No 2.

Public

31st October 1883

The
Lieut Gov & Ex Co of St George

No 27.

Recd 24 Nov. 1883

C.W. 3577

Regarding Mr.
Davidson.

Order 28 Nov/83 No. 2263 Min

Recorded
Gun

Council 27.11.83.

notice, and I need scarcely add that I fully concur in the propriety of the Order in question, and its republication in the Madras Government Gazette in May 1882..

4.. In order that there may be no possible mis-apprehension on the subject in future, I have requested the Government of India to cause the order to be communicated to all local Governments and heads of departments with an intimation that any violation of it hereafter will be severely visited on the offender..

I have the honor to be,
Sir,
Your most obedient
humble Servant
Kimberley

of an important order of Government is a sufficient excuse, and that I consider his proceedings in themselves reprehensible, but that having regard to the fact that he was informed by Wm. Hudleston when Acting Governor, that he did not consider that there was any rule or order which would have been violated by his proceedings, and to his previous services, I have permitted him to return to his duty.

3. At the same time I entirely approve of your Excellency having brought this very serious matter under my notice

India Office,
London. 31st October 1883

Public

No. 27

Sir,

1. With reference to the Confidential Letter of your Excellency in Council No. A.Z., dated the 23rd of August last, I transmit copy of the correspondence that has passed between Mr. Davidson and this Office.-

2. Your Excellency in Council will observe that I have informed Mr. Davidson that I cannot admit that a mere plea of ignorance of

India Office to Mr. Davidson. 3. Oct. 1883.
Mr. Davidson to India Office. 6. " " "
Ditto " " 11 " " " Enclosures (4)
India Office to Mr. Davidson. 31 " "

His Excellency
The Right Honorable
The Governor in Council,
Fort St. George.

1902

No. 3.

Copy Correspondence with Mr. Davidson.

Referred to in Public Letter to Madras, No. 27, dated 31st Oct. 1883

In Public 3577/83

Sept. 1982
Paul Thomas

J.B. 1814/83.

31 October 83

Sir,

I am directed by the Secretary of State in Council to acknowledge the receipt of your letters of the 6th and 11th ~~Instants~~ instant explaining the circumstances in which you communicated in 1881, and the present year with certain members of the Madras Civil Service with a view to obtain a bonus on your retirement from the service.

His Lordship cannot admit that mere ignorance of an important Order of the ... Government, affecting all the members of the Civil Service, and republished in the Madras Government Gazette in May 1882. can be pleaded as an excuse for proceedings which were in His Lordship's judgment in themselves reprehensible, but the fact that you consulted Mr Studdleston when acting Governor shows that

A Davidson Esq C.S.I.
Walton Park,
Dalbeattie.
Kirkcudbrightshire.
N.B.

Aff. 1882
Pauls Case

31 October 83

J.B. 1814/83.

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A Davidson Esq C.S.I.
Walton Park,
Dalbeattie.
Kirkcudbrightshire.
Ct. B.

E6

Apl. 1882
Pers Thos

31 October 83

J. & O. 1814/83.

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A Davidson Esq C.S.I.
Walton Park,
Dalbeattie.
Kirkcudbrightshire.
Oct. 13.

Hutton John

Penrith

5 October 1883

Dear Davidson,

Excuse the delay in answering your of 29th September. I have been a good deal occupied since its receipt

all that I can recall to mind on the subject of your question is that Master and Webster both in conversation with me mentioned the subject of your suggested acceptance of a Bonus and retirement, and I have no doubt that I told them as I believe I told you that I did not know of any prohibition of such a proceeding - but my impression is that they both spoke of it as a suggestion which they were not disposed to entertain - I certainly can have expressed no approval of it, as I always disliked the system although I believe it to be neither "mala prohibita" nor "mala in se" so far as the morality of such transactions is concerned.

Yours sincerely-

(Sd) W. Hutchison

Make what use you like of this

Private

Walton Park

Dalbeattie

Kirkcudbrightshire

29th Sept 1883

Dear Hudleston

I thank you very much for your letter of the 26th Instant. I am sorry to trouble you again, but in writing to you I omitted to ask you a question which I now put. I am quite certain that when I discussed the subject of a bonus with Master and Foster Webster after my interview with you I informed them that I had seen you and that I had ascertained there was no objection to the proceeding and I advised them also to satisfy themselves on the point by enquiring of you. Will you tell me please whether they did so or not.

Yours sincerely

(signd) R. Davidson

W Hudleston Esq L.S.D

aware til I got your note that you were
at home.. I think you do wisely to hold
on to the service. I only wish I could
return to it myself

Yr sincerely
S W Studeston.

You can make any use you like of this
note.

not encouraged by the Government in the case of the Civil Service, it was well known that retirements were occasionally facilitated in this manner. The principle is in fact involved in the original scheme of the C. S. annty. Fund; in which the retiring member paid half value for his annuity and the Fund derived from the subscns. of the Service annually and the special contribution of the Government made up the balance. The express object of the Fund was to facilitate retirements.

I have some very vague impression of the Imp. Government having in quite recent times intimated their disapproval of the practice. I think it was since the date to which I allude of your proposed appointment to the Rev Bd, but that it was barred by any rule, I never heard, nor do I believe or know, that in any case the action of Government in dealing with applts was even in the faintest degree influenced one way or the other by such facilities having hastened the retirement. I was not

aware

Stutton John

Penrith

26 Sept 1883.

Dear Davidson,

If you are called on for any explanation, you may safely say that when during my tenure of the post of Governor you were offered the acting 1st Membership of the Revenue Board. I was made aware of some proposal that you should take a Bonus from your Juniors and retire sooner than you otherwise ... contemplated. and that I did not consider there was any rule or order which would have been violated by your doing so, but I confess that I am unable to charge my memory with the detailed particulars that you narrate.

Personally I never liked the system of making up a purse to retire, but so far from there having been any rule against it, I think that the principle had been distinctly recognized by the Home authorities in the case of the Army and although not

ascertain was unobjectionable in the eyes of Government. I ask you therefore to be so good as to authorize me to say if necessary that when I originally moved in the matter of a Bonus I did so with the knowledge and assent of Government. This will place my conduct in the matter in its proper light and will put a stop to what may otherwise be a vicatious correspondence

Yours sincerely.

(Sd) R Davidson.

W. Huddleston Esq.

thought the sum which I was ready to
accept was small considering my position
and prospects in the service. You instanced
a case which had recently occurred in the
Service of which Government was aware, and
to which it had taken no exception, and
you added that in filling up vacancies caused
by the Promotion Government would of course
not be influenced in any way by the
private arrangement of the bonus. The matter
eventually fell through - Having reached
within a very few places of the head of
the service after more than 31 years'
unblemished service passed under your eye
and 15 other Governors without a single word
of reproof, or a solitary instance of suspension
until the advent of Mr Grant Duff, and
in the course of which time my special
services have been recognized by H. M. The
Queen, by the Secretary of State and
by the Governments of India, and Madras,
it seems hard that I should now be
called to account for an act which I
had originally taken the precaution to
ascertain

is probably under consideration

Of course my answer is in effect that I am not aware of any well known Rules on the subject, and that before I originally moved in the matter I took the precaution of ascertaining that there was no objection on the part of Government to my doing so, and my object in now writing is to obtain your permission to say so.

To the best of my recollection the sum and substance of what occurred was this.

When you were acting Governor I obtained an interview with you at Ootacamund, and I informed you that I was anxious if possible to retire from the service, but as I was so pecuniarily circumstanced as not to be able to do so, I had come to ascertain whether there would be any objection, to my accepting a Bonus from certain of my juniors to enable me to retire, and I mentioned the sum I was ready to accept - You said there was no Rule against it. That there was no objection to my accepting a Bonus though you thought

I received a second letter from Whitside informing me that just after he had sent off his first letter to me, he got a D. O note from the Chief Secretary calling on him to state for the information of N. E. the Governor whether it was true that I had intimated to him my readiness to retire, if it were made worth my while, that such a transaction would be contrary to well known rules and if it was a fact would have to be reported to the Secretary of State and two days afterwards he received an Official Telegram from Government addressed to him as Member of the Board of Revenue calling on him for an immediate reply to the D. O. question. This portends mischief, and unless I am prepared with a prompt and satisfactory answer when called upon for an explanation the mere fact of my being handed up to the Secretary of State may prejudicially affect my prospects of promotion at the very time too when the question of filling up Carmichaels seat in Council

to

Walton Park

Private & Confidential

Dalhattie

24th Sept /83.

Dear Hudleston,

I hope you will excuse my troubling you under the following circumstances

Early in July I wrote to Whiteside giving him an account of my trip home viâ Constantinople and the Danube, and among other things I mentioned in substance that unless I were tempted to retire by the offer of a reasonable bonus I should be back in Madras at the end of my Furlough which expires on the 28th. of November, as I found I could not live comfortably in this country on my income - In due course I heard from Whiteside that he had consulted the other Members of the Board and that was no prospect of a Bonus being granted me.

Meanwhile I had applied for and obtained permission from the Secretary of State to return to duty within the period of my leave; A short time ago

I:

Walton Park

Private & Confidential

Dalhousie

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Meanwhile I had applied for and obtained permission from the Secretary of State to return to duty within the period of my leave; A short time ago

I:

and not altogether undistinguished service may be considered a guarantee that I should never have intentionally been guilty of any breach of regulation, and that under all the circumstances of the case The Right Honorable the Secretary of State will be pleased to relieve me from any blame in the matter.

5 I think it well to submit to His Lordships in Council Original and Copies of my correspondence with Mr Studdleston to which I referred in my former letter

I have &c

(Sd) R Davidson.

+ Copies my letters to Mr Studdleston dated 24th & 25th Sept 1883
x Originals this & this dated 26th Sept & 5th Oct 1883

To the Under Secretary of State for India
India Office
London S.W.

or 1863, a public Committee of the Service had sittings in Madras for the express purpose of forming a Fund for accelerating promotion by purchasing retirements. The proceedings of the Committee were known to the Government of the day, and to the Public, and no exception was, so far as I am aware taken to them, though owing to want of agreement in the service nothing came of them.

4. It is however now quite clear to me that in the action taken both in 1881 and in the present year, I unconsciously contemplated what would have been a breach of regulation had it been carried into effect on either occasion. But I submit that in the former case I had the assurance of the then Head of the Government that it involved no such breach, and I can only express my extreme regret that on the latter occasion I should in my ignorance of the republished order have a second time acted upon the authority then conveyed to me by Mr Hudleston. I trust that my prolonged

and

to the Board of Revenue (of which I was the acting 1st Member) for information and for communication to the Service generally, as is usually the case in regard to Orders affecting the personal conduct of Members of the Civil Service; for I find that the Members of the Service are still in complete ignorance regarding it, as in a letter which I have quite lately received from one of my Colleagues in Madras he mentions that neither he, nor any Member of the Board of Revenue, or of the Service whom he had questioned had ever heard of any Order of this nature.

3. I would further invite attention to the fact that no mention is made of any such Order in the Section of the officially published Standing Orders of the Board of Revenue, issued in 1865, which comprises all rules regarding the general conduct of Covenanted Civil Servants. I would also bring to notice as proof that there was never any general knowledge in the Service of any such Order, that about the year 1862

or

I & P 1670

The Scottish Club,
39 Dover Street,
London.
11th October 1883.

Sir,

I have the honor to acquaint you for the information of the Right Honorable the Secretary of State in Council, that at an interview which I had this day with a Member of His Lordships Council it was brought to my notice that in the explanation given in my letter to you dated the 6th inst I had made no allusion to the republication in Madras last year, of an Order dated 9th September 1802 prohibiting an arrangement such as I had contemplated in regard to retirement.

2 I think it right therefore to take this the earliest opportunity of stating that until to day I had neither seen nor heard of the Order in question, nor was I aware of its republication at Madras last year.

It certainly was not specially forwarded

to

I have given satisfactory, I will be pleased to cancel the prohibition, relieve me from the very serious — imputation conveyed in your letter under acknowledgment and my mind from the anxiety and distress occasioned thereby.

I have &c.,
(sd) R. Davidson.

To

The Under Secretary of State
for India,
India Office,
London, S.W.

I had learned that the proposal is at an end, and nothing further will be done in regard to it.

7. Having reached within a very few places of the head of the service after more than 31 years unblemished service passed under 16 Governors without a single word of reproof, or a solitary instance of supersession, and in the course of which time my special services had been recognized by Her majesty the Queen, by the late Court of Directors, and by the Governments of India and Madras, it seems hard that I should now be called to account for an act which I had taken the precaution to ascertain was unobjectionable in the eyes of Government, and I venture to express the hope that the Right Honorable the Secretary of State in Council will deem the explanations

I

the event of my retirement, and there were others as likely as they to benefit by it.

6. With reference to my recent letter to Mr Whiteside, I would respectfully beg to point out, that the manner in which it is alluded to in the letter from the Government of Madras as gathered from your letter, seems calculated to convey an erroneous impression of its contents. My letter was a strictly private one, and so little importance did I attach to it that I did not keep a copy. I am — confident however that I did not call on Mr Whiteside or any other person to put together such a sum as would, added to my own monies, secure to me a modest competency, but following up the communings that took place in 1881, I, in effect, repeated the proposal then discussed. I may add that before receipt of your letter,

I

The matter was allowed to drop and nothing came of it.

5. So far then as regards what took place in 1881, nothing resulted, and my action was perfectly frank and open. If it is meant to suggest that I was actuated by other than the purest motives, I protest most emphatically that such was not the case, of which my having consulted the Governor is the best proof. Further if the letter from the Government of Madras intends to convey the impression that Messrs Master and — Foster Webster alone were "to make me up a purse", however small, it is misleading. There was no such intention on my part. It is also incorrect to say that I supposed these gentlemen were likely to benefit by my retirement, specially, for I had no idea how the Governor would — exercise his patronage in the

to the matter at the very outset
Mr. Hudleston also instanced
a case which had occurred,
to which Government had taken
no exception. Fortified by this
opinion from the highest
authority both in his position
as Governor and as Senior
member but one of the Madras
Civil Service, I felt entitled
to revert to the subject, and I
acquainted Mr Foster Webster
with the result of my interview,
and also mentioned it to —
Mr Master, who as Revenue
Secretary would naturally be
one of those at Ootacamund
looking for promotion in
the event of my retiring. I
further advised them both
to see the Governor and
satisfy themselves before
anything was done. I know
that they did see Mr Hudleston
on the subject, who told
them as he had told me, that
he did not know of any prohibition
of such a proceeding.

not so as far as I am concerned

Bills 2 W

The

juniors to expedite promotion,
as I was then willing to retire
but could not afford to do so.
Aware that the position I
occupied in the Service rendered
it incumbent on me to be
scrupulously careful to avoid
even the appearance of doing
anything to which exception
could be taken either by
Government or by an individual,
I determined as an act of duty
to ascertain the views of
Government on the subject
before pursuing the matter
further. I therefore sought
an interview with Mr Huddleston,
the then Governor, and told
him the exact state of ~~my~~ the
case. He informed me that
no rule or order would be
violated, and that there
would be no objection on the
part of Government. A word
or hint of disapproval from
Government would have put
an immediate and final stop

to

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or know that in any case the action of Government in dealing with appointments has ever been in the faintest degree influenced one way or the other by such facilities having hastened retirement 4. Having offered these general observations, I now beg to state to the best of my recollection what occurred in 1881.

Mr Foster Webster who was then Collector of Tanjore, came to Ootacamund on a special duty, an appointment with which I had nothing to do. At that time we were intimate friends and in the course of conversation at Ootacamund it happened that we touched on the general subject of stagnation in the service, and this led to the personal question of my entertaining a proposal to accept a bonus from my juniors

neither am I aware that any rule or order of the Government is thereby violated. On the contrary I believe the principle was distinctly recognised by the Home Authorities in the case of the Army, and it is in fact involved in the original scheme of the Civil Service Annuity Fund in which the retiring member paid half the value of his annuity and the funds derived from the subscriptions of the service generally and the special contribution of the Government made up the balance, the express object of the Fund being to facilitate retirements. I have the authority of — Mr Hudleston Mr Grant Duff's immediate predecessor in the Governship of Madras for stating that the views I have above expressed are those which he entertains, and also that he never heard nor does he believe

or

have for some ~~time~~ years past — n
occapied attention in Madras
and I believe also at the
India office, and with reference
thereto Bonus schemes as a
means of accelerating promotion
formed the subject of common
conversation. The sole object
of such schemes is to enable
members to retire who though
eligible and desirous to do so
are precluded owing to their
pecuniary circumstances or
otherwise: And the effect of
such retirement would be to
create a vacancy which it
rests entirely with H. E. the
Governor in Council to fill as
he might think right.
3. The practice of so facilitating
retirements from the Service
was well known and — n
recognised for many years
before I became Chief — n
Secretary and so far as I
am aware has never been
called in question until now.
Neither

of

had for some ~~time~~ years past — n occupied attention in Madras and I believe also at the India offices, and with reference thereto Bonus schemes as a means of accelerating promotion formed the subject of common conversation. The sole object of such schemes is to enable members to retire who though eligible and desirous to do so are precluded owing to their pecuniary circumstances or otherwise: and the effect of such retirement would be to create a vacancy which it rests entirely with H. E. the Governor in Council to fill as he might think right.

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neither

or

India Revenue

mi ter of t 3rd Oct

on such

Sir,

I am directed by the Secretary of State for India in Council to inform you that a letter has been received from the Government of Madras, in which it is stated that in or about the year 1881 when you held the office of Chief Secretary to that Government, you proposed to two members of the Madras Civil Service, Mr Master and Mr Webster (who were likely as you supposed to benefit by your retirement) to resign the service if they would make you up a purse. and it is further stated that more recently you have this year made a somewhat similar proposal to another member of the service, having written to Mr Whiteside an Acting

dson Esq. C. S. I., member

elville St.,

Edinburgh

have
occ.
a

years
time past —

member of the Board of Revenue
calling on him and his
colleague to put together such
a sum as will, added to your
own monies, secure to you a
modest competency, and adding
that if the Board do not meet
your views you will return
to India and serve out your
full time.

With reference to the very
serious charges which have
thus been made against you,
I am directed to request that
you will forthwith submit
to the Earl of Kimberley any
explanations which you may
think fit to offer. And I am
to add that in the meantime
the permission to return to
duty conveyed to you in the
letter from this office dated
the 13th of August last is
cancelled.

I am &c.;
(sd) J. A. Godley.

I.P. 1670.

Walton Park,
Dalbeattie,
Kirkcudbrightshire
6th October, 1883.

Sir,

I have the honor to acknowledge the receipt this day at my country quarters here of your letter of the 3rd inst., addressed to me at 40 Melville Street, Edinburgh, and though on being suddenly called upon forthwith to answer "serious charges" it is not easy to recal the events of two years ago with that precision which is desirable, I hasten as directed to submit my explanations for the information of the Secretary of State for India in Council, which I trust will remove any unfavorable impression the letter from the Government of Madras may have produced.

2. Stagnation in the services and the means of remedying it by facilitating retirements

have