition had been brought forward & rejected at a former Meeting about bringing the stones to the very same spot for the purpose of building a Latrine -

12 What was Major Lewis's reply

13. Did any of the Commissioners then ask that the rough Draft of Minutes of former Meetings should be produced where former Proposition was entered -

14 Were the rough Proceedings produced, if not what was Major Lewis's answer

15 Is Major Lewis authorised to Spend any amount he pleases out of the Municipal Funds without the previous Sanction of the Commissioners

16. Was Mayin Lewis allowed by the Commissrs. to depart a fixed sum and on what conditions

17. Are you aware of any extension of time having been granted to Narrainsamy Lay Collector for the year 1870/71 by the Commissioners at a Meeting as stated in his letter to the Presidt. dated 27th May 1872

18 Are you aware what amount the Contractor made over in Cash the day his contract was cancelled finally -

19. At a Meeting held on or about the 22d. Septr 1871 did Mayin Lewis address Loohraya Chetty & Pillamootoo Pillay in any manner as to be offensive to you & myself.

Did he address Mr. Fredricks at the same Meeting in any manner offensive and if so to the best of your belief what were the words as nearly as you can remember which he said.

20. Was any question then put by you to Mayin Lewis, if so what was it.

21. What was his answer

22 Did any of the Native Gentlemen present wish to learn from you what it was all about & what did you tell them -

23. Can you remember whether Mayin Lewis did at any of the Meetings offer a direct insult to any of the Commissioners, if so to whom & why -

24. Before Mr. Crumbrugge made the Proposition to write the rough

Proceedings in a bound book kept for the Meeting considered closed for the day -

25 Subsequent to the Proclamation made by Mr. Cruickshank did Major Searle put any Proposition himself

26 - At the same Meeting when you proposed that all papers should be filed in a book which took place -

27 Did any of the Commissioners remonstrate with Major Searle with regard to his conduct at the time.

28 When were you made aware that Rupees 34 - 6 - 0 was paid for Jaggery for Stones used for the well in the Bandy Stand on the Bangalore road -

29 - Were you present on the day when Mr. Cruickshank signed the agreements for the Cantonment roads, if so what took place -

8th hour 7½

Captain
Commr for the
Town of Ulsoor

Pr. Bachelt: ~~to~~ replies to ~~to~~ Letter sent by Captain Mayne.

---

2 - 1. answered letter

2 - do.

3 - Proceedings of Meeting of 21st July 1871 Read

2 - regarding the French taking our Works.

The resolution is not recorded as it was passed. My answer was given fully in my own Statement.

4 - answered -

5. - Shine already answered

6 - that -

- already answered -

7. - - already answered

8. - - do if wanted -

9 - The rifle was considered

playing balls -

10 - - Yes -

11 - I was Hd Commissioner

12. Answered.
13. do do.
14. do do.
15. Major Seaton's letter was read & should any amount be allowed out of the Funds.
16. Major Seaton was authorized from resolution to spend 20 R. & by another 50 R subject to the sanction of the Govt on Simla Agencies & to be sanctioned at the last meeting
Prior to Major Seaton's time 20 R was the limit I am not known if it was sanctioned or not.
17. No cut as stated here in the previous [illegible]

18. = Answered before R263.8
19 = 20 = 21 = Answered in Pencil. answered in Natives do do

222 I told them that Major Seaton meant to say that the two above were gentlemen & that ~~Major Seaton~~ their fathers were not gentlemen.

2.23. Has already replied to.

2.24. The former Statement

25. Yes. he did. Major Seaton referred subsequently & Mr Cruickshank that the Proceedings of the day 18th he read out to the Committee at the close of the

Mr Dechett as to Capt Mayne

4

meeting.

26 when matter outstanding
returned. the returns
was circulated among
the Commissioners.

29. Stated in his Evidence

I told the Native members
what passed in English
by understood.
Major Searle addressed
them in Gentleman=

---

by Capt. Mayne [9]

Questions put to Mr Droya my interp

1 Can you Certify that all the rough
Copies of the Proceedings from which
you copied the fair ones were the
Original drawn up at a Meeting

2 Do you know if Major Searle
did at any time entertain Servants
in the Municipality permanently without
the Sanction of the Commissioners and
President. Did you draw Major Searles
attention to this at any time and
what answer did Major Searle give
you.

3. Are you aware of any extension
of time having been granted to
Natives in arrear of Tax Collection for
the year 1870/71 by the Commissioners at a
Meeting.

4 Can you answer in what amount

in Cash the Contractor made over

the day his contract was cancelled.

5. Before Mr Commissioners made

the Proposition to write the Legal

Proceedings in a bound book was the

Meeting considered closed for the day

6. At the same Meeting in how

Mr Birkett proposed that all papers

should be filed in a book in what

book took place

7 Did you remember at that

Meeting if the Commissioners spoke

to Major Lewis with regard to his

conduct at the time

8. Were you present at the Meeting

on the day when Mr. Francis signed

the agreements for the Cantonment

Roads.

9. Can you remember any thing

that took place at the Meeting on

the 22d Sept 1871

10 What was Major Lewis instructions

to you with regard to the receipt

that Mr Francis was to give for the

money due to him for the repair

of the Cantonment Roads?

11 Can you point to any document

in proof of what you say

12 Were you present in the room

when the Municipal Commissioners were

holding their Meeting on the 21st August

1871 and did you hear what was

stated by Major Lewis in regard to

that receipt? If so, state all that

passed.

13 Have you any documents to which you can refer in proof of what you say?

14 Did you ever receive from Benjamin Lewis instructions to omit any portion of the Proceedings of the Municipal Commissioners as recorded at the Meeting? If so state all the circumstances.

15 Can you refer to any documents in proof of what you say?

16 Are you aware whether any complaint on the subject of this omission of a part of the Proceedings was ever made to the President by any of the Commissioners?

17 Did Benjamin Lewis make any reply to that complaint?

18 Do you know what was the date of its despatch to the President?

19 Previous to its despatch did you draw Benjamin Lewis's attention to any particular document that was of special importance in connection with his reply? At what date did you inform him of the existence of that document? Have you any particular reason for recollecting that date?

20 Prior to the despatch of the letter to the President, did Benjamin Lewis order you to search for any document in the Municipal records, if so on what date did he do so? Have you any document to which you can refer in proof of what you say?

21. Did you find those records, & if so on what date -

22 Were you present at any Meeting of the Commissioners at which Morgan Searle was questioned by a Commissioner as to the non appearance of that portion of the Proceedings in the Fair copy Book - If so state all that passed

23. Were you present at the Municipal Meeting of the 21st July 1871 and do you recollect any Proposition in regard to Masonry works to be given to Mr Francis Do you recollect the terms of that Proposition as carried: Was the proposition finally recorded in the exact terms in which it was passed -

24 Was Mr. Francis present at that Meeting? was any reference made to him with regard to that Proposition

25. Are you aware of any instance in which Morgan Searle caused the erasure of any official letter or document from the Municipal Fair Copy book - If so state the facts

26 Have you any document to which you can refer in proof of this -

27 Are you aware of any instance in which Morgan Searle caused any important alteration of any official Statement required for the information of the Commissioners, If so state the circumstances -

28 Have you any documentary Evidence to which you can refer in proof of what you say -

29. Look at the rough draft of the Municipal Proceedings of the 25th Augt 1871 - Did you ever before see the paper

on which the first portion of the
Proceedings is recorded.

30 From what person was the fair
copy of the Proceedings of that Meeting
prepared.

31 Was there ever any other rough
Copy of that portion of the Proceedings
filed in the Municipal office? Did you
ever see any other rough draft of
that portion of the Proceedings.

32 Look at this paper (The witness
is here to be shown the document
in Bryan Lewis meeting appended
to the Proceedings of the Meeting of
the 25th August 1871) Was this document
filed by Bryan Lewis amongst the
rough drafts of the Municipal Proce-
dings during the time when you
were Manager of the Municipal office

33 Can you explain how this document

came to be filed amongst the Draft
Proceedings -

34 When did you cease to be Manag-
er of the Municipal office. Were you dis-
missed for impertinence to the Vice
President

35 Have you appealed against
that dismissal. Was your appeal
been finally disposed of -

36. Do you remember of any thing
in particular having occurred at
the Meeting held on the 22nd Sept 1871

37 Any other occurrence.

38 Can you call to mind recol-
lection in whether Bryan Lewis did
at any after period denied having
made use of such language to Mr.
Fenwick.

39. Were you in attendance at the Meeting held on the 1st Decr 1871.

40. Did Mr Connelly Clerk propose that a bound book should be provided for the entry of the Minutes of Meetings instead of it being copied on Slips of paper.

41. What did Mr Lewis say when the Proposition was put.

42. Did Mr Francis ever refused signing as Francis &c.

43. Did not Mr Lewis state at the Meeting on the 21st Augt 1871 that Mr Francis had refused to do so.

44. Had Mr Lewis given you any instructions as to the signing of the Receipt by Mr Francis for the money before you gave him the cheque.

Mr Lewis 20

45. What were his instructions

46. Were you present at any Meeting when a Proposition was made to give Masonry works Mr Francis If so, state the particulars to the best of your recollection.

47 See what is here recorded (shewn the Sun Proposition book)

48. Is it as was proposed at the time.

8th Novr 1872

Wm Connelly Captain
Commissioner for the
Town of Dublin.

Mr. Jn Cattl. Inspr
Lenthall Keys = Cate
Inspector Municipality

2.1. I cannot - as the
Town Rules are not given
time always at the
close of the meeting.
by Mayor Lenthall. as
was the custom with-
-drawn Vrie Merrillees

2.2 Yes - I thought it desir-
Lenthall notice that
some Stockowners & others
had been entertained
without sanction:
& Mayor Lenthall. he should state in future -
Handing -

2.3. No Entertainments given or granted
at any meetings -

2.4. Atm 1/2 200 & odd.

2.6. Some time in
Dec^r. 1871. I.S. in the 1st Dec.
the meeting opened to
accuse a
The meeting was not
closed when the
Motion to
was made.

2.6. Major Leach
said it was for
Capt. & he would not
reach any time.

2.7. Yes. Stay remonstrated
Mr. Cruikshank, Capt.
Mayne & Mr Bellett

2.8. Yes.

2.9. Yes. I received
a discussion about a
letter written by the

Friends in the
Precinct. Some Com.
Missioners abhorred &
some disapproved.
in that Major Leach
said in two letter
Commissioners "I am
glad that you two
as gentlemen know
how a gentleman has
to behave" a words
to that effect. in
that of Bellett who
Major Leach if it was
meant to apply to other
Commissioners. Major
Leach decided in
answer: Captain
Mayne explained to the
Individuals & other Gentlemen
Commissioners that

Mayor Lewis was telling
Lieutt. & Mr Beckett
that they were not getting
on = in the same
~~2 10~~ day. Mayor L. said
to Mr Jenicks I saw
the Enemy & with the
Enemy. & words to
that effect. The two
vessels detained to
Block Island =
2 10: Ms not received
2 11 by Lieutenant Gunthing
about the Contraband
Goods = Inclosed.
about the Money due
to Lieut Jenicks for the Sloop Hope

2 Conductors
Mayor Lewis
the sent me an order
that I may conduct the
three Gunners stipulated
the Bill. the order
is in Mayor Lewis's office
~~order~~.
2 12 Mayor Lewis said to
the Commissioners that
Mr Jenicks refused to
sign as Mr Jenicks & Co. & that was the
reason why the money
was not paid.
The Commissioners called
me about 11 & I said
he must refused to
sign as Jenicks & Co
They then handed a Resolution that when he

he signed as Fenelon & to the Money should be paid to Lime.

Some days afterwards I shewed Capt: Macleod a copy of Mayne's order: he said nothing. I copied the order & took it to Capt: Macleod. I took it from the book. I did not shew it to any one besides Capt: Macleod. I did not tell Mayne that I shewed the order. I did not think Mayne bound to do so. I used to take copies of the orders when I received them. I do not know if I sent a copy to Capt Mayne. He became to-

By Mayne Leads

received & referred to the order book.

I answered Capt. Mayne on a Communication was entitled to see any Documents

I was necessary for about one year previous & attached to the Municipal Office.

2 13. Refer to order book.

2 14. Yes. Refer to the order in the Book.

2 15.

2 16 Yes. Capt. Mc. & Mr Wedell wrote to the Merchant. about it --

17 Yes. He replied but I did not know at the time what the object was of course not communicated through the Office. Refer to my memorandum book. dated 1 June 1872 in which

I sent to Mayor Leach
to see the Petitioners
his order to me of July
18th. directing me to
meet certain Landed
of the Precincts of
a meeting. referring to
the Construction of
a Lecture in the Kat-
hedral-Road.

I asked that the Petitioners
of Mayor Leach Ward
27 May could not be heard
on until the 4 of June.
for the Petitioners convenience
sake.

Mayor Leach ordered
me to Certain notices
ation in the 1st. 3rd & 4th June
on which that letter was

3 Bencher says he called this
day up
On 3rd June Mayor Leach
wrote to me "desiring me
to bring with me Mess. Colmer
of the Precincts of meeting
& Hildesley Col. Babington
Col. Nicholl & Capt Johnson
see his Petitioners
in his letter June 4
1st Cl. Mayor Leach ends
"Lillywhite Compare with
draft Proceedings &c &c
Precincts. this is the
reason for my saying the
letter was not drawn up
before the 4th June.-

On 1st June he ordered me
to come to his house & on
my coming there he said
he had just received a letter
from Mr. Whitesides & Scho
field his Explanation in
Capt. his Complaint. &
directed me to furnish

memo.
for
book.

information about Bile,
pour le Contractor Mancini-
nus. at once, as he
wanted to write it in the
letter. See Para 7
of Major Leach's letter
in which the information
regarding the Bills is
given.

See also Para. 11 Cl. 2
alluding to the Horse
Hobs in the Bracket.
The information for the
Court was furnished
to me by the Chiefs
by written memorandum
dated 4th June. I
sent it in the Rec
Record. I have no
proof of that I speak
from Memory.

Note. - On hearing this read I said to the
Court I could not remember
every word that was said
by Major Leach from
Simultaneous Memory.

213

about the end of May
Major Leach told me
about the omission of
the Head of the Procedings
& I told him "it might
have been omitted by
his mother." Major
I know not Major Leach
was aware of the omission
at the time. but that
he wanted to cast the blame
on me. he said that
he thought I must have
omitted it by my mistake.
I knew of the existence
of the order at that time
I was ahead to tell
Major Leach of it but he
hesitated to make any reply
the order. I then brought
home & consulted a friend
who advised me to show
the order in which I was
referred to the order of June

4 Lambeth Palace

Sir
Mr Gladstone

I said at once to you that
truth at last was coming to
light & that we were
safe now & that we
[illegible] I told me
in case as you told me
you thought the only hope
lay in [illegible]
[illegible]
I was in favour of the truth
in the 1st place because
I felt it was impossible
[illegible] a friend like
advised me to do it
I decided to do my
duty & what
he was.
I assume to day it
was at Canterbury

Mayor Leeds
copy has reference in this letter to letter marked

from Lambeth
Rev. Chairman
Resident
Leeds
1892

5. By the
Leeds

I was discussed in my
last I understood it
was in silence.
have you the Original Enclosure
in which the Mayor
My dismissal
& Aldershot as well as my
letter

I showed the order to
the President who directed
me to show it to the
President Mr Kendall.

2.18. Adjourned Hearing

2.19. Yes. See above

2.20. answered in 17

2.21. Do. do

2.22. Yes. It refers to the Petition in the Raphael Road
to Mr Beckett asking ~~for~~
~~his through~~ if the same
proposition had not been
brought forward before &
rejected. Mayor Leader
denied all knowledge &
wanted it to be shown in
the Committee proceedings.
Mr Beckett asked for the
rough copy of the proceedings
& Mayor Leader said to me
"not kept". I understood
that it was meant that
the rough proceedings were
not at all kept. Some

217

time after he brought
the Rough Proceedings to
the S. C. Comt. & explained that
they were kept in the Office.

2.23. Yes. Recollect. The
Resolution: The words of
the resolution as recorded
were. "That Mr Francis
"Rhodes have the making
"Works from 20th. of
"the Municipal Rates"
I cannot say if the resolution
was written down as

the time because the proceedings were less
well seen - I cannot say
that they were written down
at all = ~~I cannot say
that any of the proceedings~~ is
a proposition to the above
effect was made by
Capt Johnson & Captain By Major
Macleod & Carlisle Searle
unanimously.
I observed the discrepancy
when I copied out the
fair proceedings but
I did not bring it to
Major Searles notice
because he himself
wrote the rough proceedings
& he intentionally wrote
them different from
what had been resolved
therefore I did not bring
it to notice -

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2 No 24 Yes. The resolution
was communicated to
the friends in person
at the meeting.

25 - The letters were circulated
amongst the commissioners
& in forwarding them to
the President Major S.
wrote that they had been
approved by the commission
whereas they were never approved
Major Searle cancelled
the original letter before
it was despatched & caused it to be erased
from the letter book
admitted by Major
Searle -

On the reading it states
The Commissioners never signified their approval
it was not customary for them to signify approval
when papers were sent for circulation

2.26

Major Leake asked the Lieutenant so as to bring the two letters & that below as regards the tracheled. the two words together.

2.27. Major Leake asked the Lieutenant Governor to show the Budget allotment had not been exceeded. whether it had been exceeded in the item of Latrines. as below

2.28. Lieutenant Governor Budget. the allotment for latrines is 750 & for barracks, 200 = 950.

The amount spent on latrines exceeded the allotment. while that on barracks was below the allotment

2.29 Answered in person before.

2.30. Public copy of proceedings was produced from the Secretariat before the Council.

2.31 No & the Council was not filled. Answer as another

2.32 No.

.33. Answer same as before

34. In July last. I was informed by Major Leake to the Vice Resident

35 I have attended but
his appeal has not
been finally disposed
of.

2.36. Answered above.

2-37 I think recalled.

1. 38: Yes:
2. 39. Yes-
2. 40. Yes-
2. 41. By Learle I and
the Proceedings are set
forth in Libel & taken
"It is a lie."
2:42: Mr Francis,
Mean appeared to sign
as Francis & Co=
2-43.. Yes-
2 44.. he told me not to give the charge
45 unless the three members
46 & 47 signed the receipt=
& 48 answered.

By Myer Learle

6 Cultivateur

2233 84

I had a statement of
Shenckstone without
Sanction but not
Mr. Montgomerys the
Auditor Genl.
It was done by order of
the President. He
also gave me the
headings=
Mr Montgomery in 4=
examining the accounts
found that there had
been Shenckstone with-
out Sanction & then
called for the Statement
I did not show him that
just the it was called
for.
Mr Montgomery said
that he was informed

2:

that Mr. Hume had been
by him called to account
for the sanction. By whom
was he summoned. Q.
I do not know; but
by me

to [illegible] Cash Account

Contractors

5

Questions to be put to Mr Francis by Captain Wayne R.E.

1 Did you ever address a letter to the Vice President & Commissioners to grant you a Special Meeting for bringing to them your grievances about your Contract.

2 What reply was sent to you by Major L.

3 Did you write to the Commissioners subsequently complaining that the V. P. stated that the Commissioners refused granting you a Special Meeting

4 Did any of the Commissioners endorse your letter stating that they had no knowledge of a Special Meeting being required

5- Do you recollect the date on which you signed your agreements for the Contonment Roads

6- Was there a Meeting of the Commissioners on the date on which you signed your agreements for the Contonment roads & do you remember the names of the Commissioners who were present.

7- When Major S handed over the agreements to you, what did he say to you, what were the words he made use of -

8- Have you lately brought an action in the Yellow Small Cause Court against the Yellow Municipality for the Recovery of Damages for breach of Contract on the part of the Municipality in respect of your contracts for the contonment Roads ?

9- Have you been successful in that Suit & obtained a decree decree against the Municipality.

10 Have you assisted you in any way in the prosecution of your Suits against the Yellow Municipality either as regards legal advice or money to carry on those Suits -

11 Have I not assisted you on 2 or 3 occasions with money when you were hard pressed owing to Warrants having been suddenly issued against your person and property at the instance of Major Searle in his capacity of Vice President.

Captn
Compr for the Comr
Y Dist

7th Nov 72

replies to questions put by

Mr. Kennedy & Mr. Capt. Musgrave

2.1. Yes.

2.2. Mayor could not tell that it was not communicated to the Commissioners but a special meeting

2.3. Yes —

2.4. Yes - Mr. Commissioner Mr. Beckett - Captain Musgrave & Mr. Sanderson

2.5. Yes - The 22nd September 1871 - I signed two agreements -

2.6 Yes - There was a meeting - the Commissioners present were

Captain Magee. Mr
Beckett... Sobrey
Acheson & Mrs Tallentire

~~Ans~~

2-7- Maria Leale
said "he was my enemy
"& he was always he my
"enemy"=

2-8= Yes.

2.9. Yes. I have stated
a dispute. the amount
with is about 170. I think.

2.10 = No — in his visits
here a Mr Sheridan has
assisted me with
any money.

2.11: Yes: Captain
Magee assisted me

By Maria Leale

in some occasions about
warrants - one instance
me at the instance of
Mayor Leale in his ca
pacity as Vice Presi-
dent. =

Did you ever get a letter
from Captain Magee
letter addressed J.D.
Magee Esq?
No. not that I remember.

I have spoken on my own
behalf & J. D. Magee
Esq. at times.
Yes. Mr. Magee gave
me a legal opinion on my
own affairs.
I could not pay any thing

p the opinion =

Captain Mayne advanced me about 300 Rupees altogether = I treated it as a Loan - & gave a receipt — I cannot tell the dates on which I received the Money. I could tell if I looked at the receipts — The transaction is not entered in my books - I think I record the first payment in January or February 1872 - I might have had 10 or 20 Rupees before that - for which I gave a receipt I might have borrowed

2. No 7. Con. for 23rd Cald. h

the Rupees also from Mr Beckett a loan - I have received advances from Mr Whitewick as collector for Works to be executed = I decline to state how much I have received - I have given receipts - I entered into Contracts for Hamboo agreements in every case - I have been employed by Mr Whitewick for about 4 weeks = I have received advances of 300 R. on each of 3 Works in the Arrisaglin

2 of 80 Rubies for one
Local Fund Work
between Clutton & Bellbe
a Horse Stable & Coach house
for Gentlemen travelling
between Clutton & Bellne

The three Works are estim
ated at nearly at 5000
£. I have given £40
Security =

6

W Jenks

No 5

Capt Searle

List of documents referred to in the Report & deposition =

No	& deposition =	Made
1	Draft Proceedings of Meeting of Commissioners of 7th July 1871 regarding the Lecture on Kattaadi Road & Vice Residents entry in his order Book -	A
2	Letter from Major Searle to President. dated 27 May 1872 :- printed in G.O. 19 October 1872 :- original not put up =	B
3	Letter from Major Searle to President. date 6 Sept. 1872. printed in abstract. page 33 - original not put up -	C
4	Private note. Major S. to Mr. Whitcombe - 10 June 1872	D

5 Private note Mr. White, Vice & Mayor S. date 23 May 1872 -

6 Decree and judgment in Suit No 15. Clutton Coms.

7 Decree & judgment in Suit No 16 Clutton Coms.-

8 Statement of Expenditure Municipal Funds 1 Oct. to 30 Novr 1871. - see Mr. W.'s deposition page 5.-

9 Rough copy of Proceedings 25 August 1871 (partly written on Dr Sayers note!)

10 Rough private memo: of Mayor Searle. relating to above - see side note to Mr W.'s deposition page 5.-

11 Rough notes of Proceedings 21 August 1871.- Mr W.'s deposition page 7.

12 Mayor Searle's entry in his book regarding the payment of Bills: deponents page 8 -

13 Correspondence between Vice President & Borough Bankers & Co.- 11 letters.

14 - Letter from Mr. Cruickshank to President. 11. Dec. 1871. with Mr Robinson's enclosure.-

15 Reply to above.

16 Letter Mayor S. to Mr Kelsall. Vice President 31. October 1872.-

17 Bundle of Rough Proceedings of Meetings.-

18 Note by Major S. to the Manager 3rd June 1872

19. Order in Memo: Book 3 June 1872 — the depositions have 19.

20. Extract Proceedings Small Cause Court below

21 Statement of Expenditure & Income Receipts in 1870-71.

22 Statement showing the items passed in the budget called for by Captain Mayne at meeting of 1st December 1871. draft as altered by Major Leech. see Report para. 28.

23 Letter from Mr. Mulcaster & Mr Thornhill dated

23. 29 October 1872. / see Colonel Butlers remarks appendix page 1-

24 Letter from Mr. Mulcaster & Mr Thornhill dated 18 Nov: 1872. with enclosing remarks & the abstract & W. W's Statement.

25 Major Leech's comments on the above.

by Captain Mayne

Questions ~~to be~~ put to Mr Whitcombe ~~my overseer~~ 24

1 Did you receive a reply from Major Searle to the charges that I & Mr Birkett addressed to you on the 16th May 1872

2 Subsequent to the receipt of the letter of the 27th May 1872 from Major Searle have you received any other letters either official or Demi official correcting any statement he made in his letter of the 27th May 1872

3 Did you ever see the draft Proceedings of the 25th August 1871 mentioned on a paper bearing subsequent date -

4 Did I ever write to you privately before you were appointed Collector of this District bounding the chowltry Catchy limit outside my gate -

5 Did I write to you at all on the subject & if so when -

6- Have I ever complained to you verbally or in writing of Major Le insulting language & overbearing manner towards me when I attended Municipal Meetings at which he presided as Vice President -

7- Did I write to you privately complaining of Major L irregularities made of discharging his duties as Vice President before you were appointed to this District as Collector --

7th June 72

Thompson Captain
Commpr for the
Ennis of Villars

Wr Winterbotham
Written called
by Captain Thompson

2.1. Answer. — Said-

2.2. It consisted of Major Leader letter No 1 dated 27th May 1872-

2.2. I received subsequently on the 11th June 1872 a private letter dated 10th June. about place in which Major Leader admitted a certain fact which he had denied in his former letter =

letter read.

2. 3. Yes I will. ~~I believe~~ it is the document that has been filed already -

Enclosure 4 = No — Capt.n Magne did not.

5. Yes. Captain Magne did write to me on the subject. I was then a Member of both Houses, on special duty. He wrote me then a private letter in the course of which he mentioned that a Battery was being built in his Cantonment on the very Best unsuitable Spot close to his Gate.

~~That letter (captain)~~ I cannot specify the

By Major Searle

Exact date I believe it was between the 20th & 25th of April.

2. 6. Captain Magne complained to me many times both orally & in writing of Major Searles insulting language & overbearing manner. In his last letter Captain Magne informed me that he declined to sit at the Municipal Board any more as long as Major Searle presided in consequence of the insults he received.

By Major Searle

I have never asked Captain Magne whether he has left

his Board since Magee
sends designed the Bill
Accountants.

2.7 | Never so far
as I can recollect.
Letter before I was ab-
pointed a Police
officer in this District.
The one letter I received
was that referred to
above about the Cloth
but it contained no
allusion to Magee
Leale.

By Mr. Magee Leale.

What action did you
take upon Captain
Complaints of insanity
by Magee & was heard
mannes.

By Mr. Leale

9. When Captain Magee first complained to me I discountenanced what really & in writing & he begged him not to be 2 hegged him not to be two thirds skinned. I communicated him that he was living in barracks that every of Magee in Leale & if could not be objected he was be my pleasure finally however. When Captain Magee ~~Magee in Leale~~ visited me at Palamcottah a few days before I left in my report. I declared that he could not sit any longer at the Municipal Board

while Major Leach per-
sisted I replied I was
extremely sorry but really
could not [struck: attribute it] [above: that I was ignorant the whole matter] to Govt
be convicted, & that Govt
I was sure would take
proper steps.

By the Court.

In answer to Question 2.
I am sure that Major
Leach admitted a Con-
tract fixed which he
had denied in his first
letter. When I found
out the denial I alluded
to it in the subsequent ad-
missions.

Answer. In his letter No 1
dated 27 May 1872 Para
1. Lt. Major Leach only

"I am quite unable to ac-
count for the omission"
this is the denial.

The admission [struck: I alluded to.]
in his subsequent letter
of 10th June

at the moment when
he sent that letter
Major Leach was in a
position to account for
the omission. He had
many days, prior to its
despatch 8th: in the 14
& June been his own
master in writing correctly
the missions & transac-
tions. In his
subsequent letter dated
the 10 June. Major
Leach writes in such
a manner as to convey
to me the impression

and he did convey to me
the impression, that
subsequent to the de,
patch & receiving of
27th. May he had for
the first time become
cognisant of the contents
of this order & which
I have just referred.
In that letter he says
"My order ~~&~~ x -
"with account for the
mission - but he does
not attempt in any
way to explain this
assertion in his former
letter. of his inability
to account for the O
Mission =

Mr W. ~~in~~ writes to Capt Magee

3

by way in
2.
Leads.

any
If you had a doubt on 259
the matter when you re-
ceived my letter of the
10 June. did you ~~take~~
ask for explanation?
I had no doubt. whatever
at the time I received
the letter entirely
satisfactory explanation
of the mission -
~~when you~~ but as soon
as the inaccuracy which
I now notice until
long weeks afterwards.
when the matter was
far advanced that I
was preparing to lay the
whole case before Govt. by
I did. I thought and
think it necessary to advise
them any further correspon-
dence on the subject -
I shall in consultation
with Govt about the beginning
of July.

By the Court
Mr Ewen stated about
letters sent to Mrs Adams
Harmony &c concerning
the Commissioners as
stated in 5th line Page
8 of Petition & Court
dated 22 August 1872. No 433.
as soon as I arrived
in Zebulon submitted the 4th
May. Many complaints
were made to me by
Capt. & his 2nd Mr Nesbett
of the Natives in which
they were treated by their
Lands Abandoned by their Settlers
with them. I then held
a Meeting upon them
first as they were endeavouring
to introduce reforms
it was handy to be ap-
pointed they could find
everything my Predecessor

Left Mrs Nesbett
too ready to take them
in the same way I shall
to Mayor Lands I had
a long conversation
with him in my Cutchery
& said that I believed
Capt. Mayne & Mr Nesbett
were both sincere con-
cerning & to their last pro-
ceedings & the Measurements
were published. I stated
that he & Mr. Nesbett
seemed & treat them ac-
cordingly - I spoke to
Captain Macleod when
Stopped in as on our re-
turned from
Lisarea Mission & he
fully admitted Mayne
Lands Measures. Was
by often disagreeable
but at the same time he
said it was naturally

difficult for him to receive ~~for~~ any pleasantly the constant bringing forward of his shortcomings = Major Searle told me that he found ~~none~~ hardly any of the Commissioners took any part in the direct supervision ~~of the~~ works of the municipal & that it was all thrown on his shoulders. ~~which~~ ~~it was~~ ~~much led to~~ ~~his taking a good deal~~ which led to his having the whole work of the municipality in his hands. I took pains to arrange matters by dividing the town into divisions each to be supervised by sub committees consisting of equal numbers of European & Native Com

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missioners. I drew up a Code of Rules defining the exact position of those Commissioners with regard to the V. Presidents authorities towards them. Captain Mayne & ~~the~~ ~~Beckett~~ continued to bring forward the complaints ~~of Messrs~~ ~~Searles~~ that he & Mr Beckett had to make agt. Major Searle. Their chief cause of complaint was that Major Searle continued to spend money on works which had not been estimated for or sanctioned &c. & I am bound to say that in that respect.

I thought them Complaints well founded -
I never heard any formal Complaints from other Commissioners & I did not think it would be right in any way to seem to invite complaints -
Yesterday Mr Moodaliar & the Commissioner alone spoke on the subject. He seemed to see me & I said "things are not 'going on as my Colleagues 'wish me to speak to 'you". He said - You 'know what a man says 'Seenie is dead but they 'things to go on with" He hesitated he wished to resign but I would not accept his resignation -

265 98

I had no further Communication on the subject - I purposely abstained from asking any question that might seem Unfriendly - Seenie dead -

I have pre-
viously taken
care fully & earnest in the
Conclusions at which the
Honorable Md Assembly have
arrived -

Major Beale has com-
municated his
Instructions ~~to Lieutenant~~ generally
in an intelligible way -
has communicated several
Regulations - and hands

Should have concluded or that
is sufficient grounds that Major
Searle was unworthy of credit.
At the admission was entered
from him in the course of his
Examination as a witness. Upon
his doubt his conscientiousness he left-
His Name must be concealed to
The Name must be concealed to
Major Mangum & Mr. Bartlett - the
Major Mangum & Mr. Bartlett - the
who, however, have for long been an-
tagonistic to Major Searle. This
manifest antagonism is, I
think, good & sufficient reason
for removing them from the Com-

have inaccurate statement.
But I cannot see the slightest
ground for questioning his
integrity - good faith or veracity.
or for impeaching any witness or
or unworthy motives of his.
He is, I consider, entitled
to an impartial trial acquitted
on any charge affecting his
honor.

~~The~~ It is usual to
be expected that at last Whether

Missionary - the harmonious work-
-ing of which is hindered when
they are members of it.

Mr Whiteside should
I think be enjoined to attend
the Committee every Sabbath in
this absence of pastoral duties.
His intromise of Mr Fairchild
while actually prosecuting the Mu-
-nicipal Comrs and after his acci-
dent demeanour towards them is hard
to say, in my judgment, extremely impo-
litic & likely to involve the ill-feeling
between himself & the Comrs

I see no reason for believing
that the municipality is thereby

Y ambulance in Yalleen, owing
to Mr Ashe administration as
any act of the Commissioners.
Taxation is universally un-
welcome and taxation for
purposes little if at all ob-
-jectionable is especially
unwelcome.
Mr Thornhill Hol Walter
merit the acknowledgment

from these charges. Shewed thank Major Scarlett for his services and express regret at what has occurred.

I think Mr. Whiteside deserves very severe censure for publicly making a defamatory statement without having taken ordinary care to ascertain the facts of the case. Instead of calming the excitation that prevailed at Kilkee - from the moment of his arrival - he laid himself out to receive private communications on a public matter affecting Major Scarlett's character and by an almost ostentatious patronage of Mr. Friedrichs did all that he could to prejudice the public generally & the Commissioners against Major Scarlett

Sept.

I consider, with Mr. Lin, that Major Scarlett is entitled to an unqualified acquittal on every charge affecting his ~~honour~~ character. The irregularities in the conduct of the Municipal business were not of serious importance and he has been, after much devotion to the interests of the Municipality, subjected to insult and annoyance. I think the Govt. while entirely exonerating him

I think we are bound severely to
censure both Wilkinson for having thought
fit to censure Major Searle, as Vice Pres
of the Commissioners of Bellary, & mal-administration
mal-administration & misconduct
such as to bring the Commissioners
returns discredit with the Rate
payers - an accusation which is very far
from being sustained by the facts of
the case - and also for having allowed
himself to be induced, as a Member
Court, to make a statement insulting
and injurious to Major Searle, and which
he might easily have ascertained, by previous

In the last he showed a most unworthy
and entirely unfounded suspicion agt
Major Searle - to the extent of believing that
he had abstracted Municipal records -
I agree with the Commissioners that
Major Wayne & Mr. Beckett should be
removed from the Municipal Commission of Bellary
They are I believe, both of them Govt pensioners
and I would tell them that the Govt consider
their conduct in this business as very unsatisfactory
for months. They conspired to ruin Major
Searles character -

R.S.E

The Jowers Messrs Monthill & Batten have
done their work exceedingly well. —

Enquiry into the alleged oppression
&c. &c. &c. –

I wd. recommend Capt Maycock
& Mr Bockett for the Commission, & confirm
them in the grade of Major removal –

I wd. thank Majr Thornhill &
Col. Batten –

Dec 19/72

Financial Department,

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following ~~letter~~ Report
by Mr G Thornhill & Colonel
J. J. Batten – dd 16 Nov 1872

Order thereon

F. D. S.

The Governor in Council has very carefully considered the report submitted by Mr Thornhill and Col: Batten of the result of their enquiry into the matters relating to the Vellore Municipality which were referred to them; and is glad to be able to state his entire concurrence in the conclusion at which they have arrived in completely exonerating Major Searle from every imputation cast upon his character by Mr Whitcombe Capt Maycock and Mr Bockett –

The Government consider

consider that notwithstanding the minor irregularities in the Municipal administration which Major Searle admits, he well deserved the confidence and support of the great majority of the Commissioners which he evidently enjoyed - and while thanking him for his services the Government desire to express their regret that he should have been subjected to so much insult and annoyance -

deserved / he has enjoyed

The Governor in Council considers Mr Whiteside to be deserving of ~~[illegible]~~ censure for accusing Major Searle of ~~[illegible]~~ bringing the Commission into extreme discredit with the rate-payers ~~having~~ of the original administration and misconduct ~~which~~ facts were so entirely ~~wanting~~ to establish and for allowing himself to be induced as a witness in Court to make a statement insulting and injurious to Major Searle which he might easily have ascertained by previous enquiry to be destitute of foundation - ~~[illegible]~~ his almost ostentatious patronage of

*If I am [illegible] to answer [illegible] I must [illegible] I cannot help answering the query, without being guilty of contempt of Court - that he knew he [illegible] that Mr Justice Gwynne would be found, how could he suppose - he objected to the question & tried to evade it - the Judge [illegible]

*It is grant by the Magistrates that Mr Whiteside should have given Evidence defamatory of Major Searle's conduct & character in that having thoroughly informed himself of the facts of the case, & the law governing Civic Elections & the duties of Municipal Commissioners, he has wilfully misrepresented the facts of the case, & has endeavoured to bring Major Searle into contempt & disrepute with the Ratepayers of St. John while that person was actually prosecuting the Municipal Commissioners and after his insolent demeanour towards Major Searle, was a manifestation of partizanship most unbecoming his position in the District as Acting Collector and most antagonistic to the harmonious working of the Commission of which he was ex officio President -

Major Maunsell & Mr Beckett will be removed from the Municipal Commission - Their conduct in combining together in the manner they evidently have done to thwart and defame Major Searle, is viewed by Government with grave displeasure.

The Government desire Mr Thornhill and Col. Batten to accept their ~~[illegible]~~ thanks for the thorough and satisfactory manner in which they performed the ~~[illegible]~~ duties entrusted to them.

I think so - but the fact that Mr Whiteside said - and said in the Witness Box - makes it different

Mr Whiteside stands convicted - I would say - that Mr Whiteside is most regretfully [illegible] under a defamation of Major Searle's conduct & character - [illegible] Searle's conduct & character - [illegible] ~~[illegible]~~ without having thoroughly informed himself of the facts of the case - which would a fact - [illegible] Mr Whiteside in making a statement for which there was no foundation

[illegible] was completed

Sir [illegible] coached last night himself under the Provincial Code -

G. Thornhill Esq
Col J S Batten
W. S. Whiteside Esq
Military Department

Dear Sir

I am directed by Professor Le Communication

To H.E. the Comm^r in Chief
&c &c &c the Military
Department.

Vellore Municipality
Inspection

Govt. of 187 } Madras.

To _____

Dated
Recd. } 187 , No.

Nos.

Special
Circulation
Circular Draft

Financial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter Report by Mr G. Thornhill and Colonel J.S. Batten. 21 Nov. 72

Order thereon 7 January 1873 No. 19.

The Governor in Council has very carefully considered the report submitted by Mr. Thornhill & Col. Batten of the result of their Enquiry into the matters relating to the Vellore Municipality which were referred to them, and is glad to be able to state his entire concurrence in the conclusion at which they have arrived in completely exonerating Major Searle from every imputation cast

cast upon his character by Mr. Whiteside, Captain Mayne and Mr. Beckett.

2. The Government consider that notwithstanding the minor irregularities in the Municipal administration which Major Searle admits, he well deserved the confidence & support of the great majority of the Commissioners which he evidently Enjoyed; and while thanking him for his services the Government desire to express their regret that he should have been subjected to so much insult and annoyance.

3. The Governor in Council considers Mr Whiteside to be deserving of

grave
of censure for accusing
Major Searle of having by
his mal-administration
and misconduct brought
the Commission into extreme
discredit with the rate
payers - an accusation
which facts were so entirely
wanting to establish. It is greatly
to be regretted that Mr.
Whiteside should have
given Evidence defamatory
of Major Searle's Conduct
and character without
having thoroughly informed
himself of the facts of
the case, which would
have prevented him from
making a statement
for which there was no
foundation. His almost
ostentatious patronage
of Mr. Frenicks while that
person was actually
prosecuting

prosecuting the Municipal Commissioners and after his insolent demeanour towards Major Searle, was a manifestation of partizanship most unfitting his position in the District as acting Collector and most antagonistic to the harmonious working of the Commission of which he was, Ex officio, President.

4. Major Mayne and Mr. Beckett will be removed from the Vellore Municipal Commission. Their conduct in combining together [in the manner they evidently have done] to thwart and defame Major Searle is viewed by Government [as worthy of] grave displeasure.

The

5. The Government desire Mr. Thornhill and Col. Batten to accept their thanks for the thorough and satisfactory manner in which they performed the task entrusted to them.

6. Ordered that these Proceedings be communicated to His Excellency the Commander in Chief through the Military Department.

G. Thornhill Esq^r 1
Col. J. S. Batten 1
W. S. Whitcombe Esq. Asst Collr of N. Arcot 1
Military Dept 1
Major Searle Vellore 1

dispatched

Govt. of {1873} Madras.

Financial

To

G. Thornhill Esq^re
&
Ven^a

Dated 7 May 73
Recd.

1873, No. 19.

Nos. 27-28

Stating Reference
to the Report taken by
Mr. Thornhill & Ven^a
Battery of the result
of their enquiry into
the matters relating
to Nellore Municipality.