PRESS.

Public Department.

G.O. dated 18 May 85

No. 583

Confidential 29

1886

First copy sent to Press.

Returned for signature.

Despatched in print.

[Despatch Abstract.]

Mr. W. A Sammonds. Superintendent of Gaol, Salem. Returning — Commission appointing him to place Salem under Registration for 6 months & re-Registration &c.

N.B.
A =
B = N
P = Prin
Print

Back Paper, No.

ernment, dated

o. Miscellaneous.

Further Paper, No.

Enclosures.

Current No.

Statement with ditto.

Order, &c. of Government—A

Papers kept out of File for despatch in original.
(not paged.)

{ Order
{ Letter
{ Collection

Print in full.
t to be printed.
t abstract only.
ding only.

in some less important post in the Jail Department.

28. As matters stand, from his earlier disingenuous reply to the Insp.r Gen.l's first question which he professed to understand to refer to the more recent imprisonment only of the prisoner Howard alias Holl; from his present reply limiting his denial that compromising relations have existed between himself and that prisoner, to that prisoner's more recent incarceration, and from his request that Govt will withdraw the whole subject from their consideration, H.E. in Council can only infer that the worst ~~consideration~~ construction must be put on those relations & treat them as matter in aggravation of the offence of gross insubordination of which he has been guilty.

29. Mr Symonds will accordingly be removed from his present appointment and will be suspended for six months from the date of this order.

the same nature as those made in 1872 with the results shewn in the résumé of his subsequent services given above.

26. A more remarkable proposition than that contained in Mr Symonds last letter has probably never been made by a public servant whose conduct had given dissatisfaction to the Govt which he served & that it should have been made shows that his ideas of his position and his duty are so mistaken as to make his retention in a place of confidence similar to that which he now holds, out of the question.

27. If at the eleventh hour he had thought fit to fully explain his relations with the convict Howard alias Holl, who was a prisoner under his charge for 6 months in 1872, and to express contrition for having committed himself in so unwarrantable a manner, he might conceivably have been retained to

If on the expiry of that period he has come to a proper sense of his misconduct, as a matter of grace and favour and to obviate the total loss of his pension, the question of re-employing him in some more closely supervised position in another Dept of the public Service will be considered by H.E. the Governor in Council, but in no case will he be re-employed in the Jail Dept for which he has shown himself wholly unfit. Nothing but an anxious desire not to press too heavily upon an officer whose whole conduct seems to point to a distempered intelligence, whether resulting from long unbroken residence in India, or from the fall from his horse to which he alludes in his last letter, or from some other cause, induces Govt to abstain from ordering his dismissal from their further Govt Service.

Pol. 16/2/86. W. 15/2/86

who has on several occasions behaved creditably, (as written more than one paper which I have read) a studious turn & whom recent conduct Govt would like to regard as preceding [illegible] less from a deliberate purpose to defy authority than from

J. G. fails - with 3 E.C. } dest. 18/2
Acct. General. with 1 E.C. }
Jud. Dept. Sept. 19/2

× But see sections 99 & 100 of the Civil Pension Code as to the effect of a sentence of suspension adjudged as a penalty. The Accountant General might be consulted

Clause c. Sec 100 would I think meet the case but by all means ask the A. G. N.W.P.

'Salt' is the Dept in which H.E. thinks he might be employed in some appointment his high paid [illegible] his recent conduct

15-2-86

Note

The sentence awarded will it is understood be open to no accounts objection. No subsistence allowance will be permissible but even thus, the Govt. head of Government will be dealing with a leniency that is probably unexampled. The fact is only mentioned to indicate the results of the sentence. It would appear necessary to enter at any early date into communication with the Settlement Dept. in which Mr S. formerly served with the heads of other Depts in regard to some place being kept for him at the expiry of his period of suspension when it is the intention of Govt - if Mr S's conduct proves in the interval satisfactory to provide him with some employment

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in 1872 with the results shown in
the résumé of his subsequent
services given above.

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27. If at the eleventh hour he
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alias Holt, who was a prisoner
under his charge for 6 months in
1862, and to express contrition for
having committed himself in so
unwarrantable a manner, he might
conceivably have been retained in

which appeared to be such as no Govt.
could possibly permit to exist between
the Supdt. of a Jail and a criminal who
had been in his charge, without receiving
the most full & minute explanations.

19. To show that Hoss relations with
the convict were of no private character,
a letter written and signed by himself,
to the Editor of the Madras Times on
behalf of the convict Steward alias Holt,
a prisoner under his charge at the
time it was written, was referred to,
and other facts were mentioned which
indicated that Govt had ample reasons
which, in the absence of explanation
led them to believe that close relations
of a compromising character extending
over a long period had existed between them.

20. In reply to this order, Mr. Symond
answered on the 6th Feby that he had
nothing to add to his replies to the
questions put to him, & that he declined
to answer any questions of a similarly
inquisitorial character in future and
on the mention of his letter to the

Madras Times, he proceeded to raise a false issue as to his relations with the press.

21. It may here be observed that from his precurrence to this subject, the Govt cannot doubt that Mr. Symonds must have written anonymous articles in public prints to which he conceived they the Govt had a right to take exception.

22. Although, however, with reference to Mr. Symonds censure on two occasions by previous administrations for improper communications to the press, the Govt might at any time have found it necessary to enquire into his relations with the press, H.E in not as a matter of fact we Council has never thought it necessary to do so, and the questions put to him by the Insp. Genl & repeated by Govt had no reference to that subject.

23. After refusing to add to his replies & after raising the false issue above referred to, Mr. Symonds proceeded to speak of Govt in terms even more grossly insolent and insubordinate

The first punishment administered by Sir W. Robinson in 1872
(para 10 of order)
do do do do
by Sir A. Arbuthnot in 1872
(para 8 of order)

than those of his letter of the 25th January referred to in para 17 of these proceedings.

24. It will be seen then that the indulgence of Govt extending over many years and covering many offences, has been met in the present case by prevarication & delays followed by outrageous insolence, but finally on the 11th Feby with dismissal staring him in the face, Mr. Symonds wrote withdrawing whatever in his recent letters might have given offence to the Govt and begging them to withdraw from their consideration the matters to which those letters related and to permit him to return to duty. He further stated that the only thing he desired to add was that during the convict Howard's present incarceration nothing had passed to justify his addressing him in the terms of the intercepted letter.

25. Further, in the event of Govt exercising leniency towards him, he made promises of amendment of

found on the person of the time-expired
prisoner by the Supt. of the Penitentiary.

17. He then proceeded to state that
he understood his recent transfer
to Salem, the reasons for which are given
in para 13 of these Proceedings, was due
to his having expressed an adverse
opinion of the action of Govt in a
particular case, and to speak of
Govt in the most grossly improper
and insubordinate manner.

18. The Govt thereon suspended him
for submitting a communication to
the head of his Dept in obedience to
an order of Govt, the tone of which
was happily unprecedented, but
deferring their decision on the question
immediately before them & wishing to
give ~~him the benefit of the doubt~~ another chance of
explaining his conduct, they again called
on him to answer the Insp. General's
questions, pointing out that these questions
did not as he maintained refer to his
private acts, but to his ~~connection~~ relations
with the convict Howard alias Holt
which

matters were entirely opposed to good discipline and should be interdicted.

11. In the following year (1876) Mr. Symonds still Supt. of the Trichinopoly jail, left the Security deposit of the jail contractor for more than 3 months in the charge of the Jailer who embezzled the amount - He was then informed by Govt. that his neglect of ordinary precautions & standing rules had placed temptation in the way of a subordinate & had ruined a man who had hitherto borne an excellent character. The Govt. trusted that the serious results which had followed his careless want of consideration & breach of rules would be a sufficient warning without further condemnation on their part -

12. In 1882, Mr. Symonds, now Supt. of the Madras Penitentiary, declined to accept the Insp. Genl's judgment in regard to a matter of departmental administration, & the Govt. on the circumstances being represented found that his letters to the Insp. Genl. had been in the highest degree insubordinate & disrespectful & informed him that any repetition of such

conduct would subject him to very serious
consequences in the interests of official
discipline.

13. Later in the same year, the Govt. on a report made by the Insp. Genl found that Mr. Symonds' conduct in permitting certain interviews between particular individuals (one of whom was the convict Howard alias Holt) and a prisoner under his charge was un-authorized by rule and indicated so deplorable a want of judgment, under the circumstances of the case, that HE in Council considered it doubtful whether coming after his recent misconduct referred to in the preceding para, he had not shown himself unfit for his post. He was informed that he had incurred the displeasure of Govt & that in future no leniency would be shown him.

14. In 1885, however, the Insp. Genl reported that Mr. Symonds' work at the Penitentiary was left too much to subordinates and that it suffered from his devotion to other pursuits.

His

6. His previous record having been so bad, the Govt might properly have dismissed him on this occasion, but it was thought that one warning more might be tried & he was accordingly transferred on equal pay to the charge of the Salem Central Jail, where it was hoped he would have fewer temptations to absent himself from his work.

16. The inquiry into Mr. Symonds' past record having disclosed the various and serious offences briefly referred to above, HE in Council putting aside for the moment
the grounds the insubordinate character of that officer's replies to the questions put to him by the Insp. Genl & finding those questions to be not only justifiable but such as the Insp. Genl was bound to put, directed him to answer them, whereon he again denied having had any relations with the convict Howard alias Holt during his incarceration, denied having paid any portion of his fine & expressed himself unable to explain the allusions in the letter to his address from Howard which was

found on the person of the time-expired prisoner by the Supt. of the Penitentiary.

17. He then proceeded to state that he understood his recent transfer to Salem, the reasons for which are given in para 13 of these Proceedings, was due to his having expressed an adverse opinion of the action of Govt in a particular case, and to speak of Govt in the most grossly improper and insubordinate manner.

18. The Govt thereon suspended him for submitting a communication to the head of his Dept in obedience to an order of Govt, the tone of which was happily unprecedented, but deferring their decision on the question immediately before them & wishing to give him another chance of explaining his conduct, again called on him to answer the Insp. Generals questions, pointing out that these questions did not as he maintained refer to his private acts, but to his relations with the convict Howard alias Holt which

Read

Read Current no 535 with Prisons Letter but no

Order 18 February / 86 No 383.

On the 9th Inst last, the Insp. Genl of Jails reported Mr W. A Symonds, Supt. of the Salem Central Jail for insubordination under the following circumstances.

2. A prisoner in the Penitentiary one Howard alias Holt, who had been convicted committed by the Chief Presidency Magte of house trespass, criminal intimidation and assault and further bound over to keep the peace for 6 months as a lawless and violent character, endeavoured to communicate through the agency of a prisoner, who was being discharged, with various persons outside the Penitentiary.

3. On the person of a time-expired prisoner who was being searched, were found on the 18th Dec last, several letters and among them one from the prisoner Howard alias Holt to the address of Mr W.A Symonds, in which he

Circulate for Privy Council Consideration

Mr Rees the wording was very clearly the prisoners of his very harmless case

MGP

ECC 15/2

see note on last page

he threatened that officer with exposure if he did not assist him to pay his fine and provide securities for his future good behaviour, while on the 19th December the money paid in satisfaction of his fine was stated to have been paid by his up country friend, who was, he himself said, Mr. Symonds.

4. The Insp.r Genl thereon called on that officer to state whether he had had any communication with Howard alias Holt during his incarceration, whether he had paid any portion of his fine, and whether he could explain the allusions contained in that individuals letter.

5. Mr. Symonds replied answering the first question in the negative & questioning the right of the head of his Dep.t to put the other queries as relating to matters which concerned him only as a private individual.

6. The Insp.r Genl accordingly wrote again on the 30th Dec.r calling for answers to his questions without further cavil, in reply to which Mr. Symonds wrote saying after much irrelevant comment

on the Insp.r Genl's action that he felt justified before answering the questions asked, in asking on his own behalf what the charge brought against him was, and on what grounds it was based.

7. The Insp.r Genl thereon reported Mr. Symonds to Govt. for insubordination & H.E. in Council in that spirit of leniency which has on several occasions been extended to previous acts of misconduct by this officer, proceeded to consider whether the questions put were, as urged, from any point of view, open to objection, and as Mr. Symonds had in 1882 been censured for insubordination and had in 1885 been unfavourably reported on by the Head of his Dept; it further became necessary to see what character he had borne throughout his employment in the Jail Dept.

8. An examination of the record of Govt. made in pursuance of this inquiry discloses that in 1872 Mr. Symonds was informed by Govt. that he had been guilty of very unwarrantable attacks made in newspapers against the Collector of his district, that he had laid himself open

to very severe censure, and that in the event of his being guilty of similar conduct on any future occasion he would be at once removed from his appointment.

9. He thereupon gratefully acknowledged the indulgence of Govt. & promised never to offend again, but in 1875 on the occasion of an outbreak in the Trichinopoly Jail, of which he was then Supdt., the Govt. had occasion to express their dissatisfaction that he did not more cordially co-operate with the Medical officer of the Jail in connection with circumstances which led, or were alleged to have led, to the outbreak.

10. Again in the same year Mr Symonds was severely censured for having neglected to leg-iron two desperate and powerful dacoits, an omission which led to an attempt at escape, to the death of one of the prisoners & to the trial of one of the Police on a capital charge. He was then informed with reference to a newspaper article on the use of fetters, the existence of which he himself brought to notice that contributions to the newspapers concerning departmental

27-~~28.~~ As matters stand, from his earlier disingenuous reply to the Inspector-General's first question which he professed to understand to refer to the more recent imprisonment only of the prisoner Howard, *alias* Holt; from his present reply limiting his denial that compromising relations have existed between himself and that prisoner, to that prisoner's more recent incarceration; and from his request that Government will withdraw the whole subject from their consideration, His Excellency in Council can only infer that the worst construction must be put on those relations and treat them as matter in aggravation of the offence of gross insubordination of which he has been guilty.

28—~~29.~~ Mr. Symonds will accordingly be removed from his present appointment and will be suspended for six months from the date of this order. If on the expiry of that period he has come to a proper sense of his misconduct, as a matter of grace and favor and to obviate the total loss of his pension, the question of re-employing him in some closely supervised position in another department of the public service will be considered by His Excellency the Governor in Council, but in no case will he be re-employed in the jail department for which he has shown himself wholly unfit. Nothing but an anxious desire not to press too heavily upon an officer who has on several occasions behaved creditably, written more than one paper which shows a studious turn, and whose recent conduct Government would like to regard as proceeding less from a deliberate purpose to defy their authority than from a distempered intelligence, resulting whether from long unbroken residence in India, from the fall to which he alludes in his last letter, or from some other cause, induces His Excellency the Governor in Council to abstain from ordering his dismissal from the public service.

(True Extract.)

Acting Chief Secretary.

To the Inspector-General of Jails.
„ Accountant-General.

Exd. T. O'Connor.

18. The Government thereon suspended him for submitting a communication to the head of his department in obedience to an order of Government, the tone of which was happily unprecedented; but deferring their decision on the question immediately before them, and wishing to give him another chance of explaining his conduct, they again called on him to answer the Inspector-General's question, pointing out that these questions did not, as he maintained, refer to his private acts, but to his relations with the convict Howard, *alias* Holt, which appeared to be such as no Government could possibly permit to exist between the Superintendent of a Jail and a criminal who had been in his charge, without receiving the most full and minute explanations.

19. To show that those relations were of no private character, a letter written and signed by himself, to the editor of the *Madras Times* on behalf of the convict Howard, *alias* Holt, a prisoner under his charge at the time it was written, was referred to, and other facts were mentioned which indicated that Government had ample reasons which, in the absence of explanation, led them to believe that close relations of a compromising character, extending over a long period, had existed between them.

20. In reply to this order, Mr. Symonds answered on the 6th February that he had nothing to add to his replies to the questions put to him, and that he declined to answer any questions of a similarly inquisitorial character in future, and on the mention of his letter to the *Madras Times*, he proceeded to raise a false issue as to his relations with the press.

21. It may here be observed that from his recurrence to this subject, the Government cannot doubt that Mr. Symonds must have written anonymous articles in public prints to which he conceived they had a right to take exception.

22. Although, however, with reference to Mr. Symonds' censure on two occasions by previous administrations for improper communications to the press, the Government might at any time have found it necessary to inquire into his relations ~~with the press~~ therewith, His Excellency in Council has not as a matter of fact ever thought it necessary to do so, and the questions put to him by the Inspector-General and repeated by Government had no reference to that subject.

23. After refusing to add to his replies, and after raising the false issue above referred to, Mr. Symonds proceeded to speak of Government in terms even more grossly insolent, and insubordinate than those of his letter of the 25th January, referred to in paragraph 17 of these proceedings.

24. It will be seen then that the indulgence of Government, extending over many years and covering many offences, has been met in the present case by prevarication and delay, followed by outrageous insolence; but finally, on the 11th February, with dismissal staring him in the face, Mr. Symonds wrote withdrawing whatever in his recent letters might have given offence to the Government, and begging them to withdraw from their consideration the matters to which those letters related, and to permit him to return to duty. He further stated that the only thing he desired to add was that during the convict Howard's *recent* incarceration nothing had passed to justify his addressing him in the terms of the intercepted letter.

25. Further, in the event of Government exercising leniency towards him, he made promises of amendment of the same nature as those made in 1872, with the results shown in the *résumé* of his subsequent services given above.

25-26. A more remarkable proposition than that contained in Mr. Symonds' last letter has probably never been made by a public servant whose conduct had given dissatisfaction to the Government which he served, and that it should have been made shows that his ideas of his position and his duty are so mistaken as to make his retention in a place of confidence, similar to that which he now holds, out of the question.

26-27. If at the eleventh hour he had thought fit to fully explain his relations with the convict Howard, *alias* Holt, who was a prisoner under his charge for six months in 1882, and to express contrition for having committed himself in so unwarrantable a manner, he might conceivably have been retained in some less important post in the jail department.

9. He thereupon gratefully acknowledged the indulgence of Government and promised never to offend again; but in 1875, on the occasion of an outbreak in the Trichinopoly Jail, of which he was then Superintendent, the Government had occasion to express their dissatisfaction that he did not more cordially co-operate with the medical officer of the jail in connection with circumstances which led, or were alleged to have led, to the outbreak.

10. Again, in the same year, Mr. Symonds was severely censured for having neglected to leg-iron two desperate and powerful dacoits, an omission which led to an attempt at escape, to the death of one of the prisoners, and to the trial of one of the police on a capital charge. He was then informed, with reference to a newspaper article on the use of fetters, the existence of which he himself brought to notice, that contributions to the newspapers concerning departmental matters were entirely opposed to good discipline and must be interdicted.

11. In the following year (1876) Mr. Symonds, still Superintendent of the Trichinopoly Jail, left the security deposit of the jail contractor for more than three months in the charge of the jailer who embezzled the amount. He was then informed by Government that his neglect of ordinary precautions and standing rules had placed temptation in the way of a subordinate, and had ruined a man who had hitherto borne an excellent character. The Government trusted that the serious results which had followed his careless want of consideration and breach of rules would be a sufficient warning without further condemnation on their part.

12. In 1882, Mr. Symonds, now Superintendent of the Madras ~~Penitentiary~~ Prisons, declined to accept the Inspector-General's judgment in regard to a matter of departmental administration, and the Government, on the circumstances being represented, found that his letters to the Inspector-General had been in the highest degree insubordinate and disrespectful, and informed him that any repetition of such conduct would subject him to very serious consequences in the interests of official discipline.

13. Later in the same year, the Government, on a report made by the Inspector-General, found that Mr. Symonds' conduct in permitting certain interviews between particular individuals (one of whom was the convict Howard, *alias* Holt) and a prisoner under his charge was unauthorized by rule and indicated so deplorable a want of judgment, under the circumstances of the case, that His Excellency in Council considered it doubtful whether, coming after his recent misconduct referred to in the preceding paragraph, he had not shown himself unfit for his post. He was informed that he had incurred the displeasure of Government, and that, in future, no leniency would be shown him.

14. In 1885, however, the Inspector-General reported that Mr. Symonds' work at the Penitentiary was left too much to subordinates, and that it suffered from his devotion to other pursuits.

15. His previous record having been so bad, the Government might properly have dismissed him on this ocasion, but it was thought that one warning more might be tried, and he was accordingly transferred on equal pay to the charge of the Salem Central Jail, where, it was hoped, he would have fewer temptations to absent himself from his work.

16. The inquiry into Mr. Symonds' past record having disclosed the various and serious offences briefly referred to above, His Excellency in Council, putting aside for the moment the insubordinate character of that officer's replies to the questions put to him by the Inspector-General, and finding those questions to be not only justifiable but such as the Inspector-General was bound to put, directed him to answer them, whereon he again denied having had any relations with the convict Howard, *alias* Holt, during his incarceration, denied having paid any portion of his fine, and expressed himself unable to explain the allusion in the letter to his address from Howard which was found on the person of the time-expired prisoner by the Superintendent of ~~the Penitentiary~~ Prisons.

17. He then proceeded to state that he understood his recent transfer to Salem, the reasons for which are given in paragraph 13 of these proceedings, was due to his having expressed an adverse opinion of the action of Government in a particular case, and to speak of Government in the most grossly, improper, and insubordinate manner.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

ORDER—dated th February 1886, No. , Judicial.

On the 9th January last, the Inspector-General of Jails reported Mr. W. A. Symonds, Superintendent of the Salem Central Jail, for insubordination under the following circumstances.

2. A prisoner in the Penitentiary, one Howard, *alias* Holt, who had been convicted by the Chief Presidency Magistrate of house-trespass, criminal intimidation and assault, and further bound over to keep the peace for six months as a lawless and violent character, endeavoured to communicate through the agency of a prisoner, who was being discharged, with various persons outside the Penitentiary.

3. On the person of a time-expired prisoner who was being searched, were found, on the 18th December last, several letters, and among them one from the prisoner Howard, *alias* Holt, to the address of Mr. W. A. Symonds, in which he threatened that officer with exposure if he did not assist him to pay his fine and provide securities for his future good behaviour; while on the 19th December the money paid in satisfaction of his fine was stated to have been paid by his up-country friend, who was, he himself said, Mr. Symonds.

4. The Inspector-General thereon called on that officer to state whether he had had any communication with Howard, *alias* Holt, during his incarceration, whether he had paid any portion of his fine, and whether he could explain the allusions contained in that individual's letter.

5. Mr. Symonds replied answering the first question in the negative, and questioning the right of the head of his department to put the other queries as relating to matters which concerned him only as a private individual.

6. The Inspector-General accordingly wrote again on the 30th December calling for answers to his questions without further cavil; in reply to which Mr. Symonds wrote saying, after much indefensible comment on the Inspector-General's action, that he felt justified, before answering the questions asked, in asking on his own behalf what the charge brought against him was, and on what grounds it was based.

7. The Inspector-General thereon reported Mr. Symonds to Government for insubordination, and His Excellency in Council, in that spirit of leniency which has on several occasions been extended to previous acts of misconduct by this officer, proceeded to consider whether the questions put were, as urged, from any point of view, open to objection, and as Mr. Symonds had in 1882 been censured for insubordination, and had in 1885 been unfavorably reported on by the head of his department, it further became necessary to see what character he had borne throughout his employment in the jail department.

8. An examination of the records of Government, made in pursuance of this inquiry, discloses that in 1872 Mr. Symonds was informed by Government that he had been guilty of very unwarrantable attacks made in newspapers against the Collector of his district, that he had laid himself open to very severe censure, and that in the event of his being guilty of similar conduct on any future occasion, he would be at once removed from his appointment.

27. As matters stand, from his earlier disingenuous reply to the Inspector-General's first question which he professed to understand to refer to the more recent imprisonment only of the prisoner Howard, *alias* Holt; from his present reply limiting his denial that compromising relations have existed between himself and that prisoner, to that prisoner's more recent incarceration; and from his request that Government will withdraw the whole subject from their consideration, His Excellency in Council can only infer that the worst construction must be put on those relations and treat them as matter in aggravation of the offence of gross insubordination of which he has been guilty.

28. Mr. Symonds will accordingly be removed from his present appointment and will be suspended for six months from the date of this order. If on the expiry of that period he has come to a proper sense of his misconduct, as a matter of grace and favor and to obviate the total loss of his pension, the question of re-employing him in some closely supervised position in another department of the public service will be considered by His Excellency the Governor in Council, but in no case will he be re-employed in the jail department for which he has shown himself wholly unfit. Nothing but an anxious desire not to press too heavily upon an officer who has on several occasions behaved creditably, written more than one paper which shows a studious turn, and whose recent conduct Government would like to regard as proceeding less from a deliberate purpose to defy their authority than from a distempered intelligence, resulting whether from long unbroken residence in India, from the fall to which he alludes in his last letter, or from some other cause, induces His Excellency the Governor in Council to abstain from ordering his dismissal from the public service.

(True Extract.)

W. WILSON,
Acting Chief Secretary.

To the Inspector-General of Jails.
" Accountant-General.
" Judicial Department.

Exd. T. O'Connor.

Trichinopoly Jail, of which he was then Superintendent, the Government had occasion to express their dissatisfaction that he did not more cordially co-operate with the medical officer of the jail in connection with circumstances which led, or were alleged to have led, to the outbreak.

10. Again, in the same year, Mr. Symonds was severely censured for having neglected to leg-iron two desperate and powerful dacoits, an omission which led to an attempt at escape, to the death of one of the prisoners, and to the trial of one of the police on a capital charge. He was then informed, with reference to a newspaper article on the use of fetters, the existence of which he himself brought to notice, that contributions to the newspapers concerning departmental matters were entirely opposed to good discipline and must be interdicted.

11. In the following year (1876) Mr. Symonds, still Superintendent of the Trichinopoly Jail, left the security deposit of the jail contractor for more than three months in the charge of the jailer who embezzled the amount. He was then informed by Government that his neglect of ordinary precautions and standing rules had placed temptation in the way of a subordinate, and had ruined a man who had hitherto borne an excellent character. The Government trusted that the serious results which had followed his careless want of consideration and breach of rules would be a sufficient warning without further condemnation on their part.

12. In 1882, Mr. Symonds, now Superintendent of Prisons, Madras, declined to accept the Inspector-General's judgment in regard to a matter of departmental administration, and the Government, on the circumstances being represented, found that his letters to the Inspector-General had been in the highest degree insubordinate and disrespectful, and informed him that any repetition of such conduct would subject him to very serious consequences in the interests of official discipline.

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14. In 1885, however, the Inspector-General reported that Mr. Symonds' work at the Penitentiary was left too much to subordinates, and that it suffered from his devotion to other pursuits.

15. His previous record having been so bad, the Government might properly have dismissed him on this ocasion, but it was thought that one warning more might be tried, and he was accordingly transferred on equal pay to the charge of the Salem Central Jail, where, it was hoped, he would have fewer temptations to absent himself from his work.

16. The inquiry into Mr. Symonds' past record having disclosed the various and serious offences briefly referred to above, His Excellency in Council, putting aside for the moment the insubordinate character of that officer's replies to the questions put to him by the Inspector-General, and finding those questions to be not only justifiable but such as the Inspector-General was bound to put, directed him to answer them, whereon he again denied having had any relations with the convict Howard, *alias* Holt, during his incarceration, denied having paid any portion of his fine, and expressed himself unable to explain the allusion in the letter to his address from Howard which was found on the person of the time-expired prisoner by the Superintendent of Prisons.

17. He then proceeded to state that he understood his recent transfer to Salem, the reasons for which are given in paragraph 13 of these proceedings, was due to his having expressed an adverse opinion of the action of Government in a particular case, and to speak of Government in the most grossly, improper, and insubordinate manner.

18. The Government thereon suspended him for submitting a communication to the head of his department in obedience to an order of Government, the tone of which was happily unprecedented; but deferring their decision on the question immediately before them, and wishing to give him another chance of explaining his conduct, they again called on him to answer the Inspector-General's question, pointing out that these questions did not, as he maintained, refer to his private acts, but to his relations with the convict Howard, *alias* Holt, which appeared to be such as no Government could possibly permit to exist between the Superintendent of a Jail and a criminal who had been in his charge, without receiving the most full and minute explanations.

19. To show that those relations were of no private character, a letter written and signed by himself, to the editor of the *Madras Times* on behalf of the convict Howard, *alias* Holt, a prisoner under his charge at the time it was written, was referred to and other facts were mentioned which indicated that Government had ample reasons which, in the absence of explanation, led them to believe that close relations of a compromising character, extending over a long period, had existed between them.

20. In reply to this order, Mr. Symonds answered on the 6th February that he had nothing to add to his replies to the questions put to him, and that he declined to answer any questions of a similarly inquisitorial character in future, and on the mention of his letter to the *Madras Times*, he proceeded to raise a false issue as to his relations with the press.

21. It may here be observed that from his recurrence to this subject, the Government cannot doubt that Mr. Symonds must have written anonymous articles in public prints to which he conceived they had a right to take exception.

22. Although, however, with reference to Mr. Symonds' censure on two occasions by previous administrations for improper communications to the press, the Government might at any time have found it necessary to inquire into his relations therewith, His Excellency in Council has not as a matter of fact ever thought it necessary to do so, and the questions put to him by the Inspector-General and repeated by Government had no reference to that subject.

23. After refusing to add to his replies, and after raising the false issue above referred to, Mr. Symonds proceeded to speak of Government in terms even more grossly insolent and insubordinate than those of his letter of the 25th January, referred to in paragraph 17 of these proceedings.

24. It will be seen then that the indulgence of Government, extending over many years and covering many offences, has been met in the present case by prevarication and delay, followed by outrageous insolence; but finally, on the 11th February, with dismissal staring him in the face, Mr Symonds wrote withdrawing whatever in his recent letters might have given offence to Government, and begging them to withdraw from their consideration the matters to which those letters related, and to permit him to return to duty. He further stated that the only thing he desired to add was that during the convict Howard's *recent* incarceration nothing had passed to justify his addressing him in the terms of the intercepted letter. Further, in the event of Government exercising leniency towards him, he made promises of amendment of the same nature as those made in 1872, with the results shown in the *résumé* of his subsequent services given above.

25. A more remarkable proposition than that contained in Mr. Symonds' last letter has probably never been made by a public servant whose conduct had given dissatisfaction to the Government which he served, and that it should have been made shows that his ideas of his position and his duty are so mistaken as to make his retention in a place of confidence, similar to that which he now holds, out of the question.

26. If at the eleventh hour he had thought fit to fully explain his relations with the convict Howard, *alias* Holt, who was a prisoner under his charge for six months in 1882, and to express contrition for having committed himself in so unwarrantable a manner, he might conceivably have been retained in some less important post in the jail department.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

ORDER—dated 18th February 1886, No. 383, Public.

On the 9th January last, the Inspector-General of Jails reported Mr. W. A. Symonds, Superintendent of the Salem Central Jail, for insubordination under the following circumstances.

2. A prisoner in the Penitentiary, one Howard, *alias* Holt, who had been convicted by the Chief Presidency Magistrate of house-trespass, criminal intimidation and assault, and further bound over to keep the peace for six months as a lawless and violent character, endeavoured to communicate through the agency of a prisoner, who was being discharged, with various persons outside the Penitentiary.

3. On the person of a time-expired prisoner who was being searched, were found, on the 18th December last, several letters, and among them one from the prisoner Howard, *alias* Holt, to the address of Mr. W. A. Symonds, in which he threatened that officer with exposure if he did not assist him to pay his fine and provide securities for his future good behaviour; while on the 19th December the money paid in satisfaction of his fine was stated to have been paid by his up-country friend, who was, he himself said, Mr. Symonds.

4. The Inspector-General thereon called on that officer to state whether he had had any communication with Howard, *alias* Holt, during his incarceration, whether he had paid any portion of his fine, and whether he could explain the allusions contained in that individual's letter.

5. Mr. Symonds replied answering the first question in the negative, and questioning the right of the head of his department to put the other queries as relating to matters which concerned him only as a private individual.

6. The Inspector-General accordingly wrote again on the 30th December calling for answers to his questions without further cavil; in reply to which Mr. Symonds wrote saying, after much indefensible comment on the Inspector-General's action, that he felt justified, before answering the questions asked, in asking on his own behalf what the charge brought against him was, and on what grounds it was based.

7. The Inspector-General thereon reported Mr. Symonds to Government for insubordination, and His Excellency in Council, in that spirit of leniency which has on several occasions been extended to previous acts of misconduct by this officer, proceeded to consider whether the questions put were, as urged, from any point of view, open to objection, and as Mr. Symonds had in 1882 been censured for insubordination, and had in 1885 been unfavorably reported on by the head of his department, it further became necessary to see what character he had borne throughout his employment in the jail department.

8. An examination of the records of Government, made in pursuance of this inquiry, discloses that in 1872 Mr. Symonds was informed by Government that he had been guilty of very unwarrantable attacks made in newspapers against the Collector of his district, that he had laid himself open to very severe censure, and that in the event of his being guilty of similar conduct on any future occasion, he would be at once removed from his appointment.

9. He thereupon gratefully acknowledged the indulgence of Government and promised never to offend again; but in 1875, on the occasion of an outbreak in the

with the convict Howard, *alias* Holt, which appeared to be such as no Government could possibly permit to exist between the Superintendent of a Jail and a criminal who had been in his charge, without receiving the most full and minute explanations.

19. To show that those relations were of no private character, a letter written and signed by himself, to the editor of the *Madras Times* on behalf of the convict Howard, *alias* Holt, a prisoner under his charge at the time it was written, was referred to, and other facts were mentioned which indicated that Government had ample reasons which, in the absence of explanation, led them to believe that close relations of a compromising character, extending over a long period, had existed between them.

20. In reply to this order, Mr. Symonds answered on the 6th February that he had nothing to add to his replies to the questions put to him, and that he declined to answer any questions of a similarly inquisitorial character in future, and on the mention of his letter to the *Madras Times*, he proceeded to raise a false issue as to his relations with the press.

21. It may here be observed that from his recurrence to this subject, the Government cannot doubt that Mr. Symonds must have written anonymous articles in public prints to which he conceived they had a right to take exception.

22. Although, however, with reference to Mr. Symonds' censure on two occasions by previous administrations for improper communications to the press, the Government might at any time have found it necessary to inquire into his relations therewith, His Excellency in Council has not as a matter of fact ever thought it necessary to do so, and the questions put to him by the Inspector-General and repeated by Government had no reference to that subject.

23. After refusing to add to his replies, and after raising the false issue above referred to, Mr. Symonds proceeded to speak of Government in terms even more grossly insolent and insubordinate than those of his letter of the 25th January, referred to in paragraph 17 of these proceedings.

24. It will be seen then that the indulgence of Government, extending over many years and covering many offences, has been met in the present case by prevarication and delay, followed by outrageous insolence; but finally, on the 11th February, with dismissal staring him in the face, Mr. Symonds wrote withdrawing whatever in his recent letters might have given offence to Government, and begging them to withdraw from their consideration the matters to which those letters related, and to permit him to return to duty. He further stated that the only thing he desired to add was that during the convict Howard's *recent* incarceration nothing had passed to justify his addressing him in the terms of the intercepted letter. Further, in the event of Government exercising leniency towards him, he made promises of amendment of the same nature as those made in 1872, with the results shown in the *résumé* of his subsequeut services given above.

25. A more remarkable proposition than that contained in Mr. Symonds' last letter has probably never been made by a public servant whose conduct had given dissatisfaction to the Government which he served, and that it should have been made shows that his ideas of his position and his duty are so mistaken as to make his retention in a place of confidence, similar to that which he now holds, out of the question.

26. If at the eleventh hour he had thought fit to fully explain his relations with the convict Howard, *alias* Holt, who was a prisoner under his charge for six months in 1882, and to express contrition for having committed himself in so unwarrantable a manner, he might conceivably have been retained in some less important post in the jail department.

27. As matters stand, from his earlier disingenuous reply to the Inspector-General's first question which he professed to understand to refer to the more recent imprisonment only of the prisoner Howard, *alias* Holt; from his present reply limiting his denial that compromising relations have existed between himself and that prisoner, to that prisoner's more recent incarceration; and from his request that Government will withdraw the whole subject from their consideration, His Excellency in Council can only infer that the worst construction must be put on those relations and treat

them as matter in aggravation of the offence of gross insubordination of which he has been guilty.

28. Mr. Symonds will accordingly be removed from his present appointment and will be suspended for six months from the date of this order. If on the expiry of that period he has come to a proper sense of his misconduct, as a matter of grace and favor and to obviate the total loss of his pension, the question of re-employing him in some closely supervised position in another department of the public service will be considered by His Excellency the Governor in Council, but in no case will he be re-employed in the jail department for which he has shown himself wholly unfit. Nothing but an anxious desire not to press too heavily upon an officer who has on several occasions behaved creditably, written more than one paper which shows a studious turn, and whose recent conduct Government would like to regard as proceeding less from a deliberate purpose to defy their authority than from a distempered intelligence, resulting whether from long unbroken residence in India, from the fall to which he alludes in his last letter, or from some other cause, induces His Excellency the Governor in Council to abstain from ordering his dismissal from the public service.

(True Extract.)

W. WILSON,
Acting Chief Secretary.

~~20th February 1886.~~

J. D. R.

20.2.86.

I shall shortly have three months' privilege due to me, from which my health would doubtless be much improved.

56. ~~57.~~ On receipt of this letter, and after full consideration of the case, His Excellency in Council passed the following order :—

~~58.~~

ORDER—dated 18th February 1886, No. 383, Public.

On the 9th January last, the Inspector-General of Jails reported Mr. W. A. Symonds, Superintendent of the Salem Central Jail, for insubordination under the following circumstances.

2. A prisoner in the Penitentiary, one Howard, *alias* Holt, who had been convicted by the Chief Presidency Magistrate of house-trespass, criminal intimidation and assault, and further bound over to keep the peace for six months as a lawless and violent character, endeavoured to communicate through the agency of a prisoner, who was being discharged, with various persons outside the Penitentiary.

3. On the person of a time-expired prisoner who was being searched, were found, on the 18th December last, several letters, and among them one from the prisoner Howard, *alias* Holt, to the address of Mr. W. A. Symonds, in which he threatened that officer with exposure if he did not assist him to pay his fine and provide securities for his future good behaviour ; while on the 19th December the money paid in satisfaction of his fine was stated to have been paid by his up-country friend, who was, he himself said, Mr. Symonds.

4. The Inspector-General thereon called on that officer to state whether he had had any communication with Howard, *alias* Holt, during his incarceration, whether he had paid any portion of his fine, and whether he could explain the allusions contained in that individual's letter.

5. Mr. Symonds replied answering the first question in the negative, and questioning the right of the head of his department to put the other queries as relating to matters which concerned him only as a private individual.

6. The Inspector-General accordingly wrote again on the 30th December calling for answers to his questions without further cavil ; in reply to which Mr. Symonds wrote saying, after much indefensible comment on the Inspector-General's action, that he felt justified, before answering the questions asked, in asking on his own behalf what the charge brought against him was, and on what grounds it was based.

7. The Inspector-General thereon reported Mr. Symonds to Government for insubordination, and His Excellency in Council, in that spirit of leniency which has on several occasions been extended to previous acts of misconduct by this officer, proceeded to consider whether the questions put were, as urged, from any point of view, open to objection, and as Mr. Symonds had in 1882 been censured for insubordination, and had in 1885 been unfavorably reported on by the head of his department, it further became necessary to see what character he had borne throughout his employment in the jail department.

8. An examination of the records of Government, made in pursuance of this inquiry, discloses that in 1872 Mr. Symonds was informed by Government that he had been guilty of very unwarrantable attacks made in newspapers against the Collector of his district, that he had laid himself open to very severe censure, and that in the event of his being guilty of similar conduct on any future occasion, he would be at once removed from his appointment.

9. He thereupon gratefully acknowledged the indulgence of Government and promised never to offend again ; but in 1875, on the occasion of an outbreak in the Trichinopoly Jail, of which he was then Superintendent, the Government had occasion to express their dissatisfaction that he did not more cordially co-operate with the medical officer of the jail in connection with circumstances which led, or were alleged to have led, to the outbreak.

10. Again, in the same year, Mr. Symonds was severely censured for having neglected to leg-iron two desperate and powerful dacoits, an omission which led to an attempt at escape, to the death of one of the prisoners, and to the trial of one of the police on a capital charge. He was then informed, with reference to a newspaper article on the use of fetters, the existence of which he himself brought to notice, that contributions to the newspapers concerning departmental matters were entirely opposed to good discipline and must be interdicted.

11. In the following year (1876) Mr. Symonds, still Superintendent of the Trichinopoly Jail, left the security deposit of the jail contractor for more than three months in the charge of the jailer who embezzled the amount. He was then informed by Government that his neglect of ordinary precautions and standing rules had placed temptation in the way of a subordinate, and had ruined a man who had hitherto borne an excellent character. The Government trusted that the serious results which had followed his careless want of consideration and breach of rules would be a sufficient warning without further condemnation on their part.

12. In 1882, Mr. Symonds, now Superintendent of Prisons, Madras, declined to accept the Inspector-General's judgment in regard to a matter of departmental administration, and the Government, on the circumstances being represented, found that his letters to the Inspector-General had been in the highest degree insubordinate and disrespectful, and informed him that any repetition of such conduct would subject him to very serious consequences in the interests of official discipline.

13. Later in the same year, the Government, on a report made by the Inspector-General, found that Mr. Symonds' conduct in permitting certain interviews between particular individuals (one of whom was the convict Howard, *alias* Holt) and a prisoner under his charge was unauthorized by rule and indicated so deplorable a want of judgment, under the circumstances of the case, that His Excellency in Council considered it doubtful whether, coming after his recent misconduct referred to in the preceding paragraph, he had not shown himself unfit for his post. He was informed that he had incurred the displeasure of Government, and that, in future, no leniency would be shown him.

14. In 1885, however, the Inspector-General reported that Mr. Symonds' work at the Penitentiary was left too much to subordinates, and that it suffered from his devotion to other pursuits.

15. His previous record having been so bad, the Government might properly have dismissed him on this ocasion, but it was thought that one warning more might be tried, and he was accordingly transferred on equal pay to the charge of the Salem Central Jail, where, it was hoped, he would have fewer temptations to absent himself from his work.

16. The inquiry into Mr. Symonds' past record having disclosed the various and serious offences briefly referred to above, His Excellency in Council, putting aside for the moment the insubordinate character of that officer's replies to the questions put to him by the Inspector-General, and finding those questions to be not only justifiable but such as the Inspector-General was bound to put, directed him to answer them, whereon he again denied having had any relations with the convict Howard, *alias* Holt, during his incarceration, denied having paid any portion of his fine, and expressed himself unable to explain the allusion in the letter to his address from Howard which was found on the person of the time-expired prisoner by the Superintendent of Prisons.

17. He then proceeded to state that he understood his recent transfer to Salem, the reasons for which are given in paragraph 13 of these proceedings, was due to his having expressed an adverse opinion of the action of Government in a particular case, and to speak of Government in the most grossly, improper, and insubordinate manner.

18. The Government thereon suspended him for submitting a communication to the head of his department in obedience to an order of Government, the tone of which was happily unprecedented ; but deferring their decision on the question immediately before them, and wishing to give him another chance of explaining his conduct, they again called on him to answer the Inspector-General's question, pointing out that these questions did not, as he maintained, refer to his private acts, but to his relations

also the Government will withdraw from their further consideration the matters to which his letters relate.

2. Mr. Symonds desires to add to his replies to the questions put to him, his assurance that since prisoner Howard's recent incarceration, there has been nothing to justify his (Howard) addressing him in the terms he did in the intercepted letter.

3. Mr. Symonds further pledges himself, in the event of the Government accepting his retractation and apology, he will not give occasion again to the Government to complain of his conduct.

4. Mr. Symonds informs me he has sent his letter of apology direct to the Government, in order to save time; nevertheless, I consider it my duty to forward Mr. Symonds's letter addressed to me.

5. I have no wish whatever to injure Mr. Symonds, and I sincerely hope the Government will take a lenient view of his conduct. At the same time, taking into consideration his demeanour towards a certain class of prisoners, notably Lingam Lakshmaji and Howard, I think, for the interests of this department, Mr. Symonds should not be permitted to remain in it, but that employment, if possible, may be found for him in the department he was in, prior to his being appointed to this one.

From W. A. SYMONDS, Esq., to the Inspector-General of Jails, dated Madras, 11th February 1886.

I have the honor to request permission to withdraw, without reservation, whatever in my recent letters regarding prisoner Howard may have given offence to the Government, to whom I hereby tender my sincere and sufficient apology for the same; begging them to make indulgent allowance for all I have done amiss under stress of mind more easy to imagine than describe; begging them also to withdraw from their further consideration the matters to which these letters relate.

2. The only thing I desire to add to my replies to the questions put to me is my assurance, on my word as a gentleman, that since prisoner Howard's recent incarceration, there has been nothing to justify his addressing me in the terms of his intercepted letter.

3. In conclusion, I hereby pledge myself that, in the event of the Government accepting my retractation and apology, and allowing me to return to my duty, I will not, in any way, give them occasion again to complain of my conduct, but will use my best endeavours to prove that their clemency towards me has not been exercised in vain. I have been unable to take leave out of India since I came to the country upwards of five-and-twenty years ago, and about a year ago I received a severe fall from my horse, which must, I believe, have affected my nervous system.

5. I meet and rebut the inference drawn from my published letter to the editor of the *Madras Times* by appending a copy of a second letter, which he refused to publish (*vide* issue of the same paper for 18th March 1882, or three days later than the publication of my first letter). The Government will observe that they have misapprehended the purport of the first letter.

6. Apart, moreover, from the staleness of the charge, I would bring it to the knowledge of the Government that the then head of my department, Colonel Tennant, at the instance of Colonel Weldon, called upon me for an explanation of this very letter shortly after its publication, and that I satisfied both officers that its tenour and intent were ironical and nothing more.

* Mr. Grimes reports he can find no record of this

7. I am unable to understand in what way the employment by Mr. Howard of one of the Penitentiary clerks points to anything beyond such employment.

8. While I deeply regret that, by the tone of my last letter, I should unintentionally have given offence to the Government, there is a point, I submit, at which human patience must give way, and I again, with all deference, insist that the action of Government is not simply unconstitutional, but tyrannical.

P.S.—I would have replied earlier, but that I have been out of health, and that my time has been taken up with the removal of my family and effects consequent upon my suspension. In addition, I have had some difficulty in laying my hands upon the copies of my letters to the *Madras Times*. Even now I cannot find my correspondence with Colonel Tennant about those letters.

55. On receipt of this letter, His Excellency the Governor in Council had passed orders, again pointing out to Mr. Symonds the reasons that led His Excellency in Council to consider answers to the Inspector-General's questions imperatively called for, and giving him an opportunity of withdrawing the improper expressions he had allowed himself to use, in speaking of Government; but before these orders had issued, the communication printed below was received from the Inspector-General:—

56.

From H. R. GRIMES, Esq., Inspector-General of Jails, to the Chief Secretary to Government, Fort St George, dated Trichinopoly, 13th February 1886.

I have the honor to forward a letter from Mr. W. A. Symonds requesting permission to withdraw, without reservation, whatever in his letters regarding prisoner Howard may have given offence to the Government, and tendering his sincere and sufficient apology for the same; begging the Government to make indulgent allowances for all he has done amiss; begging

that he is unable to explain the allusions contained in the latter part of Howard's intercepted letter of the 17th December, copy of which had been communicated to him by the Inspector-General of Jails.

"2. Mr. Symonds will now be informed that Government are in possession of information which makes it necessary that he should again be asked whether or not he remitted money to Mr. Ambrose, Howard's solicitor, knowing that it would be, or suspecting that it might be, used by Mr. Ambrose in payment or part payment of Howard's fine; or whether he, in any way, communicated with Mr. Ambrose about Howard's case. Independent information that he did remit money on this understanding is in the possession of Government, and that it was used accordingly, while the convict Howard has stated that he (Mr. Symonds) would help him, and was bound to help him.

"3. In regard to the third question put to Mr. Symonds, the Government have to observe that the newspapers of 1882 afford evidence that he openly wrote on behalf of Howard, then a prisoner in his charge, to the editor of the *Madras Times*, while information is in the possession of Government to the effect that Raja Mannaru Chetti, while serving as a clerk in the Penitentiary, was employed as a clerk by Howard after his release from his earlier term of imprisonment.

"4. These circumstances point to the existence of relations between Mr. Symonds and Howard of such a nature, when their respective positions are considered, as to make an explanation imperative.

"5. Mr. Symonds will, therefore, again be called on to answer questions (ii) and (iii), and will observe, in answering question (iii), that that question does not merely relate to Howard's latest period of incarceration, but to relations existing between that individual and himself at any period which might explain the allusions contained in the latter part of Howard's letter of the 17th December.

"6. Pending such further action as the Government may find it necessary to take in regard to Mr. Symonds, he will, irrespectively of such punishment as may be called for on account of his insubordinate conduct already reported, be suspended till further orders as a punishment for submitting to the head of his department, in obedience to an order of Government, a communication the tone of which is happily unprecedented."

54. On the 8th February, Mr. Grimes forwarded to Government Mr. Symonds's reply. This is printed below without its enclosure however, as it was immaterial whether Mr. Symonds's letter to the *Madras Times* was ironical or not as explained in the final order :—

From H. R. GRIMES, Esq., Inspector-General of Jails, to the Chief Secretary to Government, Fort St. George, dated Madras, 8th February 1886.

I have the honor to forward Mr. Symonds's reply to G.O., No. 202, Mis., dated 28th Janu-

ary 1886, which I have received this morning.

Mr. Symonds states he has nothing to add to his replies to the queries put to him regarding Mr. Howard, and respectfully declines to answer in future any questions of a similarly inquisitorial character.

The whole tone of Mr. Symonds's reply is, I regret, so unsatisfactory, it is needless for me to recapitulate it.

In reference to the charges made by Mr. Symonds against Mr. Goodrich, I admit having received them; I have Mr. Goodrich's replies to those charges, but I did not consider it necessary to forward them to Mr. Symonds, who, I felt, had an animus against Mr. Goodrich for some reason or another, which is now fully explained in the 4th paragraph of Mr. Symonds's reply.

The enclosures referred to in Mr. Symonds's 5th paragraph are forwarded.

From W. A. SYMONDS, Esq., to the Inspector-General of Jails, Madras, dated Salem, 6th February 1886.

I have the honor to acknowledge the receipt of the Proceedings of Government, No. 202, (Public), dated 28th January 1886.

2. I have nothing to add to my replies to the queries put to me regarding Mr. Howard, and I must respectfully decline to answer, in the future, any questions of a similarly inquisitorial character.

3. I challenge the production of the "independent information in the possession of Government."

4. I fail to see how Mr. Howard's statement that "I would help him, and was bound to help him," affects the question of our relations. Would the Government, I may ask, be willing to accept any statement Mr. Howard might make respecting their own relations with him? I have further to observe that Mr. Howard's statement was made in answer to the questioning of Mr. Goodrich, a gentleman between whom and myself there then existed anything but amicable private relations by reason of his having palmed of upon me a quantity of furniture at exorbitant prices,—prices, in some instances, cent. per cent. above the prime cost of articles which Mr. Goodrich had had in use for years, which had been manufactured at the Salem jail, and which he had not himself paid for at the date of their sale to me. I may add that I have since charged this gentleman with abuse of his official position, as Superintendent of the Central Jail at Salem, in the matters of manufactory credit; of the sale to the prison of a cow, which, within a few weeks of his transfer, he had bought for his own private use; with the purchase of grain, for his domestic purposes, from the jail contractor, for a palpably insufficient consideration; with the infliction of illegal punishments upon the prisoners under his care; and with various other misdemeanours. Hence, information respecting myself that may reach the Government from or through this quarter should be received with caution.

Howard must be submitted so as to reach the hands of the Chief Secretary to Government with the least possible delay."

51. On the 26th current Mr. Grimes forwarded Mr. Symonds's answer to this order to Government. His letter and its enclosure are printed below :—

From H. R. GRIMES, Esq., Inspector-General of Jails, to the Chief Secretary to Government, dated Madras, 26th January 1886.

I have the honor to forward, for the information of Government, with reference to their order of the 21st instant, No. 128, Mr. Symonds's replies to the queries put to him by me regarding the prisoner Howard.

2. Mr. Symonds denies having had any communication with the prisoner Howard during his incarceration, also denies having paid his fine or any portion of it.

3. In reply to the 3rd query, Mr. Symonds states he is unable to explain the allusions made in the prisoner's letter addressed to him, or his right to address him in such terms beyond the fact that some time ago he befriended the prisoner when in difficulties.

4. I make no remarks on Mr. Symonds's communications, but leave them for the Government to take such notice of as they may deem fit. The copy of the letter* addressed by the prisoner Howard to the Chief Secretary to Government in May last, which Mr. Symonds says, in his 5th paragraph, he has appended, has not been received by me.

* Letter R, see para. 41 of Memorandum.

From W. A. SYMONDS, Esq., Superintendent Central Jail, Salem, to the Inspector-General of Jails, Madras, dated Salem, 25th January 1886.

In obedience to the order of Government (No. 128 of the 21st instant), I have the honor to reply to the queries you have put to me regarding the prisoner Howard.

2. (1) I deny having had any communication with the prisoner Howard during his incarceration; (2) I deny having paid his fine or any portion of it; (3) I am unable to explain the allusions in his letter or his right to address me in such terms, beyond the fact that some time ago I befriended him when in difficulties. Mr. Howard had seen better days, and was connected with the Press, and, having thus had occasion to meet me (I having been the Secretary of the Friend-in-Need Society and of the Madras Literary Society and Auxiliary of the Royal Asiatic Society and otherwise a public character), he subsequently communicated to me some of his grievances and troubles.

3. I have now answered your queries, but I have done so only as a loyal subject and in obedience to constituted authority.

So strongly, however, am I convinced that the principle on which I have stood from the first was right, and that your action was an infringement of British right and usage, that

I feel I should have been justified in appealing to His Excellency the Governor-General or (if need be) to the Secretary of State, before admitting your right to place me in the false position to which such "categorical questioning" might lead.

4. I must now again, and with all respect, protest against what I cannot but regard as the unfair way in which you connect me with the prisoner, and your implication that I had relations with him as a "defamer of the Government." He is not in jail as such, nor accused thereof; and yet, to one not behind the scenes, your letters read as if your accusation were that I, the Superintendent of the Penitentiary, having in charge a Political convict (which he is not), who was punished with fine for defaming the Government (which he was not), had paid that fine, and had compromised myself as a Government official by having relations with the "convict" as such.

5. Now that I have explained what my "relations" with him were, and adverting to your reference to the familiar terms in which he addresses me, I may state that I can place you in possession of some further information regarding Mr. Howard. Among the matters that, as a grievance-monger, he communicated to me were copies of his correspondence with the Chief Secretary to Government. I append a copy of a letter he wrote to that official in May last. There, surely, you have most defamatory and threatening language to Government as represented by its Chief Secretary, and what were the subsequent "relations" of that high official with him? Did he scout his offers and threats, and forbid him access to his presence? No, the Chief Secretary granted the "defamer" the desired interview, and many more interviews, and on public occasions shook hands with the "convict."

6. I could add more were I not addressing you officially, and besides, Government have sometimes a strange way of dealing with their friends.

7. One word more, and I have done. I understand that my recent transfer from being Superintendent of Prisons for the Town of Madras to that of an up-country jail is due to my having expressed my opinion that the Government of Madras had acted unjustly by Dr. Thomas (since reinstated by the Government of India). If such personal motives influence the proceedings now taken against me, and the apparent desire to compromise my official position, I must submit that it is unworthy of a representative of the great Party which has given us freedom of opinion and liberty of the press.

53. On receipt of this communication the following order* issued on the 29th current :—

* G.O., 28th January 1886, No. 202.

"In reply to G. O., No. 128 (Public), dated 21st January 1886, Mr. W. A. Symonds repeats that he has had no communication with Howard during his incarceration, denies that he has paid his fine or any portion of it, and states

ment was carried out in the Penitentiary, the Inspector-General's letter * on the same subject should be considered. Mr. Grimes says that the Deputy Keeper of the Penitentiary reports that Howard was frequently employed in the Jail Office, and is believed to have been employed therein in writing the insubordinate letters to Colonel Tennant about the Chubb's locks experiment, which have been referred to in paras. 15—18 of this Memorandum.

* Z, dated 7th January 1886.

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47. Referring again to Mr. Symonds's past record, to the end that what is in his favour may be noticed, as has been that which tells against him, it is observed that in his letters of 16th August 1882 to Colonel Tennant, in connection with the Chubb's lock experiment referred to in paragraphs 15—18 of this Memorandum, he said that the Duke of Buckingham's Minute, attributing to his tact the success of the close prison experiment, had been withheld from him. This was stated by Mr. Symonds with a view to show that Colonel Tennant was prejudiced against him.

48. It seems that His Grace did observe that the tact of the Superintendent of the Penitentiary had overcome a disposition on the part of the convicts to the introduction of the separate system, and it is admitted † by the Inspector-General that Mr. Symonds "has always been considered an able officer, and that it is only quite recently that he has known that he has misconducted himself in the way he has." Colonel Tennant, who has been consulted, says he has no information to give concerning Mr. Symonds, beyond what is already in possession of Government, which, however, does not bear out Mr. Grimes' estimate of the general character Mr. Symonds has borne in the Jail Department, at the head of which Mr. Grimes has only been for a short period. What that character really was will be seen from the first part of this Memorandum.

G.O., 10th February 1881, No. 325.

† D. O. letter O. dated 13th January.

49. *Per contra*, however, it should be noted that in 1875 the Inspector-General of Jails reported that, on the occasion of an attempt on the part of 150 convicts to escape from Trichinopoly Central Jail,

Mr. Symonds's firm attitude and decision, which Government approved,* probably prevented a more serious outbreak attended with great loss of life, and that Mr. Symonds has, on various occasions, prepared reports and papers which have been described by Government † and by the head ‡ of his department as interesting and valuable. Other papers of some merit by the same hand may be found recorded in the orders of Government noted on the margin.§

* G.O., 4th June 1875, No. 1279.

† G.O., 18th August 1884, No. 1813.

‡ Letter in G.O., 18th Feb. 1882, No. 205.

§ G.O., 15th Dec. 1884, No. 2700.
G.O., 14th July 1885, No. 1840.

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50. On the 21st instant an order‖ issued to Mr. Symonds which was couched in the following terms:—

"The Inspector-General of Jails has reported to Government that on the 21st December last he called on Mr. W. A. Symonds, Superintendent of the Central Jail, Salem, to answer the following questions, viz.:—

"(i) Have you had any communication with the prisoner Howard, direct or indirect, during his incarceration?

"(ii) Have you paid his fine or any portion of it?

"(iii) Can you explain the allusions in Howard's letter to your address of the 17th December, and by what right he addresses you in such familiar terms?

"Mr. Symonds, on the 26th December, replied answering the first question in the negative, challenging the Inspector-General's right to interrogate him on the matters referred to in the 2nd and 3rd questions.

"Mr. Grimes thereon again wrote calling on Mr. Symonds to answer the questions put to him without further cavil, and to state what were the relations existing between him and the convict Howard. To this, however, Mr. Symonds replied saying that before answering these queries he felt justified in asking the Inspector-General whether he charged him with having relations with convict Howard as a defamer of Government, and if so, on what grounds.

"His Excellency the Governor in Council is now pleased to direct Mr. Symonds to obey implicitly and fully the orders sent to him by the head of his department with no cavil or reservation of any kind. His answer to the questions put to him by the Inspector-General and his explanation of the relations which exist or have existed between himself and the convict

‖ G.O., No 128, Public, dated 21st January 1886.

for insubordination, setting forth the circumstances more fully given in the preceding paragraphs.

41. In speaking of convict Howard's "relations" with a "high official," Mr. Symonds is understood to refer to Howards' letter * to the Chief Secretary to Government, Mr. Webster, asking for an interview, and to his letter of the 1st Sept. † preferring an appeal to Government against his conviction by the Criminal Courts. In the latter letter, he forwarded a paper ‡ containing certain questions to the Superintendent of the Penitentiary, the answers to which he held would show that that officer (Mr. Symonds) had, during his imprisonment, come to think of him as an innocent man. Howard was merely told that Government would § not interfere in judicial matters, and the questions to Mr. Symonds remained unanswered. The only inference which can be drawn from them is that Mr. Symonds had some conversation with Howard concerning his mercantile speculation, and tendered to him some advice on the subject.

* R. dated 2nd May 1885.

† Marked T.

‡ Marked S.

§ G.O., dated 14th September 1885, No. 2443.

42. On the 20th current, a ‖ memorandum was received from the Commissioner of Police giving the result of his inquiries as to the relations, past and present, between convict Howard and Mr. Symonds. The most important portions of this Memorandum are given below :—

‖ W, dated 20th January 1886.

"Howard was convicted on 24th February 1882, and sentenced to six months' rigorous imprisonment. He, of course, appealed, but his conviction was confirmed by the High Court. During the early part of his sentence it became my duty to visit the Penitentiary as the official visitor for the month; the date of such visit will be recorded in the Jail books. A remark was made by me regarding the large proportion of European and East Indian prisoners on half labour. Howard was one of those so employed. I cannot call to mind if I ever again saw Howard at work. My impression is, I did not.

"Independent inquiry now elicits that, as a fact, which Government may accept, Howard was employed on light labour during the first month only of his imprisonment. The remainder of his term he spent in the Prison Office ostensibly for the purpose of writing his appeal, but supposed really to be employed on some private work of the Superintendent. If a visit

from the Inspector-General of Jails or other officials was expected, Howard was taken to the ward for the sake of appearance, and, when the visitor left, was relegated to the office. I was at first under the impression that this exceptional treatment of Howard was only at the time when his appeal to the High Court was pending; but I have ascertained that it was not so; the special favor shown to him increased as time went on, until, at his discharge, he had established himself as the intimate coadjutor of the Superintendent for apparently literary purposes.

"Subsequent to Howard's release, he visited the Jail partly on business connected with the Superintendent, partly as the Agent of Dr. Cline, who was, in a legal capacity, interested in a well-known convict named Lakshmaji Pandit.

"From July 1883 till September 1884, Howard employed himself with writing work, the tangible result of which used to be taken charge of by one Raja Mannaru Chetti, a clerk in Mr. Symonds' office at the Penitentiary and his confidential Agent.

"Mr. Symonds himself frequently visited Howard at Patter's Gardens where he resided, and they were apparently on terms of perfect equality. Mr. John Wallace was also living there and joined the party.

"Mr. Symonds was, I have reason to believe, fully acquainted with Howard's plans and actions when the latter visited Ootacamund in September 1885, and when the birth of the '*Telephone*' newspaper was expected."

43. Medical reasons may possibly have justified Howard's having been treated more leniently than other prisoners during the greater portion of his imprisonment. It would be difficult to satisfactorily prove that this was so at this distance of time, and still more difficult to satisfactorily establish that Howard's health did not justify the treatment he received.

44. The connection of the Penitentiary writer, while employed under Mr. Symonds, with Howard is a very suspicious circumstance, which should be brought to Mr. Symonds's notice when he is called on for an explanation.

45. It should further be observed here that the Commissioner of Police * reports that while Howard was residing in Patter's Gardens in 1883-84, this clerk brought him petitions, and that while Howard paid the clerk for scriptory work, Howard, in turn, was given money by Mr. Symonds.

* Memo. Y, dated 21st January.

46. In connection with Col. Weldon's report on the manner in which convict Howard's sentence of rigorous imprison-

39. In answer to this letter, Mr. Symonds, on the 7th January, replied * in the following terms :—

* D. O. letter (M).

"I beg to assure you that nothing is further from my intention than to adopt an improper or insubordinate tone. To 'respectfully question the right' you claim and exercise, is not of itself, I humbly submit, sufficient to sustain a charge of *distinct* impropriety and insubordination. If you will be gracious enough to point out any single expression or several expressions convicting me of this offence, I will at once gladly withdraw the same with an ample apology; but, unless you will be pleased to indicate *where* the 'tone' of my letter, dated 26th December 1885, is 'distinctly improper and insubordinate,' I, with the utmost respect, object to your recording what at any time may be used against me, your opinion that I have been insubordinate.

"Again, I, with due deference, demur to the charge of 'cavilling' as not supported by a grave contention urged by me in no captious spirit. I feel that I must not lose, but must hold fast by, a 'principle' precious alike to employers and employed throughout the civilised world; that, while my eyes look up to authority, my feet must stay themselves firmly here.

"Further, I have always been led to believe that it is one of the plainest principles of English law,—and indeed the custom between employer and employé in any country with a constitutional Government,—that a suspected person should be charged with a definite offence, and not called upon to incriminate or exculpate himself.

"I must add that you hold the still more strange position of attributing to me conduct unbecoming a Government servant from inferences drawn, not from any act or writing of mine, but from the intercepted letter of a person for whose actions I cannot be expected to answer any more than to explain * his holding 'relations' with a high official or his 'right' or reasons for having written to that high official in still more unaccountable terms.

* See paragraph 34 of this Memorandum *infra*.

"In the actual circumstances of prisoner Howard's past or present incarceration,—neither being for a political offence, nor in any way connected with his defamation of Government,—I consider it unconstitutional to be thus interrogated. Did your questions connect me with the alleged assistance of the person who has defamed the Government, *quoad* the defamer of Government, I should admit that, as an official, I should be bound to explain the alleged relations with him.

"For all these reasons, then, before replying to your queries, I feel justified in asking whether you charge me with assisting or having relations with the prisoner as a defamer of Government, or that I have helped him in consequence of his being such; and, if so, on what grounds you base your charge."

40. On receipt of this letter Mr. Grimes reported Mr. Symonds to Government

and Co., to get relief, which they would not deny me. Do not drive me to this.

"(Inld.) S. H."

Of the other four * intercepted letters, those to Piercy and Luxa and Mrs. Fowler contain nothing that need be reproduced here, but that † addressed to one Chamberlin ends with these words:

* Letters (F), (G), (H).

† Letter (I).

"Please give the bearer Rs. 2 for his trouble, and post the letters he gives you to Symonds, Piercy, Luxa and Mrs. Fowler. Keep contents of letter to Symonds secret even from Ambrose."

Nothing material to this inquiry can be discovered concerning Ross, Appadurei[1], Kistnamachari,[2] Chamberlin,[3] Luxa and Mrs. Fowler.

2 and 1 are Attorneys, the latter has dabbled in Jail contracts; 3, Stationer.

36. The Inspector-General, on the 21st ‡ Decr., called on Mr. Symonds to state whether he had had any communications with convict Howard, direct or indirect, during his incarceration; whether he had paid his fine or any portion of it; and whether he could explain the allusions in the last part of Howard's letter read above.

‡ D. O., Letter (J).

37. On the 26th Mr. Symonds § replied in the following terms:—

§ D. O. letter (K).

"I, of course, recognise your right to ask whether I have had any communication with the prisoner Howard, direct or indirect, 'during his incarceration,' and I reply in the negative.

"3. I, however, respectfully question your right to interrogate me on matters which concern me solely as a private individual, and, as I regard the other queries as being of this nature, I object, on principle, to being called upon to answer them, though quite ready to explain any action in my official capacity."

38. On receipt of this letter, Mr. Grimes wrote ‖ again on the 30th December requesting Mr. Symonds to reply at once, without further cavil, to the questions put, as they concerned him not solely as a private individual, but also as a Government servant, at one time in charge as Superintendent of the Penitentiary, of a person now again a prisoner therein (viz., Howard), who had defamed the Government collectively and individually, and who pretended to be an intimate friend of Mr. Symonds and appeared to have received money from him to help him to pay a magisterial fine.

‖ D. O. letter (L).

34. It should be noted that convict Howard was the chief promoter of the so-called Vigilance* League, that Piercy was, as observed in paragraph 28, to have been a contributor to its organ "*The Telephone.*"

* See Appendix I.

35. The letter from convict Howard to Mr. Symonds, found by Mr. Goodrich on the person of a time-expired convict, runs in the following terms:—

Letter (E), dated 17th December.

"*To W. A. Symonds, Esq., Salem.*

"How could you expect a *poor* Vakeel, who has not received any fees, to advance money. You talk about mental aberration, but it really seems as if you had taken leave of your senses, or that the fine was Rs. 5,000 and the sureties 15,000 each. So much fuss has been made about a matter which you might easily have arranged in three days. It is simply absurd to say you could not get Rs. 100 in a dozen places in Salem if you choose. To say nothing of there being dozens of men elsewhere, who might accommodate you for the asking. It is simply inhuman that I should have been left 2 months in hellish torment, whilst not a single soul but Ambrose* has lifted a little finger to help me. Rs. 50 will now square fine, &c. As for the sureties have you no influence with Norton, the Bransons, or Grants. Surely any one of them would have done the needful *per se* or vicariously, if you had given them instructions. There are dozens of men who are beholden to you, and would have obeyed you and observed *secrecy*, if you had given them your directions and guarantee. Such men as Mr. Ross of Perambore, S. T. Krishnamachari, Appadurai Mudali, the Jail Contractor, for whom I wrote the petition, and Ambrose himself would have done it on your guarantee. Now I only want the sureties for two days as I am going to Bombay. Directly I start, the sureties can withdraw. I hope you are not thinking of leaving me to pass Christmas in hell. Out of the 53 days I have been here, I have undergone 41 days of punishment, 20 in close separate confinement and 21 on bread and water in solitary. All illegal I know. Last week I was assaulted by warders and 20 policemen, trying to illegally taking my photograph, and now I am again in solitary on bread and water, until I will consent to have it taken. You yourself would not have stood 100th part of the torture I have endured, but I can hold out no longer. I feel a bitter burning sense of wrong at my most cruel desertion. At times my blood boils, my brain becomes on fire, and I feel as if I could not preserve my mental balance. I will not stand it any longer. Unless I hear you are taking instant practical steps to set me free, I shall, without further parley, be compelled to enlighten Norton, the Dr. Thomas and Binny

* His Solicitor.

"It is, we know, not wise to put faith in princes, but we have been taught to believe in and admire the loyalty of the members of the fourth estate one towards another. No man worthy the name of Editor would forsake, much less basely desert, a once valued contributor without at least an effort to save him, no matter to what straits he might be reduced. Surely you do not wish to figure as an ignoble exception to an honorable rule? Permit me to jog your memory. In a very admirable leading article on the subject of imprisonment for debt, you promised the world an exhaustive treatise on the whole question, embracing a scheme for remodelling the laws regulating bankruptcy and debt. But since the disappearance from your columns of 'The Civil Debtor' and 'Zero' and the contemporaneous incarceration of Holt, your readers had looked in vain for the fulfilment of your promise. Can the scoffers be correct who assert that you depended on the pen and inspiration of that ready-writer to carry out that public engagement, and that now that this member of your staff has been imprisoned, you are incompetent to complete the task to which you have committed your paper? Now, Sir, whether or no, 'The Civil Debtor' is a guilty man, the fact remains that the *Madras Times* lauded him in a leader and proclaimed that he had rendered public service which entitled him to the thanks of the Government and the people of India in the same way as Mrs. Surr received the thanks of the Home Government, conveyed to her by the Home Secretary. Many, at the same time, shared and expressed that opinion with yourself; and whether Holt is or is not a guilty man in other respects does not at all nullify services which consisted in the revelation of certain facts connected with the law of imprisonment for debt in this presidency, which facts have not (so far as you yourself appear to have been informed, or so far as you have informed your readers) been either denied or disproved except by those few words of the Official Visitor, which referred not to the question of general policy, but to a particular complaint of 'The Civil Debtor.' It behoves you, therefore, to have the courage of your convictions. The Civil Debtor is at present under a cloud, but he has given notice of appeal against his sentence and conviction. Things are not always what they seem. Perhaps, with the aid of professional assistance 'The Civil Debtor' may yet succeed in reversing the magisterial decision. At all events there can be no doubt of what is expected from you at this juncture, viz., that you will recognize the past services of a valuable contributor—services not only to the *Madras Times* but to the public—by starting and heading a Civil Debtor Defence and Appeal Fund, and in order that you may be assured of, at least, one supporter, I shall be happy, when I see the fund advertised in your paper, to add my mite to your own subscription.

"Yours obediently,

"W. A. SYMONDS."

a "Civil Debtor Defence and Appeal Fund," should such a fund be advertised in the paper. *On appeal, it may be noted, the sentence was upheld, though the conviction on one of the counts was reversed*

31. The editor said that this letter was more damaging to Mr. Symonds than disagreeable to himself, that he had washed his hands of Howard as soon as he had been convicted on a criminal charge, that he had, in fact, published all that Howard had said in retractation of his former charges against Mr. Symonds, and that he wished Mr. Symonds's relations with Howard would bear as close a scrutiny as his own would.

32. The editor concludes his article by saying:

"It may be inferred from it that he, as Superintendent of the Jail, held long conversations in prison with a prisoner, convicted of crime, on such matters as he has written to us about. It can be seen that he puts himself forward as a would-be partizan of such a convicted prisoner. He requires us to open a fund on behalf of his protégé, and promises to contribute to it * * * * *.

We recommend altogether to the serious consideration of the Chief Magistrate and the Governor the levity, vanity, arrogance and utter absence of dignity and judgment displayed by the Superintendent of the Penitentiary in his communications to us."

33. The letter from Mr. Symonds to the editor, which is printed in full in the article, is also printed in full below:

"Base Desertion."

"*To the Editor of the 'Madras Times.'*

"Sir,—Not long ago you published a voluminous correspondence, between a 'Civil Debtor, his Superintendent and others,' which, with a flourish of trumpets, you announced to your readers as being not only interesting, but an important contribution to the great question then under consideration of Government, viz., the proposed abolition of imprisonment for debt. The publication of this correspondence gave rise to a subsidiary correspondence which raged in your paper without intermission until the 18th January last. On that day a letter appeared in the *Madras Times*, from an indignant correspondent, inquiring whether you were aware that the official visitor who had investigated the complaint of the 'Civil Debtor' had reported that he had been 'treated with kindness and consideration by his Superintendent.' It is known that, upon the appearance of that letter, 'The Civil Debtor' went from your office to the official visitor and ascertained from him that he really had made the report ascribed to him, a fact which was that day communicated to you by 'The Civil Debtor,' who was

arrested under a warrant upon a criminal charge (of which he has since been convicted), and returned under arrest, to your office where, although you concurred with him in the opinion that the charge brought against him was an attempt to blast the cause by damning the advocate, you declined to stand bail for him, but promised to do all in your power to assist him, and further promised to visit him in prison.

"You are aware that I did not think it worth while making any comment upon 'The Civil Debtor's' correspondence at the time; nor should I revert to the subject except that it seems to me an explanation is due from you as to the causes of what appears to be a case of very cruel desertion on your part.

"From the 31st December 1881 to the 18th January 1882, letter after letter appeared in your paper on the subject of 'The Civil Debtor' and his revelations, his facts being neither denied nor disproved. Now, having on that fatal 18th January, been informed of the result of the official visitor's investigation, why did you not authoritatively publish it? Why did you keep back that most material conclusion? Did not justice to myself demand that it should be published as the sequel to all the denunciation that had previously been heaped upon me? If you disagreed with that sequel, you ought still to have published it and then given your reasons for differing from it. Did you think that those few simple words, 'The Civil Debtor has been treated with kindness and consideration by his Superintendent,' would weigh more with the public, would have greater effect upon your readers, than all the ink that had been shed in the composition and printing of that very interesting and extensive correspondence?" But it is not with this purely personal matter that I am concerned; that continues to be—as it has always been—a matter of the extremest indifference. What concerns your readers is that the journalist who conducts a paper (to quote your own words) 'claiming the influence to which the *Madras Times* aspires,' should be true to his principles and loyal to its contributors. The identity of 'The Civil Debtor' with the author of the 'Roulette' sketches is now an open secret, and, as the fortunes of Mr. Holt* are now as much below 'zero' as they might, with the invaluable assistance of the *Madras Times*, be above 'zero,' it appears to me that now is the time for to prove yourself a friend indeed to a friend in need. Holt, in the course of his recent trial, avowed himself to be 'Zero,' and said you had 'basely deserted him in the hour of his need.' Why was this not reported in the *Madras Times?* You were subpœnaed as a witness for a defence, but you were not called; and the reason Holt gave for this was that he feared you had gone over to the other side, or made terms with them, to avoid being sued or prosecuted for publishing an assertion by 'The Civil Debtor' which his prosecutor alleged to be defamation. *Was this so?*

* *alias* Howard.

25. The Commissioner of Police says* that—

* Memo. Y, dated 21st January 1866.

"Mr. Ambrose states that the letter, which covered the remittance,—with all other letters from the same source,—was destroyed, as he was requested so to do, when the correspondence began."

26. Mr. Ambrose, in his letter† to Howard of the 16th December, says:

† Letter C.

"*Your up-country friend has written me a long letter. He wants me to advance you the money you may require to set you free.* In reply, I have written to say that I regret my inability to do so."

Three days after this the remittance referred to above was made.

27. With his letter of the 19th December, Mr. Goodrich also forwarded to Mr. Grimes five letters from convict Howard, which had been found on the 18th December on a time-expired prisoner when he was being searched on the completion of his term of imprisonment.

28. These letters were addressed, three of them to certain residents in Madras, and the remaining two, one to Mr. Symonds, and the other to Mr. Piercy, late Assistant Accountant-General, Madras, who was recently removed from Madras, and who wrote the leader that was to have appeared in the first number of the abortive organ of the so-called Indian Vigilance League, *The Telephone*.

29. In 1881 and 1882, Howard contributed various articles and letters‡ to the "*Madras Times*," giving his correspondence with Mr. Symonds about his batta or maintenance allowance. At this time Howard complained of Mr. Symonds for being harsh to him and not increasing his rations as a civil debtor.

‡ 31st December 1881; 3rd, 4th, 5th, 7th, 10th, 11th, and 18th January 1882.

30. Soon, however, after his conviction on a criminal charge in February 1882, the relations between them underwent a change, and in the *Madras Times* of March 15th, 1882, the editor publishes, in an editorial entitled *Bombastes Furioso*, a letter he received from Mr. Symonds signed with his name, upbraiding the editor with having basely deserted Howard, his once valued contributor, hinting that that individual, then a prisoner under his charge, would be righted on appeal, and offering to contribute to

also transmit copy of the correspondence now submitted by him to the Accountant-General, who will bring Dr. Cline's proceedings in this case to the notice of the Government of India, in the Financial Department."

21. Subsequently, in 1885, the Inspector-General of Jails (Mr. Grimes) had an interview with His Excellency the Governor, from which it resulted that His Excellency thought it advisable to transfer Mr. Symonds from the Madras Penitentiary to the charge of the Salem Central Jail. It appeared that Mr. Symonds left too much to his subordinates, that his work suffered from his devotion to other pursuits, that he fell below the proper standard of zeal and careful attention.

The Inspector-General of Police (Colonel Guthrie) has informed* Government that on the occasion of his transfer, Mr. Symonds said publicly:

* D.O. letter N., dated 13th January 1885.

"What is the good of sending me to Salem. I can always write to the newspapers."

It was notorious that Mr. Symonds was the reputed author of continual attacks on Government in the newspapers, but no instance of an attack on any officer with whom he held immediate official relations having been brought officially to the notice of His Excellency in Council, he did not think it necessary to take cognizance of the matter.

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22. This brings the record down to the present time, when the Inspector-General of Jails reports† Mr. Symonds for insubordination in the circumstances set forth below:—

† Current No. 98, dated 9th, received 12th January 1886.

23. The Superintendent of the Madras Penitentiary, Mr. Goodrich, on the 12th December 1885,‡ wrote in the following words to the Inspector-General of Jails:—

‡ D.O. letter A.

"Howard, in writing to Mr. Ambrose, solicitor, * * kept alluding to his *friend up-country*, who must assist him, could not refuse to, should be forced to do so. I questioned him as to who this was, and *he said it was Mr. Symonds*, and that he must assist him."

24. On the 19th December 1885, Mr. Goodrich again wrote § to the Inspector-General saying:

§ Letter B.

"*Howard's fine (the remaining portion), Rs. 32, was paid this morning.* Mr. Ambrose *brought it to the jail and told Mr MacReady (the Keeper of the Penitentiary) that it had been sent by his up-country friend.*"

Mr. Ambrose who was engaged, it is stated,‖ by the Commissioner of Police, to undertake Howard's affairs, wrote¶ on the 19th December to Howard saying:

‖ Memo. Y, dated 21st January 1886.

¶ D.O. letter D.I.

"I have received two letters *from your up-country friend*, dated respectively 17th and 18th instant. *The letter which reached me this morning contained a Currency Note for Rs. 50.*

Those attacks were described as very unwarrantable, some of them, and Mr. Symonds was informed that the Government could not doubt that he had communicated directly or indirectly to the newspaper another and more recent article against Mr. Whiteside.

8. The Chief Secretary's letter concludes with these words:

"I am directed to inform you that you have laid yourself open to very severe censure, and that, in the event of your being guilty of similar conduct on any future occasion, you will be at once removed from your appointment.

"The Government also consider the tone of the conclusion of your present letter to be very objectionable; and I am to inform you that it is not permissible for any public officer to make himself a party to attacks in the newspapers on other public officers with whom his official duties may bring him into contact. In the present instance, the attacks have been levelled at the Magistrate of the district, who is one of the official visitors of the Jail under your superintendence; and it is only in consideration of your having, it is believed, discharged your duties in the Jail remarkably well that the Government refrain from removing you from your acting appointment."

* * * * * * * *

9. Mr. Symonds thereon wrote, gratefully acknowledging the indulgence of the Government, assuring it that he would never offend again in like matter, and that the leniency with which he had been treated would spur him to do his very best to discharge his duties zealously and conscientiously.

10. Three years later, however, the Government had occasion to express * their dissatisfaction that Mr. Symonds did not more cordially co-operate with the Medical Officer when he communicated to him his suspicions that the supply of food to the convicts in the Central Jail, Trichinopoly, was not issued in proper quantities. In this connection, however, it must not be forgotten that the Inspector-General did not consider the outbreak which gave rise to the inquiry into the food-supplies to have been caused by any maladministration of Mr. Symonds, and that that officer's action on the occasion of the outbreak was approved by Government. [See paragraph 49 of this Note].

* G.O., 29th July 1875, No. 1681.

11. Again in 1875† the Inspector-General of Police brought to the notice of Government that two convicts—desperadoes—had improperly been sent by the Jail authorities from Trichinopoly to Madura without leg-irons, with the result that they attempted to escape, and that one of them was shot by a constable of the Police guard, who was placed on his trial criminally for the act.

† G.O., 16th August 1875, No. 1798.

12. The Inspector-General of Jails, Colonel Tennant,‡ called on for a report on this circumstance, called, in turn, on the Trichinopoly Jail Superintendent, Mr. Symonds, for an explanation, whereon that officer endeavoured to justify his conduct, and, in proof that he had given the use of fetters some attention, forwarded an article he had written some time ago to the papers on the subject.

‡ G.O., 16th August 1875, No. 1798.

13. The Inspector-General of Jails objected to Mr. Symonds's action and to his ventilating his opinions on official subjects in the newspapers.

The Government thereon passed the following § order:—

§ G.O., 17th September 1875, No. 2035.

"It is no doubt open to the Police (and this should be generally understood) to require that prisoners handed over to their escort shall be fettered in any case, where they deem additional precaution against escape to be necessary; but here it was the special duty of the Superintendent of the Jail to have leg-ironed two 'desperate and powerful dacoits.' His not doing so has resulted in a most daring attempt at escape, leading to the death of one of the prisoners and to the trial of one of the Police on a capital charge. For this neglect Mr. Symonds is hereby severely censured.

"2. The article in the newspapers which has been sent up is of an old date; but the Government agree with the Inspector-General that such contributions from a Superintendent of a Jail are entirely opposed to good discipline, and should be interdicted."

14. Again, in 1876, Mr. Symonds, while still Acting Superintendent of the Trichinopoly Jail, left Rs. 800, deposited as security by the Jail Diet Contractort for over three months in the charge of the Jailor, who embezzled the amount,

Mr. Symonds acknowledged his error, and made good the money. Colonel Tennant took a lenient view of Mr. Symonds's conduct, and the order * of Government on the matter ran in these terms:

* G.O., 28th July 1876, No. 1548.

"Mr. Symonds's neglect of ordinary precautions and standing rules has not only caused pecuniary loss to himself, but, by placing temptation in the way of a subordinate, has ruined a man who 'had hitherto borne an excellent character.'

"2. The Governor in Council trusts that the very serious results that have followed his careless want of consideration and breach of rules will be a sufficient warning to Mr. Symonds for the future without further condemnation by Government."

15. Nothing further against Mr. Symonds appears on the records of Government till 1882, in the course of which year an experiment was made in the Madras Penitentiary, of which Mr. Symonds had been appointed Superintendent in 1877, and in other Central Jails, in the use of Chubb's padlocks for fastening wards, cells, &c.

16. The Inspector-General of Jails had given orders that the keys of these padlocks were on no pretence to be delivered to any prisoner. In the Madras Penitentiary, however, convicts were, without the knowledge of the Superintendent, set to work by the keeper to make duplicates in lieu of worn specimens of the keys. The Inspector-General of Jails censured Mr. Symonds for this occurrence and for his omission to report it; whereon that officer endeavoured to justify his conduct, and wrote two letters in which he described the experiment as a dangerous and expensive failure, which might have been avoided had the Inspector-General consulted the executive officers of the department before committing the State to the expenditure involved in introducing a system wholly unsuited to the circumstances of Indian prisons. He declined to accept Colonel Tennant's judgment in the matter, accused that officer of overlooking his merits, and desired that the question might be laid before Government.

17. The Inspector-General accordingly represented the circumstances, and showed that Mr. Symonds's sweeping denunciations and his style of correspondence were alike unjustifiable.

18. The order † of Government on this matter is quoted below:—

† G.O., 8th September 1882, No. 1252.

"In the Inspector-General's correspondence with the Superintendent regarding the Penitentiary keys, His Excellency the Governor in Council can see nothing inappropriate, and certainly nothing which can be regarded as the slightest provocation to the Superintendent, whose letters of the 9th and 16th August are, in the highest degree, insubordinate and disrespectful. Such conduct cannot be tolerated, and any repetition of it will subject Mr. Symonds to very serious consequences in the interests of official discipline in an important department."

19. Later in the same year, 1882, the Inspector-General of Jails reported that Messrs. Cline and Howard (the former an officer of the Accounts Department, who was subsequently compulsorily retired, and the latter an ex-convict well known in Madras) had been allowed to have interviews with Lingam Lakshmaji, a convict undergoing a long sentence for forgery in the Madras Penitentiary. Colonel Tennant reported that Mr. Symonds's conduct in permitting these interviews was highly imprudent and certainly unauthorised.

20. The Government passed the following order ‡:—

‡ G.O., 23rd December 1882, No. 2228.

"The Governor in Council entirely approves the Inspector-General's decision, directing the Superintendent of Prisons, Madras, to guide himself strictly by the Jail Rules in according prisoners an interview with their friends or legal advisers. The present case certainly does not possess any special and emergent circumstances, which would take it out of the general course. The conduct of the Superintendent, first, in allowing an officer of the Account Department to visit a particular prisoner as his counsel; and, secondly, in allowing this counsel to employ, as his agent in the prisoner's business, the ex-convict Howard, indicates a want of judgment so deplorable that the Government have considered whether, taken with some official correspondence, the tone of which recently came under their censure, Mr. Symonds has not shown himself unfit for his post. He will understand that he has incurred their grave disapprobation, and that, for the future, no leniency will be shown. The Inspector-General will remove Lingam Lakshmaji, the prisoner on whose behalf such special indulgence has been exhibited, to the Central Prison, Vellore. He will

CONFIDENTIAL.

MEMORANDUM.

Mr. W. A. Symonds in 1861, at the age of 19, was appointed Probationary Assistant Director, Revenue Settlement, and continued to serve in that Department till 1871, when he was appointed Acting Superintendent of the Central Jail, Trichinopoly.

2. In 1872, he incurred the censure of Government under the following circumstances:—

3. The district Magistrate of Trichinopoly (Mr. Whiteside) heard that Mr. Symonds had stated that the Prince of Wales was dead, and wrote thereon to Mr. Symonds saying he had proved the *falsity* of the statement, pointing out its impropriety and asking him whether he had, in fact, made it. Mr. Whiteside gave the name of the person who had given Mr. Symonds as his authority for the false rumour of His Royal Highness' death.

4. Mr. Symonds replied that he had made the statement, as represented; that a lady was his authority, and he took exception to Mr. Whiteside's characterising it as a false statement. Mr. Whiteside replied that it was a false statement, though he gave Mr. Symonds credit for having made it, believing it to be true, and he declined to withdraw the expression. Thereon Mr. Symonds addressed the Chief Secretary to Government complaining of Mr. Whiteside's behaviour, but the Chief Secretary (Mr. Ellis) returned the papers saying that they were of a private nature, and did not call for the interference or notice of Government. Mr. Symonds then addressed the Governor (Lord Napier). His Excellency entertained the complaint, and Mr. Symonds was told demi-officially that the Government disapproved the tone of Mr. Whiteside's correspondence. A similar intimation was conveyed in a similar manner to Mr. Whiteside, who replied that Mr. Symonds had, on account of some trifling disagreement, expressed his intention of making Trichinopoly hot for him, and had opposed his action as President of the Municipality in every possible way, and had, in conjunction with a third person, not in the service of Government, concocted and published abusive articles against him in the newspapers concerning his official acts.

5. The Government perused three such articles, asked Mr. Symonds if he had been concerned in their preparation or publication, and called on him to state whether he had ever written in the Trichinopoly or Madras newspapers respecting the institutions or interests of the former station, and whether he had communicated to any person the correspondence he had with the Inspector-General of Jails on one of the subjects referred to in one of the said articles.

6. Mr. Symonds, in reply, admitted that he had been more or less a party to the writing, though not to the publication, of two of the three articles perused by Government; that he had shown the correspondence referred to, to more than one person; that he had only written once to the newspapers concerning the interests or institutions of Trichinopoly; and that he had yet to learn that the Government absolutely interdicted all newspaper writing on the part of their subordinates.

7. The Chief Secretary was thereon ordered to inform Mr. Symonds demi-officially*:

* 20th March 1872.

"That taking the most lenient view of his conduct in the manner described in his letter, he had been guilty of grave indiscretion in connection with the attacks made in the newspapers on the Collector and Magistrate, Mr Whiteside."

Case of Mr W. A. Sym

and papers which have been described by Government * and by the head † of his department as interesting and valuable. Other papers of some merit by the same hand may be found recorded in the orders of Government noted on the margin.‡

* G.O., 18th August 1884, No. 1813.
† Letter in G.O., 18th Feb. 1882, No. 205.
‡ G.O., 15th Dec. 1884, No 2700.
G.O., 14th July 1885, No. 1840.

38. From the above summary, it will be seen that Mr. Symonds, who, in 1871, was forbidden to write to newspapers attacking public officers, and who then promised to abstain from so doing, has apparently, directly or indirectly, continued to contribute articles to public prints.

The offence of insubordination now charged against him has been completed by his letters to the head of his department read above, but it is presumed he will be directed by Government to answer the questions Mr. Grimes put to him, as the answers thereto must, whatever they be, materially affect the disposal of the case, and to state in the terms suggested in paragraph 26 of this Note, whether or not he was concerned in the writing or publication of the articles referred to in that paragraph, and whether he was directly or indirectly concerned with "*The Telephone*" or the so-called "Vigilance League."

Mr. Grimes gathers that Mr. Symonds was not concerned with "*The Telephone*," and what has transpired concerning the employment of a Jail writer as a clerk by Howard would not justify an assumption that he was. The circumstance is very suspicious however, and justifies the question suggested.

J. D. R.

15*th January* 1886.

16/1/86

Has Col Wallace any information about Mr Symonds's connection with Mr Wallace?

Nothing has yet come. Col. has ordered by Mr Lee to ascertain enquiries that has so. Hence The result enquiries is not known Thought better to submit note as far as it goes. W. has been written to

"Further, I have always been led to believe that it is one of the plainest principles of English law,—and indeed the custom between employer and employé in any country with a constitutional Government,—that a suspected person should be charged with a definite offence, and not called upon to incriminate or exculpate himself.

"I must add that you hold the still more strange position of attributing to me conduct unbecoming a Government servant from inferences drawn, not from any act or writing of mine, but from the intercepted letter of a person for whose actions I cannot be expected to answer any more than to explain * his holding 'relations' with a high official or his 'right' or reasons for having written to that high official in still more unaccountable terms.

* See paragraph 34 of this Memcrandum *infra*.

"In the actual circumstances of prisoner Howard's past or present incarceration,—neither being for a political offence, nor in any way connected with his defamation of Government,—I consider it unconstitutional to be thus interrogated. Did your questions connect me with the alleged assistance of the person who has defamed the Government, *quoad* the defamer of Government, I should admit that, as an official, I should be bound to explain the alleged relations with him.

"For all these reasons, then, before replying to your queries, I feel justified in asking whether you charge me with assisting or having relations with the prisoner as a defamer of Government, or that I have helped him in consequence of his being such; and, if so, on what grounds you base your charge."

33. On receipt of this letter Mr. Grimes reported Mr. Symonds to Government for insubordination, setting forth the circumstances more fully given in the preceding paragraphs.

34. In speaking of convict Howard's "relations" with a "high official," Mr. Symonds is understood to refer to Howards' letter † to the Chief Secretary to Government, Mr. Webster, asking for an interview, and to his letter of the 1st Sept. ‡ preferring an appeal to Government against his conviction by the Criminal Courts. In the latter letter, he forwarded a paper § containing certain questions to the Superintendent of the Penitentiary, the answers to which he held would show that that officer (Mr. Symonds) had, during his imprisonment, come to think of him as an innocent man. Howard was merely told that Government would ‖ not interfere in judicial matters, and the

† R. dated 2nd May 1885.

‡ Marked T.

§ Marked S.

‖ G.O., dated 14th September 1885, No. 2443.

questions to Mr. Symonds remained unanswered. The only inference which can be drawn from them is that Mr. Symonds had some conversation with Howard concerning his mercantile speculation, and tendered to him some advice on the subject.

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35. Referring again to Mr. Symonds's past record to the end, that what is in his favour may be noticed, as has been that which tells against him, it is observed that in his letters of 16th August 1882 to Colonel Tennant, in connection with the Chubb's lock experiment referred to in paragraphs 15—18 of this Memorandum, he said that the Duke of Buckingham's Minute, attributing to his tact the success of the close prison experiment, had been withheld from him. This was to show that Colonel Tennant was prejudiced against him.

36. It seems that His Grace did observe that the tact of the Superintendent of the Penitentiary had overcome a disposition on the part of the convicts to the introduction of the separate system, and it is admitted * by the Inspector-General that Mr. Symonds "has always been considered an able officer, and that it is only quite recently that he has known that he has misconducted himself in the way he has." Colonel Tennant, who has been consulted, says he has no information to give concerning Mr. Symonds, beyond what is already in possession of Government, which, however, does not bear out Mr. Grimes' estimate of the general character Mr. Symonds has borne in the Jail Department.

G.O., 10th February 1881, No. 325.

* D. O. letter O. dated 13th January.

37. *Per contra*, however, it should be noted that in 1875 the Inspector-General of Jails reported that, on the occasion of an attempt on the part of 150 convicts to escape from Trichinopoly Central Jail, Mr. Symonds's firm attitude and decision, which Government approved,† probably prevented a more serious outbreak attended with great loss of life, and that Mr. Symonds has, on various occasions, prepared reports

† G.O., 4th June 1875, No. 1279.

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† G.O., 4th June 1875, No. 1279.

26. These letters were addressed, three of them to certain residents in Madras, and the remaining two, one, to Mr. Symonds, and the other, to Mr. Piercy, late Assistant Accountant-General, Madras, who is understood to have been in the habit of writing to "*The Statesman*" newspaper and to be a friend of Mr. Symonds who himself is understood to have contributed to that newspaper and to *The Madras Mail* in which papers, in 1884-85, various articles against the Madras Government have been published. Mr. Symonds, however, has not been asked whether he wrote to *The Statesman* or *The Madras Mail*, and no *proof* that he did so is on the record. Demi-official letters from heads† of departments have, however, been received, which more than justify Government in calling on Mr. Symonds now, as they did in 1871, to state explicitly whether or not he was directly or indirectly concerned in writing or publishing any or all of the articles referred to on the margin, or in furnishing any information on which they were or might have been written.

Colonel Guthrie's D.O., (P), dated 5th December 1885.

Private Enquiry.
" " Salem Case.
" " Vigilance League.
" " Anderson Case.
" " Thomas Case.
See Appendix II.

† Inspector-General of Police, (V), dated 3rd Dec. 1885.
Surgeon-General, (U), dated 15th Jan. 1886.

27. It should be noted that convict Howard was the chief promoter of the so-called Vigilance‡ League, that Piercy was to have been a contributor to its organ "*The Telephone*," which, however, was never published, and that Mr. Symonds is said§ to be very friendly with Piercy and with the regular Madras correspondent of *The Statesman*, one Conceiaco.

‡ See Appendix I.

§ Colonel Guthrie's D.O. letter, dated 5th December 1885.

28. The letter from convict Howard to Mr. Symonds runs in the following terms:—

Letter (E), dated 17th December.

"*To W. A. Symonds, Esq., Salem.*

"How could you expect a *poor* Vakeel, who has not received any fees, to advance money. You talk about mental aberration, but it really seems as if you had taken leave of your senses, or that the fine was Rs. 5,000 and the sureties 15,000 each. So much fuss has been made

about a matter which you might easily have arranged in three days. It is simply absurd to say you could not get Rs. 100 in a dozen places in Salem if you choose. To say nothing of there being dozens of men elsewhere, who might accommodate you for the asking. It is simply inhuman that I should have been left 2 months in hellish torment, whilst not a single soul but Ambrose * has lifted a little finger to help me. Rs. 50 will now square fine, &c. As for the sureties have you no influence with Norton, the Bransons, or Grants. Surely any one of them would have done the needful *per se* or vicariously, if you had given them instructions. There are dozens of men who are beholden to you, and would have obeyed you and observed *secrecy*, if you had given them your directions and guarantee. Such men as Mr. Ross of Perambore, S. T. Krishnamachari, Appadurai Mudali, the Jail Contractor, for whom I wrote the petition, and Ambrose himself would have done it on your guarantee. Now I only want the sureties for two days as I am going to Bombay. Directly I start, the sureties can withdraw. I hope you are not thinking of leaving me to pass Christmas in hell. Out of the 53 days I have been here, I have undergone 41 days of punishment, 20 in close separate confinement and 21 on bread and water in solitary. All illegal I know. Last week I was assaulted by warders and 20 policemen, trying to illegally taking my photograph, and now I am again in solitary on bread and water, until I will consent to have it taken. You yourself would not have stood 100th part of the torture I have endured, but I can hold out no longer. I feel a bitter burning sense of wrong at my most cruel desertion. At times my blood boils, my brain becomes on fire, and I feel as if I could not preserve my mental balance. I will not stand it any longer. Unless I hear you are taking instant practical steps to set me free, I shall, without further parley, be compelled to enlighten Norton, the Drs. Thomas and Binny and Co., to get relief, which they would not deny me. Do not drive me to this.

(Inld.) S. H.

* His Solicitor.

Of the other four * intercepted letters, those to Piercy and Luxa and Mrs. Fowler contain nothing that need be reproduced here, but that † addressed to one Chamberlin ends with these words:

* Letters (F), (G), (H).

† Letter (I).

"Please give the bearer Rs. 2 for his trouble, and post the letters he gives you to Symonds, Piercy, Luxa and Mrs. Fowler. Keep contents of letter to Symonds secret even from Ambrose."

29. The Inspector-General, on the 21st ‡ Decr., called on Mr. Symonds to state whether he had had any communications with convict Howard, direct

‡ D. O., Letter (J).

or indirect, during his incarceration; whether he had paid his fine or any portion of it; and whether he could explain the allusions in the last part of Howard's letter read above.

30. On the 26th Mr. Symonds * replied in the following terms:—

* D. O. letter (K).

"I, of course, recognise your right to ask whether I have had any communication with the prisoner Howard, direct or indirect, 'during his incarceration,' and I reply in the negative.

"3. I, however, respectfully question your right to interrogate me on matters which concern me solely as a private individual, and, as I regard the other queries as being of this nature, I object, on principle, to being called upon to answer them, though quite ready to explain any action in my official capacity."

31. On receipt of this letter, Mr. Grimes wrote † again on the 30th December requesting Mr. Symonds to reply at once, without further cavil, to the questions put, as they concerned him not solely as a private individual, but also as a Government servant, at one time in charge as Superintendent of the Penitentiary, of a person now again a prisoner therein (viz., Howard), who had defamed the Government collectively and individually, and who pretended to be an intimate friend of Mr. Symonds and appeared to have received money from him to help him to pay a magisterial fine.

† D. O. letter (L).

32. In answer to this letter, Mr. Symonds, on the 7th January, replied ‡ in the following terms:—

‡ D. O. letter (M).

"I beg to assure you that nothing is further from my intention than to adopt an improper or insubordinate tone. To 'respectfully question the right' you claim and exercise, is not of itself, I humbly submit, sufficient to sustain a charge of *distinct* impropriety and insubordination. If you will be gracious enough to point out any single expression or several expressions convicting me of this offence, I will at once gladly withdraw the same with an ample apology; but, unless you will be pleased to indicate *where* the 'tone' of my letter, dated 26th December 1885, is 'distinctly improper and insubordinate,' I, with the utmost respect, object to your recording what at any time may be used against me, your opinion that I have been insubordinate.

"Again, I, with due deference, demur to the charge of 'cavilling' as not supported by a grave contention urged by me in no captious spirit. I feel that I must not lose, but must hold fast by, a 'principle' precious alike to employers and employed throughout the civilised world; that, while my eyes look up to authority, my feet must stay themselves firmly here.