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

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.*

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.

"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."

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.

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).

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

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 pend[illegible]en d[illegible]ut I have ascertained that it was not[illegible]over the special favor shown to him increased as time went on, until, at his discharge, he [illegible]y [illegible]tablished himself as the intimate coadjis de[illegible] the Superintendent for apparently literarnteresoses.

"Subsequent to Howard's release, [illegible]sited 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-

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 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., 1st 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.

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 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."

J. D. R.

54. On the 8th Feby Mr Symonds forwarded to Govt Mr Symonds reply, which is printed below. This is printed below without its Melbourne heading as it was immaterial whether Mr Symonds' letter to the Madras Times was ironical or not as explained in the final order.

Printed H. E current no: 555 in the same type as other quotations with reference Mr Symonds' letter but no mark to that letter. All half margin

55. On receipt of

Exp reasons he had allow knowledge to use of Speaking of Govt but before these orders had passed communication printed below was received from the disp Govt.

56.

Printed H. E current no: 730 Mr Symonds letter to Govt half margin same type as other quotations.

57. On receipt of letter full consideration the case His Ex in Council passed the following Order

58.

Printed H. S. O. (Pub) 18 Febr 86 no: 383 Print in full. Length for the type used Leave it in type as it is with its no: & date Call for all marginal

Latest copy o

Memorandum

(9)

Mr Crole's suspension

Offered

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Memorandum

(9)

Mr Crole suspension

his administration, he is inclined to think that a period of suspension may without too much compromising discipline give Mr. Crole, who is a man of some ability and who may possibly still do useful work, an opportunity of reconsidering himself and of retrieving his character.

Mr. Crole will accordingly be suspended for the period of one year from the date of this order.

W
30-1-86

Honble Mr. Sullivan for a purely imaginary wrong.

The Right Honorable the Governor in Council would always rather take a kindly view of the transgressions of an officer serving under him than not, and having regard to the fact that Mr. Crole has recently had to be removed from the Madura district at the request of the Board of Revenue for grossly insulting them under the impulse of the same vanity which has led him to attribute to the Hon. Mr. Sullivan's personal dislike the dissatisfaction of the Government with his

the Hon: Mr Sullivan and having failed so conspicuously to justify his action has been guilty of a most serious offence. It is a question indeed whether an officer with such strange ideas of what constitutes evidence and who has made such random statements is a fit person for the very responsible post of Collector. It would seem that an over-weening estimate of his own merits, almost passing beyond the bounds of sane reason, is at the bottom of what the Govt can only characterize as a malignant attempt to revenge himself upon the Hon

favoritism in respect to B Sriniwasamurti Aiyangar, but H.E. in Council desires to record his emphatic opinion that there is nothing in those statements to justify Mr Cole's insinuation that the favour, if any, extended by the Honble Mr Sullivan to that individual was due to any improper motive.

H.E. the Governor in Council has given this painful case his most careful consideration and he has come to the conclusion that Mr Cole having voluntarily chosen to make such grave charges against the

absolutely unknown to any member of the Government. It is a matter of surprize to H.E. in Council that not only should Mr. Crole have assumed the responsibility of taking affidavits from persons in the district to the effect that there were rumours of a hostile feeling towards himself on the part of a Member of the Govt., but that he should have attached the slightest value to such essentially hearsay statements.

The Government have not thought it necessary to go into the statements of Mr. Crole regarding the Hon Mr. Sullivan's alleged morbid vanity which pervades Mr. Crole's Memorandum and letter. It is sufficient to state that decisions which Mr. Crole speaks of as having been passed "independently of the merits of the matters dealt with" were - whether right or wrong - the decisions of the collective Govt., which - and not the Honble Mr. Sullivan alone - is responsible for them. The censures passed on Mr. Crole's administration had not the slightest connection with what he calls the 'Richings episode', and which at the time the censures were passed was

Charge III

(page 8)

(para 6 of his memorandum)

The Hon: Mr. Sullivan states with reference to this charge that until Mr. Cole's Memorandum of 26 Sept. 1885 reached him he had not the slightest idea that Mr. Cole had interested himself in the negociations between his son and the Zemindar. The Govt have no doubt of the correctness of this statement and consequently the fabric constructed on the supposition to the contrary falls to the ground. The whole charge indeed is bolstered up with suppositions some of which are baseless within the knowledge of H.E in Council and some the outcome of the painfully

"matters affecting the Honble
"Mr. Sullivan had been repre-
"sented to him by the Zemindar
"and his Vakil, leaving it
"to Government to take such
"notice as they shall think
"fit, he would probably
"have been acting within the
"scope of his duty, and this
"is the light in which in his
"letter of the 19th November 1885,
"he wishes his memorandum
"to be taken. But it seems to
"me that the memorandum
"goes far beyond this, and
"that its tone throughout
"is that of a prosecutor
"responsible for the truth
"of the statements he makes
"and prepared to prove
"them."

" that the valuation was signed
" H. Val Ryan. He assumes
" throughout the memorandum
" as a fact that the Richings
" estate was the property
" of the Honble W. Sullivan,
" whereas it now appears
" that really all the evidence
" he had of that fact was
" that the Zemindar believed
" it or said he did. An
" official of Mr. Crole's experience
" in this country ought to
" have known better than to
" allow the mere suspicions
" of a native landholder to
" have any weight against
" the character of an English
" gentleman. Had he given
" brought to the one the
" Government painfully

" on that individual's con-
" nection with the Honble
" W. Sullivan. This is a
" flagrant misrepresentation
" of the only passage in
" Mr. J.F. Sullivan's letters
" referring to this individual
" where the words used are
" (Exhibit IV): "I should think
" old Srinivasaiengar
" is a safe man to advise
" you; of course I know
" he is ignorant of planting,
" but he has a good head for
" figures." Again, Mr. Crole
" knew, as his memorandum
" shows, that the name
" of Mr. Ryan of the Cedars
" was Jeremiah, and yet
" and passed noticed, or, if
" them" & forgotten
that

" so serious - and even as
" to the facts actually before
" him Mr. Cole seems to
" have manifested a care-
" lessness most culpable
" in one bringing such
" serious charges against a
" Member of the Government.
" He quotes words from letters
" which it appears he was
" quoting from memory and
" the most important of
" which are not to be found
" in any document now
" produced - He says that
" it is "a pregnant fact that
" in one of the letters the
" Zemindar is urged to
" consult no one except
" R Srinivasamurti Aiyangar,"
" and goes on to comment

" On the whole I consider
" that the evidence now
" produced affords no
" foundation for the charges
" against the Honble Mr
" Sullivan contained in
" Mr Cole's Memorandum,
" and that he was wholly
" unwarranted in putting
" forward such charges
" on such evidence - It is
" somewhat surprising to
" find from his own
" confession that he ventured
" to commit such charges
" to writing in the absence
" of the papers and still
" more surprising to find
" when the papers are pro-
" duced that they afford
" no foundation for charges

(page 59)

in having made them - There is nothing in the documentary evidence produced by Mr. Crole to show that the Hon: Mr. Sullivan had any connection with the Richings Estate in January 1884 and absolutely no evidence that he had anything to do with the proposal that a native landholder should buy it beyond the inference arising from his alleged ownership. Further, he says, there is nothing in the papers to support the suggestion of any fraud or deception practised upon the Zemindar.

Mr. Handley concludes his opinion in the following words -

pages 61-62

"absolutely nothing"

Apart from a lawyer's opinion on the deeds relating to the property, it appeared to H.E. the Governor in Council advisable that a legal advice should be taken on the statements formulated by Mr. Crole in regard to the first two charges recited above. Mr. Handley, Chief Judge of the Small Cause Court and recently acting as a Judge of the High Court, was accordingly consulted. He reports that the evidence adduced is wholly insufficient to substantiate these charges or to justify Mr. Crole in

(page 57)

"I was at Madura, intimated
"to me by letter that a native
"gentleman whose acquaintance
"he had made at Madura
"had been to see him and
"wished to purchase the
"estate. I think he said
"he expected to get a lakh
"of Rupees for it. I forget
"what I replied to him,
"but I think it was to the
"effect that I wished he
"might get it. My son is
"of a sanguine nature and
"had an exaggerated idea
"of the value of his property.
"I never gave the matter
"another thought and of the
"negociations which may
"have passed subsequently
"between the parties I know

received anything in the
shape of interest or the
sale proceeds of crops;
and that to render im-
possible any further
insinuation that he has
a personal beneficiary
interest in the Estate,
he is having prepared
a deed to transfer to the
Official Trustee appointed
under act XVII of 1864
whatever interest the
mortgage deed may give,
to be administered for the
benefit of his children.

On this allegation — Charge II
the Honble Mr. Sullivan
remarks- "My knowledge (Page 7)
"of the matter is confined
"to my son having whilst

I

that he subsequently enabled his son to acquire the rest of the property and to carry on planting operations: and that having in this & other ways made considerable advances in favor of his son and being desirous of securing to his other children such an interest in the property as to put them all on an equal footing pecuniarily, he, in 1883, took a mortgage on the estate for Rs 60,000, it being further agreed that the sale proceeds of the property whether sold before or after his death should after a certain deduction in favor of his son Mr. J. F. Sullivan be divided equally among the

of the Madras Government by denouncing Mr. Crole in his official capacity and so acting as to obstruct Mr. Crole in his administration of the Madura district.

As to the Hon Mr Sullivan's position in regard to the Kiching Estate, it appears from a Memorandum drawn up by him for the guidance of his Executors which with the deeds &c relating to the estate were placed before the Advocate General, that in 1870 Mr. H. E. Sullivan purchased two plots amounting together to 33.75 acres and made them over to his son Mr. J. F. Sullivan on his coming out from England,

Charge I

(See page 43)

plots of land in the neighbourhood of Dote

Civilian from holding land
for such a purpose.

II. That about the same time
the Honble Wm Sullivan
was a party to an attempt
to cheat, inasmuch as he
was a party to an attempt
to induce a native land-
holder of Madura to buy
the said Rishings Estate
for a price much beyond
its value, and based on,
and supported by, a
valuation which, in the
attendant circumstances,
was fraudulent.

III That in consequence of
Wm Crole having advised the
said landholder not to
purchase the property, the
Honble Wm Sullivan abused
his position as a Member
of

against the Honble Wm
H. E. Sullivan, Senior
Member of Council.

Three charges are,—

I. That towards the end
of January 1884, the Honble
Wm Sullivan was virtually
the owner of the Rishings
Estate at Ootacamund,
and that, inasmuch as
the said Estate as then
constituted was an Estate
devoted to the cultivation
of commercial products
for profit, the Honble
Wm Sullivan in owning
it, committed a breach
of his covenant as a
Civilian and infringed
the orders of Government
and the Secretary of State
prohibiting Covenanted

Public Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

Memorandum from Mr. Crole, dated 26th Sept. 1885

Minute of Hon. Mr. Sullivan, dated 22nd Oct. 1885

Letter from Mr. Crole, dated 19th Nov. 1885, No. A. with enclosures.

Letter from the Advocate General, dated 5th November 1885.

Letter from the Chief Secretary to Mr. Handley, dated 17 Dec. 1885, No. 2841.

Letter from Mr. Handley, dated 21st December 1885.

Minute by the Hon'ble Mr. Sullivan, dated 21st January 1886.

Order

The foregoing papers relate to charges which Mr. Crole, late Collector of Madura, has brought

[Enclosure I.]

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers:—

Memorandum by C. S. CROLE, Esq., dated 26th September 1885.

Memorandum by the Hon'ble Mr. SULLIVAN, dated 22nd October 1885.

From C. S. CROLE, Esq., dated Madura, 19th November 1885, No. A.

From H. H. SHEPHARD, Esq., Acting Advocate-General, dated Madras, 5th November 1885.

From J. W. HANDLEY, Esq., Chief Judge, Small Cause Court, dated Madras, 21st December 1885.

Memorandum by the Hon'ble Mr. SULLIVAN, dated 21st January 1886.

ORDER—dated 4th February 1886, No. 240, Public.

The papers read above relate to charges which Mr. Crole, late Collector of Madura, has brought against the Hon'ble Mr. H. E. Sullivan, Senior Member of Council.

These charges are—

I. That towards the end of January 1884, the Hon'ble Mr. Sullivan was virtually the owner of the Richings Estate at Ootacamund, and that, inasmuch as the said estate, as then constituted, was an estate devoted to the cultivation of commercial products for profit, the Hon'ble Mr. Sullivan, in owning it, committed a breach of his covenant as a Civilian, and infringed the orders of Government and the Secretary of State prohibiting Covenanted Civilians from holding land for such a purpose.

II. That about the same time the Hon'ble Mr. Sullivan was a party to an attempt to cheat, inasmuch as he was a party to an attempt to induce a Native landholder of Madura to buy the said Richings Estate for a price much beyond its value, and based on, and supported by, a valuation which, in the attendant circumstances, was fraudulent.

III. That in consequence of Mr. Crole having advised the said landholder not to purchase the property, the Hon'ble Mr. Sullivan abused his position as a Member of the Madras Government by denouncing Mr. Crole in his official capacity, and so acting as to obstruct Mr. Crole in his administration of the Madura District.

2. *Charge I.*—As to the Hon'ble Mr. Sullivan's position in regard to the Richings Estate, it appears, from a memorandum drawn up by him for the guidance of his executors,

which, with the deeds, &c., relating to the estate, were placed before the Advocate-General, that, in 1870, Mr. H. E. Sullivan purchased two plots of land in the neighbourhood of Ootacamund, amounting together to 33·75 acres, and made them over to his son Mr. J. F. Sullivan on his coming out from England; that he subsequently enabled his son to acquire the rest of the property and to carry on planting operations; and that having in this and other ways made considerable advances in favor of his son, and being desirous of securing to his other children such an interest in the property as to put them all on an equal footing pecuniarily, he, in 1883, took a mortgage on the estate for Rs. 60,000; it being further agreed that the sale-proceeds of the property, whether sold before or after his death, should, after a certain deduction in favour of his son Mr. J. F. Sullivan, be divided equally among his children.

3. In effect, the intention was, the Advocate-General states, "that the estates should be treated, not as the property of Mr. H. E. Sullivan, nor as the sole property of his son, but as a property in which, purchased and improved as it had been at the expense of Mr. H. E. Sullivan, his son Mr. J. F. Sullivan and his other children should, as far as possible, have equal interests in the same way as if it had been made the subject of a settlement in their favour."

4. Looking at the mortgage alone, the Advocate-General is of opinion that "Mr. H. E. Sullivan by becoming mortgagee acquired a substantial interest in the estate. By virtue of the mortgage, he became an incumbrancer to a large amount on the estate, having, besides the ordinary power of sale, the peculiar right to receive the proceeds arising from the sale of crops made from time to time."

5. The relations of the father and son were, in brief, those of mortgagee and mortgagor, having, however, certain peculiar incidents.

6. In reference to these "peculiar incidents," the Hon'ble Mr. Sullivan explains that he was quite unaware of the existence of such provisions; that he never received anything in the shape of interest or the sale-proceeds of crops; and that to render impossible any further insinuation that he has a personal beneficiary interest in the estate, he is having prepared a deed to transfer to the Official Trustee, appointed under Act XVII of 1864, whatever interest the mortgage deed may give, to be administered for the benefit of his children.

7. *Charge II.*—On this allegation the Hon'ble Mr. Sullivan remarks: "My knowledge of the matter is confined to my son having, whilst I was at Madras, intimated to me, by letter, that a Native gentleman, whose acquaintance he had made at Madura, had been to see him and wished to purchase the estate. I think he said he expected to get a lakh of rupees for it. I forget what I replied to him, but I think it was to the effect that I wished he might get it. My son is of a sanguine nature, and had an exaggerated idea of the value of his property. I never gave the matter another thought, and of the negotiations which may have passed subsequently between the parties I know absolutely nothing."

8. Apart from a lawyer's opinion on the deeds relating to the property, it appeared to His Excellency the Governor in Council advisable that legal advice should be taken on the statements formulated by Mr. Crole in regard to the first two charges recited above. Mr. Handley, Chief Judge of the Small Cause Court, and recently acting as a Judge of the High Court, was accordingly consulted. He reports that the evidence adduced is wholly insufficient to substantiate these charges, or to justify Mr. Crole in having made them. There is nothing in the documentary evidence produced by Mr. Crole to show that the Hon'ble Mr. Sullivan had any connection with the Richings Estate in January 1884, and absolutely no evidence that he had anything to do with the proposal that a Native landholder should buy it, beyond the inference arising from his alleged ownership. Further, he says, there is nothing in the papers to support the suggestion of any fraud or deception practised upon the Zemindar.

9. Mr. Handley concludes his opinion in the following words:—

"On the whole, I consider that the evidence now produced affords no foundation for the charges against the Hon'ble Mr. Sullivan contained in Mr. Crole's memorandum, and that he was wholly unwarranted in putting forward such charges on such evidence. It is somewhat surprising to find, from his own confession, that he ventured to commit such charges to writing in the absence of the papers, and still more surprising to find, when the papers are produced, that they afford no foundation for charges so serious; and even as to the facts actually before him, Mr. Crole seems to have manifested a carelessness most culpable in one bringing such serious charges against a Member of the Government. He quotes words from letters which it appears he was quoting from memory, and the most important of which are not to be found in any document now produced. He says that it is 'a pregnant fact that in one of the letters the Zemindar is urged to consult no one except B. Strinivasamurti Aiyangar,' and goes on to comment on that individual's connection with the Hon'ble Mr. Sullivan. This is a flagrant misrepresentation of the only passage in Mr. J. F. Sullivan's letters referring to this individual, where the words used are (Exhibit IV): 'I should think old Strinivasamurti is a safe man to advise you; of course, I know he is ignorant of planting, but he has a good head for figures.' Again, Mr. Crole knew, as his memorandum shows, that the name of Mr. Ryan of the Cedars was Jeremiah, and yet he never noticed, or if he did, had forgotten that the valuation was signed H. Val. Ryan. He assumes, throughout the memorandum, as a fact that the Richings Estate was the property of the Hon'ble Mr. Sullivan; whereas it now appears that really all the evidence he had of that fact was that the Zemindar believed it or said he did. An official of Mr. Crole's experience in this country ought to have known better than to allow the mere suspicions of a Native landholder to have any weight against the character of an English gentleman. Had he merely brought to the notice of Government that certain matters affecting the Hon'ble Mr. Sullivan had been represented to him by the Zemindar and his Vakil, leaving it to Government to take such notice as they shall think fit, he would probably have been acting within the scope of his duty; and this is the light in which, in his letter of the 19th November, 1885, he wishes his memorandum to be taken. But it seems to me that the memorandum goes far beyond this, and that its tone throughout is that of a prosecutor responsible for the truth of the statements he makes and prepared to prove them."

10. *Charge III.*—The Hon'ble Mr. Sullivan states, with reference to this charge, that, until Mr. Crole's memorandum of 26th September 1885, reached him, he had not the slightest idea that Mr. Crole had interested himself in the negotiations between his son and the Zemindar. The Government have no doubt of the correctness of this statement, and consequently the fabric, constructed on the supposition to the contrary, falls to the ground. The whole charge, indeed, is bolstered up with suppositions, some of which are baseless within the knowledge of His Excellency in Council, and some the outcome of the painfully morbid vanity which pervades Mr. Crole's memorandum and letter. It is sufficient to state that decisions which Mr. Crole speaks of as having been passed, "independently of the merits of the matters dealt with," were, whether right or wrong, the decisions of the collective Government, which, and not the Hon'ble Mr. Sullivan alone, is responsible for them. The censures passed on Mr. Crole's administration had not the slightest connection with what he calls the "Richings episode," which, at the time the censures were passed, was absolutely unknown to any Member of the Government. It is a matter of surprise to His Excellency in Council that not only should Mr. Crole have assumed the responsibility of taking affidavits from persons in the district to the effect that there were rumours of a hostile feeling towards himself on the part of a Member of the Government, but that he should have attached the slightest value to such essentially hearsay statements.

11. The Government have not thought it necessary to go into the statements of Mr. Crole regarding the Hon'ble Mr. Sullivan's alleged favoritism in respect to B. Strinivasamurti Aiyangar; but His Excellency in Council desires to record his emphatic opinion that there is nothing in those statements to justify Mr. Crole's insinuation that the favour, if any, extended by the Hon'ble Mr. Sullivan to that individual was due to any improper motive.

12. His Excellency the Governor in Council has given this painful case his most careful consideration, and he has come to the conclusion that Mr. Crole having voluntarily

chosen to make such grave charges against the Hon'ble Mr. Sullivan, and having failed so conspicuously to justify his action, has been guilty of a most serious offence. It is a question, indeed, whether an officer, with such strange ideas of what constitutes evidence, and who has made such random statements, is a fit person for the very responsible post of Collector. It would seem that an overweening estimate of his own merits, almost passing beyond the bounds of sane reason, is at the bottom of what the Government can only characterise as a malignant attempt to revenge himself upon the Hon'ble Mr. Sullivan for a purely imaginary wrong.

13. The Right Hon'ble the Governor in Council would always rather take a kindly view of the transgressions of an officer serving under him than not, and having regard to the fact that Mr. Crole has recently had to be removed from the Madura District, at the request of the Board of Revenue, for grossly insulting them under the impulse of the same vanity, which has led him to attribute to the Hon'ble Mr. Sullivan's personal dislike the dissatisfaction of the Government with his administration, he is inclined to think that a period of suspension may, without too much compromising discipline, give Mr. Crole, who is a man of some ability, and who may possibly still do useful work, an opportunity of reconsidering himself and of retrieving his character.

14. Mr. Crole will accordingly be suspended for the period of one year from the date of this order.

(True Extract.)

W. WILSON,

Acting Chief Secretary.

[Enclosure II.]

MEMORANDUM

FOR

H. E. The Right Honorable The Governor.

As the result of a D. O. correspondence initiated by the Honorable Mr. Webster (C. S.) regarding the history and antecedents of Captain E. A. Campbell, I saw the Chief Secretary at Ooty on the 29th ultimo. He suggested that a letter lately received from Captain E. A. Campbell should be submitted for the perusal of His Excellency. I now send it with the explanatory remark that Captain E. A. Campbell was an ordinary acquaintance of mine some 16 or 17 years ago, but that, as far as my memory serves me, this is the only occasion on which he has addressed me in writing. I, certainly, have never written to him within that period. He had no right therefore to consider that I was in any way restricted as to the use to be made of his present communication. Very possibly he may have addressed me as I have never failed to use the influence of my service and position for the purpose of reprobating what appears to me to be flagrant breaches of the Civil Service covenant which have of late years been becoming more and more an open scandal. I believe it to be destroying the just influence and usefulness of its Members, and to be a source of political danger by encouraging agitation for organic change in the constitution of the Service which would, in the present state of the country, be premature and possibly disastrous. For if one-tenth part of what one hears in ordinary conversation from persons apparently well informed be correct regarding land-holding and land-jobbing transactions on the Nilghiri Hills and the "bribery, cheating and misrepresentations" which is stated to have characterized the proceedings of—*e.g.* the Travancore Land Co.—I say if one-tenth part of these things be true and were to come out before a Commission, the state of the Civil Service in its present form is sealed. Although I hold these views I had no mind to assist Captain E. A. Campbell's agitation. His letter therefore received no reply. But from what I know of the man I believe that he will go on with it. My opinion has all along been—I freely admit it—that every man who has been connected with these things has infringed his covenant, and that outside pressure should be anticipated by the compulsory retirement of all such. The demoralization and loss of tone which have followed the growth of the commercial spirit in a Service from which it is strictly excluded are known everywhere. The cause is past the treatment of concealment.

In this connection I now turn to a very serious incident which has been the subject of repeated conference with the Chief Secretary, and of which it has been thought best to apprise His Excellency in detail.

Towards the end of January 1884, a well-known Madura Vakil, Mr. R. Ramasubbayyar, B.A. and B.L., of the High Court bar, brought Mr. P. Koteisami Tevar, Rao Bahadur, Zemindar of Pallayampatti, to me for the purpose of taking advice regarding the purchase of the Richings Tea and Cinchona Estate at Ootacamund, belonging to the Honorable Mr. H. E. Sullivan. Mr. P. Koteisami Tevar will be remembered by His Excellency from his successful management as Vice-President of the Madura L. F. Board, which has been cordially acknowledged by Government on several occasions. He is nephew of the late Zemindar of Ramnad, and, besides being a Zemindar himself, is owner of landed and house property in various parts of the district. He is also reputed to be wealthy. Prior to his introduction to me on the occasion in question, I had seen him only once, when he paid me a ceremonial visit at Ramnad.

I asked him to let me see the papers. On looking them over, I found, besides correspondence with Mr. J. F. Sullivan, a valuation by a Mr. Jeremiah Ryan, the landlord of the residence leased by the Honorable Mr. H. E. Sullivan at Ooty. This paper showed clearly that the proposal amounted to this:—The Zemindar purchaser to give Rs. 60,000, being the full value of the estate, *plus* Rs. 65,000 as a gift to the vendor. I had, as I have said, no previous acquaintance with the Zemindar, who had consulted me simply as the Collector of the district.

I may state that I had also seen the Honorable H. E. Sullivan only three times in my life, and then on business merely. I of course advised the Zemindar not to buy, and he wrote accordingly to Mr. J. F. Sullivan. A pressing invitation to purchase followed. Offers were made to reduce the price, and a suggestion was thrown out that the Jaghirdar of Arnee might be taken into partnership. The Zemindar, however, was firm and a marked coolness between the parties ensued. The whole tenor of these communications proves that Mr. J. F. Sullivan was not the owner. He says for instance that if a liberal offer be made he will try and get it accepted, or words to that effect, and so on. There is no doubt, I believe, that the Honorable Mr. Sullivan was the original sole owner and planter of the property. His son, who had been Acting Assistant Superintendent of Police in Ramnad, was compelled towards the latter part of 1883 to leave the force as he was unable to pass the Departmental Examination. This was about the time when the holding of land by Civilians was attracting notice. His father thereupon appears to have entered into some transaction with him for the purpose of transferring the Richings property to his name. Of this I have no particulars, but certain it is that at the beginning of 1884 all parties still recognized the Honorable H. E. Sullivan as virtual proprietor.

Curiously enough, when, on my way to Ooty last month, I travelled from Coonoor along with a gentleman who turned out to be Mr. Lee Kirby, a professional Estate valuator; he informed me that he had been engaged by the Honorable Mr. Sullivan to value the Richings Estate for the purpose of placing it in the English market. He asserted that it would be perfectly impossible to put a higher estimate on it than Rs. 25,000. As he was speaking, we came to a turn of the road and found the Honorable Mr. Sullivan waiting his arrival with his carriage.

I should have mentioned that during his stay at Ramnad, Mr. J. F. Sullivan had struck up a warm friendship with the Zemindar who subsequently spent a month at Ooty during the Christmas of 1883, at his invitation. The solicitations to purchase the estate were begun during that visit. Another pregnant fact is that in one of the letters the Zemindar is urged to consult no one except Srinivasa Murti Ayyangar. This individual is an old dependent of the Honorable Mr. Sullivan. At the time in question he was Deputy Collector on special duty in the North Arcot District. When the Zemindar reached Erode on his return from Ooty, this person was on the platform of the Railway Station, the junction for Madras. To my personal knowledge the Honorable Mr. Sullivan is in the habit of personally going out of his way to promote his interests. In January 1885 during my absence on leave, the nephew of this man came to Madura the bearer of a cover addressed to the Zemindar by him. It contained an unsigned Tamil letter to the effect that he (Zemindar) had trusted to the wrong person when he tried for an appointment in the Statutory Civil Service. It is a fact that he had been an applicant and had shortly before been informed by Government that the new examination rules could not be relaxed in his favour. It is also true, as His Excellency is aware, that I had as Collector backed his application.

It is perhaps a matter of comparatively minor detail, but it seems to give further proof, if that were wanting, of the extreme objections attending the holding of land by officials that from the time when I performed the disagreeable duty of advising the Zemindar not to purchase the Richings Estate, the tone of the communications of Government in certain departments to me completely changed. The Honorable Mr. Sullivan commenced to

denounce me in my official capacity, although fortunately the administration of the 10,000 square miles of territory entrusted to my charge was too well known to His Excellency and others to permit of these attacks having any effect.

But the state of my relations with that gentleman soon became known in the Madura District as elsewhere.

The ever-ready agitators of Madura took advantage of the knowledge that I had an enemy in the Government and for some time, as His Excellency is aware, I had considerable difficulty in managing a very troublesome district. This fresh complication induced me to go up to Madras in January 1885, and lay the whole of the facts as I knew them before the Chief Secretary of Government. I have since heard that I was mistaken in supposing that I had by this action divested myself of responsibility in regard to the transactions under notice. I have therefore with extreme repugnance now reported what I know for the information of His Excellency. The original correspondence referred to, which has been placed at my disposal by the Zemindar, is at Madura. It will be submitted if required.

SHEMBAGANUR, 26*th September*. (Signed) C. S. CROLE.

PUBLIC DEPARTMENT, 27*th October* 1885.

No. 2502.

From

THE CHIEF SECRETARY TO GOVERNMENT,

To

C. S. CROLE, ESQ., C.S.,
Collector of Madura.

SIR,

The "Memorandum for H. E. the Governor" that accompanied your demi-official note of the 26th September 1885, addressed to Mr. Webster, having been considered in Council, as you were informed in Mr. Webster's note of the 7th October that it would be, I am directed, in reference to the subjoined extracts from it, to call upon you to submit, with the least possible delay, a full and particular statement of the facts and circumstances on which the allegations therein made are based, and to substantiate the same.

1. (*a*) 'Towards the end of January 1884, a well-known Madura Vakil, Mr. R. Ramasubbayyar, B.A. and B.L., of the High Court bar, brought to me P. Koteisami Tevar, Rao Bahadur, Zemindar of Pallayampatti, for the purpose of taking advice regarding the purchase of the 'Richings' Tea and Cinchona Estate at Ootacamund, belonging to the Honorable Mr. H. E. Sullivan.'

   (*b*) 'I asked him (*i.e.* Koteisami Tevar) to let me see the papers. On looking them over I found a valuation by a Mr. Jeremiah Ryan.'

   (*c*) 'The whole tenor of these communications proves that Mr. J. F. S. was not the owner of Richings.'

   (*d*) 'There is no doubt, I believe, that the Honorable Mr. S. was the original sole owner and planter of the property.'

   (*e*) 'Certain it is that at the beginning of 1884 all parties recognised the Honorable Mr. S. as still the virtual proprietor.'

You are to prove—

(1) that at the time stated, the Honorable Mr. Sullivan was the owner of 'Richings' and

(2) that the valuation by Mr. Jeremiah Ryan alluded to in (*b*) was made.

*B. Seenavasa Murti Ayyangar.

2. 'To my certain knowledge the Honorable Mr. S is in the habit of going out of his way to promote the interests of this Deputy Collector*.'

You are to substantiate this statement by instances.

3. 'It is perhaps a matter of comparatively minor detail, but it seems to afford further proof, if such were wanting, of the extreme objections attending the holding of land by officials that from the time when I performed the disagreeable duty of advising the Zemindar not to purchase the 'Richings' Estate, the tone of the communications of Government to me in certain departments completely changed. The Honorable Mr. S commenced to denounce me in my official capacity. * * *. The state of my official relations with the gentleman in question soon became known in the Madura District, as elsewhere. The ever-ready agitators of Madura took advantage of the knowledge that I had an enemy in the Government, and for some time, as is well known, I had considerable difficulty in managing a very troublesome district. This fresh complication induced me to go up to Madras in January 1885, and lay the whole of the facts, as I knew them, before the Chief Secretary to Government.'

You are to prove—

(1) that if the tone of the Government's communications to you *did* change about the time you state, the change was due to the failure of the negotiations for the sale of the 'Richings' Estate owing to your advice to the Zemindar, and not to the views taken by the Government on the merits of the questions dealt with;

(2) by instances, that the Honorable Mr. Sullivan denounced you in your official capacity;

(3) that you had an enemy in the Government, and that that enemy was the Honorable Mr. Sullivan;

(4) that the existence of this enmity was known in the District of Madura, and that the knowledge interfered with and obstructed your administration of that district.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) W. WILSON,
Acting Chief Secretary.

PUBLIC DEPARTMENT, *17th November* 1885.

No. $\frac{2502}{1}$.

To

C. S. CROLE, ESQ.,
Collector of Madura.

SIR,

I am directed to call your attention to my letter, No. 2502, dated 27th October 1885, on the subject of the charges preferred by you against the Honorable Mr. Sullivan, and to inform you that the Government await your reply to the communication in question.

I have the honor to be,
Sir,
Your most obedient servant,
(Signded) W. WILSON,
Acting Chief Secretary.

[Enclosure III.]

No. A. *Dated 19th November* 1885.

From

THE COLLECTOR OF MADURA,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS.

SIR,

In obedience to the instructions of Government contained in your letter of the 27th October 1885, No. 2502, I have the honor to submit the detailed information therein required in substantiation of the facts set forth in my Memorandum quoted.

2. Owing to the absence of any statement on the part of the Honorable Mr. Sullivan, this letter will, in spite of every effort at condensation, be considerably more diffuse than I should have desired, or than the extremely simple character of the matter dealt with would otherwise have called for.

3. It is assumed that the general accuracy of the above paper is admitted with the exception of:—

I. The Honorable Mr. Sullivan's connection with the Richings Estate as virtual owner after some date in 1883.

II. The existence of a valuation by Mr. J. Ryan.

III. The Honorable Mr. Sullivan's going out of his way to promote the interests of Deputy Collector Srinavasa Murti Ayyangar.

IV. The alleged injury to public business in the Madura District owing to the prejudice of the Honorable Mr. Sullivan against me, the Collector, on account of my share in bringing about the failure of the negotiations for the purchase by a Zemindar of the Richings property.

4. This being so, I shall restrict my reply entirely to these four points.

5. To begin with, I submit that it would have been impossible for me, consistently with my duty to Government, to refrain from taking the first convenient opportunity of apprising Government, through the Chief Secretary, of the very serious reflections to which the conduct of the Honorable Mr. Sullivan, as a Member of the Civil Service, had been subjected by matters which had come under my official cognizance. I was by no means blind to the gravity of such a step, and to the danger to myself personally which its adoption involved. I therefore took every means open to me of checking the statements made to me by the Zemindar wherever they happened to be unsupported by documents. In the result I was unable to detect any reason for doubting his statements. They were therefore communicated to Government, not as my own but in the light of information of which I had become the recipient in good faith and in the performance of my public functions, and which it was not within my competence to withhold from Government.

6. I do not urge this with any thought of avoiding responsibility deliberately incurred, but with the view of clearly indicating the position actually assumed by me. The necessity for this will appear presently.

7. If Government will refer to my Memorandum it will be found that I nowhere alluded to the connection of the Honorable Mr. Sullivan with the Richings Estate in 1884 as a fact within my own knowledge, but only as the gist of representations made to me by the Zemindar and otherwise. The expressions used are quoted in your letter, and they fully bear this out.

8. Now the affidavits A and D hereto subjoined are unmistakeable. The Zemindar in A plainly states that he believed himself to be negotiating for the purchase of property belonging to the Honorable Mr. Sullivan. Again, Mr. J. F. Sullivan when making his second offer, distinctly promised to *try and get the reduced price accepted*. By whom? I read this communication on the day on which it was received. The Zemindar says it has been mislaid, but promises to search for it at Ramnad. Again, in a letter from the same gentleman to the Zemindar, dated 24th January 1884 (marked IV) the following passage occurs:—"This pro-"perty was valued about two years ago at 80,000, not that we were desirous of selling; my "father simply wished to know what the place was really worth."

The only reasonable construction of these words is that in January 1884 the Honorable Mr. Sullivan remained in the same position in regard to the property as he occupied in 1882, except that in 1882 he was "not desirous" of parting with it, whereas in 1884 he was anxious to sell.

9. It appears to be unnecessary to amplify proofs that I was justified in considering the statements of the Zemindar regarding this point to be *primâ facie* correct. The sole point for which I am responsible is the fact reported to Government as indisputable that in January 1884 the Zemindar believed, and Mr. J. F. Sullivan believed, or, at all events, acted as if he believed, that his father still remained virtual proprietor of Richings.

10. The Government order me to prove that the Honorable Mr. Sullivan was then the owner. I respectfully submit that it is not for me to establish a position which I never occupied. I have, however, collected the evidence immediately available in Madura. It will be found in affidavits marked A, C and D, and in the documents *passim*. But it is palpable that, in the event of the Honorable Mr. Sullivan setting up a plea of having entirely divested himself of all connection with the property on the date in question, it is for him to produce evidence of such an affirmative issue.

11. In order to permit of my making a satisfactory return to the mandate of Government, the Honorable Mr. Sullivan's case would first require to be clearly formulated, access to the records of more than one office of Government would be required, all papers and accounts in any way relating to the estate would have to be called for, and a number of witnesses residing in different parts of the Presidency would have to be examined. It would be hard to define the limits of such an enquiry, and, at all events, it would be hopeless to attempt it from Madura.

12. Even during the limited enquiries which your letter under reply necessitated, new facts of a most compromising character have come to the surface which I have carefully excluded from this report which is confined strictly to the four corners of my Memorandum.

13. I would particularly request the attention of Government to the statements made by the Zemindar and Mr. O'Shaughnessy (Enclosures A and C) and by Mr. R. Ramasubbayyar (Enclosure D) whose evidence forms almost conclusive proof of the truth of the statements made by the two first named. Taken together, these affidavits place the matter in a far more serious light than I had previously any idea of.

14. I do not for one moment wish to press any undue conclusions from these gentlemen's affidavits. If true, they form much more than a *primâ facie* case. Their truth is borne out by all Mr. J. F. Sullivan's acts. Can it be wondered that the parties in this case in common with the general public should, in face of the admitted original ownership of the estate, continue to look upon the Honorable Mr. Sullivan as still, under the circumstances, the virtual proprietor. It is surely for him to prove, by such means as may be open to him, that he had on the date referred to, in truth and in fact, dispossessed himself entirely of all connection with, or interest in, a property with which his name had got mixed up in the first instance entirely owing to his own voluntary act. This is not a case of baseless or gratuitous accusation. The conviction that he remained virtually the proprietor was not a mistake

monopolised by the Zemindar or other outsiders. It was curiously enough shared by his own son who is now put forward as sole owner. The extent of this son's rights is to be gathered from his prefacing his negotiations by warning the Zemindar that nothing could be done without communication with his father, and by passages in his letters which negative any possibility of proprietary right as residing in him separately from his father. As might be expected, his letters contain expressions which give a superficial gloss to the idea of a transfer real and complete. But the correspondence taken as a whole negatives this, while the affidavits flatly contradict it.

15. Moreover, here we have a young man notoriously without means, a failure in the Police Department, suddenly possessed of property which he values at much over a lac of rupees. Within a few weeks almost of his alleged acquisition we find him, not hard at work in the care and development of his property, but concentrating his energies on clearing his feet of it without delay. It might at first sight be thought not unnatural that a young man should be anxious to realize the place and squander the money. But his acts will not bear such a construction. They are entirely inconsistent with the ownership of a valuable property, for he is to remain as Manager of the purchaser on Rs. 300 a month. Failing to get this appointment, does he stick to his estate? No. He disappears after a year, and he as good as tells the Zemindar that in fact he has no property, for he *may* emigrate to Canada or he *may* settle down in England (Exhibit VI). On what? The estate was on that date as little off his hands as it was in the January previous, yet he can go away. It is no strain on these facts to assume that the existence of the Richings Estate exercised no influence whatever on Mr. J. F. Sullivan's prospects or movements.

16. I have now done with this branch of the subject—the vital and really only important portion to which all else is entirely subsidiary. It is submitted that the case is of far more than *primâ facie* strength. As things stand at present, the Zemindar continues to deny that he was dealing with any one save the Honorable H. E. Sullivan. Mr. O'Shaughnessy asserts that the latter gentleman continues to own the estate, while Mr. R. Ramasubbayyar deposes to purchasing its produce through the Honorable Mr. Sullivan's agent in 1884. There is no means of disproving these things unless the Honorable H. E. Sullivan himself comes forward to do so.

17. The next point is to prove:—

"That the valuation by Mr. Jeremiah Ryan alluded to in (*b*) was made."

I should say at once that I described the gentleman in question by the name under which I have been in the habit of hearing him called. What the Zemindar no doubt did say was "Mr. Ryan, owner of the Cedars." This, at all events, was the individual whom he imagined had been employed, and whom, until a few days ago, he evidently quite sincerely imagined he had paid for his services. If you will refer to my demi-official letter to Mr. Webster, you will see that I warned him that I was writing in the absence of the papers. It is a positive fact, however, that the Zemindar told me that Mr. Ryan, the owner of the "Cedars," was the valuator employed. I find, however, that the signature under the so-called valuation is "H. Val. Ryan." The Zemindar evidently never heard of him before, and you will see from his deposition (marked A) that this opens out one of those incidents in this transaction which, as I have said, are carefully excluded from the present report. Briefly, the statement given by the Zemindar on this point resolves itself practically into a charge of "cheating." It is understood that Mr. H. Val. Ryan is a brother of *the* Mr. Ryan, that he is a man of no position and of the slenderest means, and that his existence was never disclosed to the Zemindar. This perhaps explains the unusual character of the so-called valuation, and the following extraordinary passage in Mr. J. F. Sullivan's Memorandum* attached to it. It will be remembered that the valuator was paid by the Zemindar.

* Exhibit VII.

"Of course, I could have asked Mr. Ryan to value the property at an enormous figure, but this was not my desire," &c.

18. It will be observed from a perusal of the valuation (III) that the valuator makes himself responsible for next-to-nothing. For aught that appears to the contrary he might never have even seen the property, and the work he did might nearly equally well have been performed by any one with an elementary knowledge of arithmetic at the North Pole. This explains Mr. J. F. Sullivan's boast as to his power over "Mr. Ryan's" figures.

19. I am next called on to substantiate by instances the statement that—

"To my certain knowledge the Hon. Mr. Sullivan is in the habit of going out of his way to promote the interests of this Deputy Collector (B. Srinavasa Murti Ayyangar)."

The official in question is an old dependent of the Sullivan family. There is no harm in this, and the facts appears to be admitted.

20. In 1881-82, while he held the appointment of Guardian and Superintendent of Devastanams, &c., in the Ramnad Estate under the Court of Wards, his conduct was considered so unsatisfactory by Mr. Stokes, who was then Collector, that serious steps were taken against him. The representations of the Manager and the Collector went before the Court of Wards, of which the Hon. Mr. Sullivan was then 1st Member. The tenor of the Court's orders was not in support of the Collector's views. When these things were going on it was notorious that Mr. Sullivan was in correspondence with Srinavasa Murti Ayyangar. Again, before I took over charge of the district from Mr. Stokes, the Hon. Mr. Sullivan, whom I did not even know by sight, introduced himself to me, and, alluding to the correspondence* which was then going on, asked me in short to take his (Deputy Collector's) part, urging that he was deserving of support, and had not been fairly treated. I said I would see to it. But on looking into the subject in Madura I formed an entirely opposite opinion. Eventually, but without any interference on my part, the Court of Wards removed him from its service (*vide* Board's Proceedings, dated 22nd May 1882, No. 1354). The Honorable Mr. Sullivan was not then a Member. Government is aware that Srinavasa Murti Ayyangar was eventually restored† to his original position (Tahsildar) in the district, and was at once promoted to be Temporary Deputy Collector in the Inam Department, a position which he continues to hold. During his incumbency of this latter appointment the third instance occurred. I have not the authority of the officer concerned to give up his name, but, if Government still considers it necessary, it must of course be done. This is the Deputy Collector to whom, after being warned not "to consult people who are ignorant of the business," the Zemindar is referred for assistance as "old Srinavasa Murti is a safe man to advise (him), of course he is ignorant about planting, but has a good head for figures" (Exhibit IV).

* Bd.'s Procs., Nos. 2727/19-3-81, 5441/31-5-81, 2383/20-10-81, 10977/22-12-81, 278/27-1-82 & 998/4-4-82.

† Bd.'s Procs., No. 6914/5-9-82 Mis.

21. In the last place I am called on to prove that the change of tone adopted in the communications of Government in certain departments was caused by the events narrated in the Memorandum. Now this is a position which must, in the nature of things, depend on deduction rather than on direct evidence. The Madura District at the beginning of 1884 was peculiarly situated. The son of the Honorable Mr. Sullivan had been removed, but his cousin, Mr. Harington, together with Mr. Kough, his *quondam* assistant and intimate friend, remained. The hostility and insubordination exhibited by these two officers, alone of all others with whom I have had to deal, was too marked to be consistent with any other theory than that they felt that they would be supported. The affidavits B, D, E, F, subjoined, prove the existence of a widespread feeling in the Madura District that there was bad feeling towards me on the Honorable Mr. Sullivan's part. I can positively assert that I kept my own counsel. I am unable to avoid the conclusion confirmed by what reached me from time to time that these rumours obtained currency through the medium of these two officers. I shall pass over Mr. Harington's case with the remark that personal hostility to him cannot be imputed to me, for the simple reason that through the exercise of my influence alone did he obtain a bonus of Rs. 3,000 when his connection with the Local Fund Board was terminated owing to his old

age and incapacity. In regard to Mr. Kough it will be remembered that Government deemed it advisable to transfer him to Erode, and that he was permitted to remain here purely from considerations of mercy.

22. Now in connection with this, I am called on to prove four things which are, however, really one. In my Memorandum to H. E. The Governor I described this branch of the subject as a matter of comparatively minor detail. I did so advisedly. The danger alluded to had been warded off. It had ceased to be personal. But I deemed it my duty to mention it for the reason given in the Memorandum, especially as I felt that I could then do so with propriety and without suspicion of any ulterior object apart from the ground set forth.

23. This was in the public interests. The introduction of the personal element into the conduct of public affairs is the great defect in Indian administration. The holding of land and trading on its produce on the part of Civilians is just one of those things most likely to increase the tendency in respect of their official relations with their brethren in the Revenue branch of the Service. It would be hard indeed to imagine the possibility of the acts of a Collector receiving dispassionate treatment at the hands of a Member of the Government whose private interests had grievously suffered in the performance of that Collector's public functions.

24. The first is—"That if the tone of the Government's communications to you did "change about the time you state, the change was due to the failure of the negotiations for the "sale of the Richings Estate owing to your advice to the Zemindar and not to the views taken "by the Government on the merits of the questions dealt with."

Now as to this, I have the honor to submit that a District officer soon finds a change in tone, and the intelligence of his subordinates as well as of the public in a district like Madura, and is not a whit less sensitive in appreciating want of confidence on the part of Government, evidenced not only by the overt deliverances of "orders," but by the omission of those generous expressions of approval which are never denied to hard work if nothing is wrong. I felt that something had gone wrong, and the Railway having broken down, so as to prevent my visiting Madras during the Christmas holidays of 1884-85, I took three weeks' privilege leave immediately on its restoration, and plainly stated my suspicions to the Chief Secretary. Now, it is suggestive that in a note* written to me just before I left for Madras, the latter uses the following words regarding my proposed visit :—

* 31st December 1884.

"I am glad to hear you propose visiting head-quarters for a few days."

25. It was not denied that the suspicions I entertained were well founded. I was so thoroughly convinced that, owing to the personal feeling against me, for which it was absolutely impossible that there could be any other cause than the one assigned, I was doing more harm than good in Madura, that I asked leave to resign the Revenue branch of the Service. In elucidation I gave the Chief Secretary an account of the Richings Estate transaction with which he was so impressed that he ordered me to go to Mr. Stokes, the Revenue Secretary, to "put him on his guard." I also went to see the Honorable Mr. Sullivan at the Chief Secretary's instance. I shall deal with this latter interview lower down, and shall here content myself with stating that Mr. Sullivan's attitude to me was a mixture of studied insult and concentrated animosity. To return to the communications of Government during the 12 months preceding this interview, I shall confine myself to five instances, and they happen to be some of those quoted to the Chief Secretary.

D. O. from the Secretary to the Board of Revenue, dated 9th May 1884.

26. The first symptom was my being called on to report through the Board of Revenue as to the truth of a malicious libel written in broken English which appeared in the *Mail*.

27. Then followed the insubordinate conduct of Mr. Harington, the L. F. Engineer, a cousin of the Honorable Mr. Sullivan, who, without a shadow of right or propriety, appealed against an order made by me in regard to a claim for leave. The gross irregularity of his con-

duct was pointed out to Government. I brought to notice that he had requited unmerited kindness with inexcusable ingratitude, and that he had aggravated his offence by suppressing a paper which would have negatived his insubordinate appeal. The order* ran as follows :—

* 18th September 1884, No. 2213, Financial.

"Into the question of Mr. Harington's privilege leave the Government have no desire "to enter further than to observe that, as required by the President, he should have sent in a "medical certificate."

This was, it is submitted, under such circumstances, a greater reflection on me than open censure.

28. Thereafter the district entered on a period of organized turmoil and agitation which lasted several months, and to which the records of Government bear testimony. The part taken by Mr. Sullivan's relative above mentioned and by Mr. Kough, the Acting Sub-Collector, a former Assistant and friend of Mr. Sullivan, was public property. A newspaper even was started for the avowed purpose of vilifying the Collector, and it became extinct when the agitation died out.

29. Now one of the most active of the band of agitators who then sprang into activity, was the Rev. Mr. Chester of the American Mission at Dindigul. On one occasion Government called upon me to report on a private letter, as he called it, addressed by him to the Acting Secretary of the Board of Revenue. The many reckless and shamelessly false statements regarding illegal exactions and other irregularities in respect of the Dindigul Water Project which it contained, were eclipsed by the diabolical accusation made in a letter to Government, dated 22nd August 1884, to the effect that I had tampered with voting papers at a Municipal Election in Dindigul. The individual in question, a sworn ally of Mr. Kough, declined to substantiate any of his statements. I demonstrated their falsity in other ways in my letters to Government, dated 5th September and 27th October 1884. The Revd. Mr. Chester's conduct was not only not reprobated, but Government have never taken any notice of the refutation of the false charges which I submitted. I beg particular attention of Government to G. O's, dated 8th October and 6th November 1884, Nos. 2393 and 2565. This again meant a defeat for the Collector. Mr. Chester at least took it for encouragement.

30. Again Dr. Chester was Superintendent of the L. F. Medical School and of the Branch Minor Dispensaries. In pursuance of his new (1884) attitude, he went up to the Government direct about everything. In regard to one of these complaints Government sent me an order directing me invariably to consult Dr. Chester when making postings to and from minor Dispensaries. This was accompanied by a D. O. (18th December 1884) censuring my conduct in having misrepresented to Government a fact of which I could not be ignorant, as I must have known it from a certain paper which Government said they had sent to me. As that D. O. letter contains a still unwithdrawn reflection on my veracity, I reproduce the passage which runs as follows :—"It is moreover clear from Dr. Chester's letter which was sent you for "report, that such inconvenience (*i.e.* to Local Fund administration which I had alleged) had "no existence, but that on the contrary it was to Dr. Chester that the greatest possible incon-"venience was caused," &c. In my office letter, No. 1, dated 10th January 1885, I brought to the notice of Government that I had been in the habit of invariably consulting Dr. Chester about appointments, while in a D. O. of the same date I pointed out that I was not amenable to the censure passed on me, as the letter which formed the pivot of my supposed wrong-doing had never been sent to me by Government, as was incorrectly stated. Both these communications remain unanswered to this day, and the stigma attaching to me on account of the mistake remains unwithdrawn.

31. Lastly, it was perfectly unavoidable that I should be plain in criticising Dr. Chester's conduct in reports specially called for by Government. It must be remembered that I never once troubled Government voluntarily regarding these Dindigul difficulties. At the same time I was bound to use no uncertain language in repelling audaciously false accusations against others as well as myself. Nothing was further from my mind and my acts also than to take any side. My public utterances communicated to Government, and para. 13 of my letter

to Government of the 5th September 1884, abundantly prove this. Yet to my inexpressible pain and disappointment I was twice censured for not holding the scales evenly (*vide* D. O's from Chief Secretary, 14th October and 18th December 1884), the fact being that I merely condemned wrong-doing and impropriety when called upon by Government for report on statements which evidently appeared to them to require clear elucidation. I submit, with all respect, that if during that process Dr. Chester's scale kicked the beam, the fault should not be laid at the door of the officer to whom the disagreeable task had been assigned.

32. I have taken these examples as they remain in my mind, as some of those brought to the notice of the Chief Secretary in evidence of the prejudice against me in the departments portfolioed by the Honorable Mr. Sullivan. Taken together with other facts to be cited in proving 2, 3 and 4, I claim to have had reason on my side in connecting the first censure ever passed on me in 21 years' service with the Richings episode. If not, to what else could it be due? For it must be remembered that in not a single instance has my administration been caught tripping. I have invariably vindicated it against attack with a success which has been, as I have shown, tacitly admitted, and it has been the cause of just pride to me that the Madura District for three years running has stood in Revenue matters at the head of the districts of the Madras Presidency, while it is similarly conspicuous for success and advancement in other departments not less important. No private motive, other than that alluded to, can be alleged, for even the most ordinary acquaintanceship can hardly be said to have existed between us. I submit then that the views taken by the Member in charge in the instances cited were independent of the merits of the matters dealt with, for there was no change whatever either in my policy or management. The prejudice in such particular case may have been—no doubt was—unconscious, but it did undoubtedly exist. I firmly believe that its existence at one time placed the administration of this district and my own professional reputation in extreme jeopardy from which they were rescued solely by the fairness and firmness of H. E. the Governor.

33. (2) I am next "to prove by instances that the Honorable Mr. Sullivan denounced "me in my official capacity."

I do not propose to rake up what has been told me. I shall simply revert to what occurred during my interview with him in January last, and which was at once reported to the Chief Secretary. When I entered the room he did not even rise, and almost at once burst out into invectives against what he called my mismanagement of the Madura District. It must have been more than a coincidence that he should have collected the very subjects which I had mentioned to the Chief Secretary as evidencing a bias against me which was threatening to render it worse than useless for me to remain in Madura. I remember, amidst much more, that he said :—"Do you know, Sir, that your district gives more trouble than the whole of the "rest of the Presidency put together. *I* could not even go to Cal-"cutta the other day without hearing of something against you. "The Viceroy's Private Secretary asked me who is this man Crole about whom we receive so "many complaints. I found that at that moment a petition against you was on the Private "Secretary's table," and much more to the same effect accompanied by considerable violence of tone, thumping of the table and waving of the right arm. I could easily see by his demeanour that this was a favorite theme, and that what I had gathered regarding the Honorable Mr. Sullivan's denunciations of me was perfectly correct. At all events there is no doubt about the occasion above described.

The italics are mine.

There can be equally small hesitation in pronouncing on the essentially personal prejudice exhibited. Moreover I have the very best authority for stating that the opinion of the Honorable Mr. Sullivan above quoted was in no way shared by his colleagues.

34. (3) I am to prove :—

"That you had an enemy in the Government, and that that enemy was the Honora-"ble Mr. Sullivan."

From what has been stated above, I should think there can be no doubt about it that this statement is strictly accurate.

35. (4) Lastly I am to prove:—"That the existence of this enmity was known in "the district of Madura, and that the knowledge interfered with and obstructed your adminis- "tration of that district."

In addition to what has been set forth in paras. 21 to 30 *supra*, I have the honor merely to ask Government to peruse the affidavits marked B, D, E and F. Their number is capable of being multiplied indefinitely. Every one seems to have been aware of the fact, but I have hesitated to excite curiosity by taking the evidence of persons in whose secrecy I am unable to rely with confidence.

36. My task would have been much simplified had I omitted allusion to the evil effect on district administration which, albeit subsidiary and of minor importance to the main incident narrated in my Memorandum of the 26th September 1885, went nigh, at one time, to completely disorganising one of the largest and most important districts in the Madras Presidency. But I felt that in the public interest it was not open to me to pass over this phase of the case when, with the knowledge of the Chief Secretary (Exhibits VIII and IX), I laid before His Excellency the other objectionable features of the holding of land and the spread of a commercial spirit among certain of the officers of Government placed under his control.

I have the honor, &c.,
(Signed) C. S. CROLE,
Collector.

No. B.

MADURA COLLECTOR'S OFFICE,
20th November 1885.

From

THE COLLECTOR OF MADURA,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS.

SIR,

I have the honor to enclose post copy of telegram despatched to you this day in reply to your letter, No. $\frac{2502}{1}$, dated 17th November 1885.

2. I have also the honor to request you to be good enough to insert after "Chief Secretary" in para. 36 of my report, No. A, dated 19th instant, the words "(Exhibits VIII and IX)." The necessary correction has been made in the copy in this office. The Exhibits referred to are enclosed.

I have, &c.,
(Signed) C. S. CROLE,
Collector.

List of Exhibits.

I. Memorandum from Mr. J. F. Sullivan, dated 5th January 1884, showing the annual net income from Richings Estate at Rs. 42,200.

II. Rough Memorandum adverting to Richings Estate from Mr. J. F. Sullivan, dated 7th January 1884.

III. Valuation of the Richings Estate by Mr. Ryan.

IV. Letter from Mr. J. F. Sullivan, dated 24th January 1884, forwarding the valuation of his property.

V. Letter from Mr. P. Koteisami Tevar, dated 2nd February 1884, expressing his inability to purchase the property.

VI. Letter from Mr. J. F. Sullivan, dated 4th January 1885, regarding the progress of his estate.

VII. Note by Mr. J. F. Sullivan, forwarding and explaining the above Memorandum by Mr. Ryan.

VIII. D. O. from Mr. Webster, dated 29th August 1885.

IX. D. O. from Mr. Crole, dated 31st August 1885.

(Signed) C. S. CROLE,
Collector.

EXHIBIT I.

(*Memorandum.*)

5th January 1884.

From

J. F. SULLIVAN, ESQ.,
Richings Lodge, Ootacamund,

To

P. KOTEISAMI TEVAR,
The Palace, Ramnad.

4,840 sq. yards = 1 acre.

Cinchona planted at 3 feet apart would give 4,840 trees per acre. Allowing for failures, say 4,500 trees to an acre.

Each tree when matured is estimated to yield at least ½ lb. dry bark. This would give 2,250 lbs. dry bark to the acre.

Supposing the price of bark to fall to half rupee per lb., then 2,250 lbs. at half rupee per lb., would give a gross return of Rs. 1,125 per acre—say that only 50 acres are planted with Cinchona—when all the trees have come to maturity these 50 acres should give an annual return of Rs. 56,250, from which deduct expenditure at 25 per cent. = 14,050, the net income will be Rs. 42,200.

The above is calculated on bark as low as half rupee per lb. At the last sales of bark in December 1883, when, owing to the overstocked market, the prices were lower than they ever have been, it fetched from Re. 1 to Rs. 1-12-0 per lb.

(Signed) J. F. SULLIVAN.

EXHIBIT II.

Rough Memorandum adverting to Richings Estate Lovedale, Ootacamund, January 7th, 1884.

The original extent of the estate was 75 acres, and the addition of adjacent plots granted to me under the Settlement rules will bring up the area to about 105 acres, say 100 acres. Considering that at least three-quarter of the extent is planted with Tea and Cinchona, the former yielding a good crop annually and the latter just coming on for barking, that there is a small forest of well-grown Eucalyptus (*i.e.* Blue-gum trees) and Accacias on the property, that a perennial stream of water traverses the whole length of the estate; considering also its position within the Municipal limits of Ootacamund, that it is accessible on all sides by good roads, it has on it a substantially-built cottage and offices, cooly lines, Cinchona drying house, and a saw-mill driven by water-power, also a Tea house furnished. I enclose a Memorandum which shows at the *lowest computation* that when all the 50 acres planted with Cinchona come to maturity, there will be a net income of Rs. 42,000, being a return of more than 50 *per cent. on the outlay from this portion of the estate alone*; the Tea and trees should bring in at least another Rs. 1,500. The property being situated so near Ootacamund will increase in value and will always be saleable. The estate is well provided with bridle-paths, gates, tools of all kinds, writer's house, cooly lines, about 2 or 3 lakhs Cinchona seedlings fit for sale or planting this year, 3 pairs bullocks, 3 carts, roller about 10 feet long, English plough and harrows, chaff-cutter turned by hand or water-power. There is a portion of land which can be utilised for growing all kinds of English crops, roughly about 10 acres in extent.

I can't think of anything more now to tell you just now, but shall be happy to give further particulars on hearing from you.

EXHIBIT III.

Valuation of the Richings Estate situated at Ootacamund.

A

Statement of Cinchona Condaminia planted on the Richings Estate as per particulars supplied by Mr. J. F. Sullivan :—

5	acres planted	3′ × 3′—1½	year old	...	22,200 plants.
16½	,,	3′ × 3′—2	,,	...	79,860 ,,
3½	,,	4′ × 4′—3	,,	...	9,551 ,,
2	,,	3′ × 3′—4	,,	...	9,680 ,,
9¾	,,	5′ × 5′—5	,,	...	16,883 ,,
36¾	acres.				138,174 ,,
Cinchona in 20 acres of Tea planted		3′ × 3′—1	to 2 years old...		96,800 ,,
		Total number of Cinchonas		...	234,974 ,,

B

Accepting the above as correct, and deducting 10 per cent. for failures in the fields entirely planted with Cinchona and 15 per cent. from Cinchonas planted among the Tea, the statement stands thus :—

5 acres planted	3′ × 3′—1½ year old	...	20,000	plants.
16½ ,, ,,	3′ × 3′—2 ,,	...	72,000	,,
3½ ,, ,,	4′ × 4′—3 ,,	...	8,500	,,
2 ,, ,,	3′ × 3′—4 ,,	...	8,500	,,
9¾ ,, ,,	5′ × 5′—5 ,,	...	15,000	,,
			124,000	,,
Cinchona in Tea planted	3′ × 3′—1 to 2 years old...		83,000	,,
Total number of Cinchonas		...	207,000	,,

C

Probable produce of the above, calculated at ½ lb. of dry bark per tree and 8 annas per lb., the annual income may be put down as :—

Plants, new.	5 Years old.	4 Years old.	3 Years old.	2 Years old.	2, 1½ & 1 Year old.	Total No. of lbs. of Bark per year.	Rate at 8 Annas per lb.	Rs.	As.	P.
1885	7,500	...	...	...	...	7,500	...	3,750	0	0
1886	7,500	4,250	...	...	...	11,750	...	5,875	0	0
1887	7,500	4,250	4,250	...	...	16,000	...	8,000	0	0
1888	7,500	4,250	4,250	36,000	...	52,000	...	26,000	0	0
1889	7,500	4,250	4,250	36,000	51,500	103,500	...	51,750	0	0
	37,500	17,000	12,700	72,000	51,500	190,750	...	95,375	0	0

D

Mr. J. Sullivan states that he has 20 acres of Tea and makes 2,000 lbs. per year, which he sells at Re. 1 per lb., the income thus would be as follows :—

	No. of lbs. of Tea.	Rate at 1 Re.	Rs.	As.	P.
1885	2,000	...	2,000	0	0
1886	2,000	...	2,000	0	0
1887	2,000	...	2,000	0	0
1888	2,000	...	2,000	0	0
1889	2,000	...	2,000	0	0
	10,000	...	10,000	0	0

E

Blue-gum and other trees.—Mr Sullivan says he has *counted* 8,578, measuring roughly 50 feet high ; these I have no hesitation at estimating at one rupee per tree or Rs. 8,578. This amount could be realized at once if necessary.

F

The up-keep of the Estate I estimate would cost :—

	Up-keep of Cinchona.			Up-keep of Tea.			Total Up-keep.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1885	2,300	0	0	1,600	0	0	3,900	0	0
1886	2,580	0	0	1,600	0	0	4,180	0	0
1887	2,850	0	0	1,600	0	0	4,450	0	0
1888	5,050	0	0	1,600	0	0	6,650	0	0
1889	8,350	0	0	1,600	0	0	9,950	0	0
	21,130	0	0	8,000	0	0	29,130	0	0

G

Statement showing the probable position of a purchaser giving 65,000 rupees for the "Richings" Estate as from 1st January 1885 :—

		Rs.	A.	P.	Rs.	A.	P.
85	Purchase-money as if paid on 1st January 1885	65,000	0	0			
	Interest on above at 8 per cent. from 1st January to 31st December 1885	5,200	0	0			
	Up-keep of Estate, F	3,900	0	0			
	Approximate interest on above	150	0	0			
					74,250	0	0
	To realize in 1885—						
	2,000 Blue-gums at one rupee per tree, E.	2,000	0	0			
	7,500 lbs. of Cinchona Bark at 8 annas per lb., C ...	3,750	0	0			
	2,000 lbs. of Tea at 1 Re. per lb., D	2,000	0	0			
					7,750	0	0
					66,500	0	0
		66,500	0	0			
86	Interest on 66,500 at 8 per cent. for the year	5,320	0	0			
	Up-keep of the Estate for the year, F	4,180	0	0			
	Approximate interest on above	160	0	0			
					76,160	0	0
	To realize in 1886—						
	2,000 Blue-gums at 1 Re. per tree, E	2,000	0	0			
	11,750 lbs. of Bark at 8 As. per lb., C	5,875	0	0			
	2,000 lbs. of Tea at 1 Re. per lb., D	2,000	0	0			
					9,875	0	0
					66,285	0	0
		66,285	0	0			
87	Interest on Rs. 66,285 at 8 per cent. for the year ...	5,302	0	0			
	Up-keep of the Estate, F	4,450	0	0			
	Approximate interest on above	170	0	0			
					76,207	0	0
	To realize in 1887—						
	2,000 Blue-gums at 1 Re. per tree, E	2,000	0	0			
	16,000 lbs. of Bark at 8 As. per lb., C	8,000	0	0			
	2,000 lbs. of Tea at 1 Re. per lb., D	2,000	0	0			
					12,000	0	0
					64,207	0	0
		64,207	0	0			
88	Interest on 64,207 at 8 per cent. for the year	5,136	0	0			
	Up-keep of the Estate, F	6,650	0	0			
	Approximate interest on above	260	0	0			
					76,253	0	0
	To realize in 1888—						
	2,578 Blue-gums at 1 Re. per tree, E	2,578	0	0			
	52,000 lbs. of Bark at 8 As. per. lb., C...	26,000	0	0			
	2,000 lbs. of Tea at 1 Re. per lb., D	2,000	0	0			
					30,578	0	0
					45,675	0	0
		45,675	0	0			
89	Interest on 45,675 at 8 per cent. for the year	3,654	0	0			
	Up-keep of the Estate, F	9,950	0	0			
	Approximate interest on above	400	0	0			
					59,679	0	0
	To realize in 1889—						
	103,500 lbs. of Bark at 8 As. per lb., C...	51,750	0	0			
	2,000 lbs. of Tea at 1 Re. per lb., D	2,000	0	0			
					53,750	0	0
	Debt...	...	...	...	5,929	0	0

H

Statement showing the probable position of Estate in 1890 and 1891 :—

90	Interest on 5,929 at 8 per cent. for the year			Rs. 474	A. 0	P. 0	Rs.	A.	P.
	Up-keep of the Estate, F			9,950	0	0			
	Approximate interest on above			400	0	0			
	Dr. brought forward			5,929	0	0			
	To realize in 1890—						16,753	0	0
	103,500 lbs. of Bark at 8 As. per lb., C...			51,750	0	0			
	2,000 lbs. of Tea at 1 Re. per lb., D			2,000	0	0			
							53,750	0	0
91	Up-keep of the Estate		Cr...	...	...	...	36,997	0	0
	Approximate interest on above			9,950	0	0			
				400	0	0			
	To realize in 1891—						10,350	0	0
	103,500 lbs. of Bark at 8 As. per lb.			51,750	0	0			
	2,000 lbs. of Tea at 1 Re. per lb.			2,000	0	0			
							53,750	0	0
			Cr...	...	...	...	43,400	0	0

With these facts before me I value the Richings Estate at Rs. 65,000. I have calculated the working expenditure high, the produce and price of the bark low; the bark ought to realize 1 to 1½ Rs. per lb. I have only taken it at 8 As. per lb.

The annexed statement G, based on the above calculation, shows the probable position of a purchaser at the end of the year 1889, who invests Rs. 65,000 on the estate, say on the 1st January 1885. In the year 1890 I calculate the owner of the estate will have (all things going on well) a profit of Rs. 36,997, and in the year 1891 and following years an annual income of Rs. 43,800 as per statement H.

The Richings Estate being intersected by Government roads, possesses advantages in collecting manure and selling the timber off the estate. There are about 25 acres of waste land, which might at once be planted up with Blue-gums, which would bring in a further income in 10 years hence. The Tea, if manured and worked up, should give better results than it does at present. I was glad to observe that the late heavy frost has scarcely touched the Cinchona.

OOTACAMUND,
22nd January 1884.

(Signed) H. VAL. RYAN.

EXHIBIT IV.

RICHINGS LODGE,
24th January 1884.

MY DEAR KOTEISAMI,

I am sending to-day, by post, under registered cover, the valuation of my property as requested by you.

If there is any item you do not comprehend, write and ask me; don't consult people who are ignorant of the business, or you may be misled, and I should be sorry for this after all the trouble I have had. I forgot to mention before, that this property was valued about two years ago at 80,000, not that we were desirous of selling; my father simply wished to know what the place was really worth. I mention this to point out since Mr. Ryan has only valued it at Rs. 65,000, *this is a point in your favour*. To-day or to-morrow I will forward the hunting pictures to you.

I should think old Sreenivasa Murthy is a safe man to advise you; of course he is ignorant about *planting*, but he has a good head for figures. I will ask you to be kind enough to make me an offer at your earliest convenience, as my work is partially at a standstill; in the meanwhile, as I don't like to cut a tree until it is settled whether or no the property will become yours before long. Make a liberal offer and the property shall be yours. I have been expecting to hear from you for some days; why have you been so silent.

Hoping you are well,

Yours very sincerely,

(Signed) JOHN F. SULLIVAN.

EXHIBIT V.

MADURA,
2nd February 1884.

MY DEAR SIR,

Your kind letter of 24th ultimo and the valuation of the "Richings Estate" by Mr. Ryan sent under a registered cover dated 22nd January 1884, reached me all safe. I am under infinite obligation to you for all your trouble and acting very conscientiously and to my interest during my absence, specially bearing in mind that I am quite ignorant of the business. The price you demand for the estate, *viz.* Rs. 1,25,000, is no doubt a very reasonable one, but I must plainly say that it is *far beyond my means*. You say in your letter of the 7th ultimo that "if the amount demanded is more than you can pay up at once, we could come to some agree-"ment, such as half the amount down and the balance in a specified time, as I know from "experience you are a good man for paying up." It is really very good of you to say so of me. But should I get into some contract with you now and find myself unable to fulfil the terms mentioned therein by-and-bye, I shall not only have to disappoint you, but also find myself in difficulties, which I am sure you will not for a moment like. You further say, "make a liberal "offer and the property shall be yours." How could I possibly venture to do it when I am quite new to the business, as you are very well aware of, and with so limited a means as I have in hand. You know very well that I tried my best to get some respectable planters, but unfortunately didn't succeed in my attempts. Oh how very happy should I be if I only bought it up. I wish I had the money. In conclusion, confident though I am of the minimum profit which your estate is sure to yield a few years hence, I am obliged to tell you, very much against my wish and to my deep regret, that I resign the idea of buying your most valuable property.

Yours very sincerely,

(Signed) P. KOTEISAMI TEVAR.

As I don't wish that you should be put to any loss on my account, I send you enclosed herein currency notes of the value of Rs. 67-8-0, Rs. 50 of which to be paid to Mr. Ryan for valuing the property, as mentioned in one of your letters, and the balance to ..... for pony-hire. I am very sorry to have given you so much trouble, but couldn't help it. I hope you will not in any way be displeased with me.

With many salams,

I am,

Yours very sincerely,

(Signed) P. KOTEISAMI TEVAR.

EXHIBIT VI.

RICHINGS LODGE,
OOTACAMUND,
SUNDAY, *4th January* 1885.

MY DEAR KOTEISAMI,

I have to thank you a great deal, first, your kind thought of me at this joyful season; secondly, your telegram; thirdly, your letter; and fourthly, last but not least, your very kind Christmas and New Year wishes; words can't express my gratitude in short for your very kind considerations. I trust with all my heart that this and many years to come will bring you every happiness and prosperity.

My parents have proceeded to visit the new Viceroy and then visit places of interest in Northern India. I don't think they will be back till the middle of this month, so it is no good you hurrying up to Madras.

You will be glad to hear farming has paid me remarkably well this first year, and I couldn't have commenced experiments in a worse year, for the seasons have completely changed. Notwithstanding this, I have cleared 12 per cent. on my outlay, though I thought to have cleared at least 25 per cent.; but I trust for better luck this year, and perhaps this or next will be my last year in India. I may visit Canada or settle down in England. I am now very hard at work making hay, for which there is a great demand, so much so, if I had it ready I

could clear about 4,000 rupees a month. I am getting orders from all quarters, but regret to say at present I can't meet the demand, for you see I only started farming in 1884.

The Volunteer movement here is taking great strides, and should the Russians give us trouble hereafter I trust all of us will be prepared to fight, for, as the saying is, "England expects every man to do his duty." I hope by June next to be a Lieutenant of the Local corps. We now number I think over 300 from the Collector downwards, and I trust many more will follow his example. We are now having beautiful weather. I long to see you again. When shall I have that pleasure? Do please write quick and tell me. I am so glad to hear our friend, the Guardian, is well.

With hearty good wishes, believe me,
Your sincere friend,
(Signed) JOHN SULLIVAN.

EXHIBIT VII.

Glancing through Mr. Ryan's valuation, it should be borne in mind he has calculated the produce at the lowest figures, Cinchona bark having fetched at the last sales, *i.e.* in December 1883, from 1 to 1-12 per lb., the lowest prices ever known. This is simply owing to the market being overstocked; the present depressed price of bark should not have more than its due weight, as it is only temporary. It is due to the fact of the manufacture of Quinine being in the hands of a very small number of firms, the principal of which are Messrs. Howard & Son and Messrs. Whiffin & Co., and in order to keep the price of bark *down* and that of Quinine *up*, they have entered into a combination not to manufacture more than a certain quantity of Quinine, and only to purchase sufficient bark for that quantity, and the consequence is that there is a large amount of bark in the market for which there is no purchaser, while at the same time the price of Quinine is higher than it was a few years ago. It is a clever trick of the manufacturers, but of course it cannot last.

The manufacture of Quinine is no secret, and already there are signs of steps being taken to smash up the conspiracy. The Government are getting out a Quinologist from England, and I hope before long that a Quinine Manufacturing Company, who have been feeling their way for some time, will be in full swing of operations in some central spot on the Nilghiris. This will create a steady local demand for the said material, or if planters prefer it, they can have their bark worked up into Quinine on the spot and ship the manufactured articles to England at far less cost and risk than they now do the bark.

There is thus a very good prospect for Cinchona, and if I were valuing an estate I would not take last year's prices as a basis, but the average of, say five years.

Turning again to Mr. Ryan's valuation, he has calculated the future up-keep at very high figures, as he admits, it may be well to mention, that the present up-keep with *highly* paid servants on the estate (such as carpenter, blacksmith, &c.,) amounts only to Rs. 2,400(*b*) a year, and as year sroll on, the estate should pay its own expenses; moreover, the number of coolies employed might be easily reduced to 10 or 15 permanent labourers who should do that work easily.

(*b*) Maximum.

Blue-gum trees.—In addition to the number mentioned, I consider I am well within the figure when I say there are at least 5,000 growing trees of sizes which I did not take into count. Moreover many trees which Mr. Ryan has valued at 1 rupee would fetch 3 and 4 rupees each.

I consider Mr. Ryan deserves credit for the manner in which he has valued the property. He has had both seller's and purchaser's benefit at heart; the minimum figures show the purchaser will be amply repaid in the long run.

Placing the valuation aside for awhile, just to give a little information about the estate in general. It is situated within the Municipal limits of Ootacamund, and in a very picturesque valley, "Lovedale," well worthy of its name. The acreage is 105; there is about 50 acres of waste land in the vicinity all but joining the property, which can be had for a

reasonable figure. In fact a portion is about to be put up to auction immediately. The land is suited either for planting, farming or building; the soil everywhere is well adapted for brick-manufacture; the D. P. W. are now selling bricks at Rs. 15 per 1,000. Stone is also plentiful. So building would not be a bad investment if the purchaser felt so inclined, owing to Richings proximity to Ootacamund by good driving roads and bridle-paths, houses in this valley would readily let and probably the scenery would be the main attraction.

I think I may say no pains have been spared in bringing the property to its present state. Up to date it has cost one way and another OVER Rs. 60,000. This includes the up-keep of the estate, pucka bungalow and godowns. *The bungalow may be sold furnished if a reasonable sum is offered for the estate.* Water is laid on to the dwelling-houses by a perennial stream that runs through the estate; the channel through which this water runs is about 5 miles in length and naturally run away with a few rupees. The stream is a private one, so no one has any right to use it without the owner's sanction.

Large and small gates have been placed where deemed necessary; the estate is fullfenced at great expense. There is a saw-mill and chaff-cutter turned by the perennial stream; there is arable land in the estate for annual crops; no end of roads all over the property, some public and others private; 3 pairs of good bullocks, 3 bullock carts, 1 pony and 1 cart, 1 set of iron harrows, 1 roller, cooly lines, writer's house, Tea house, Cinchona house, tools of kinds, Cinchona seedling, pit for this year's planting or can be sold. If estate is sold at once all seeds on hand will be handed over to the purchaser free of charges. Seeds alluded to consist of Australian or English oats, clovers and various grass seeds just imported for this year's sowing. I would also throw in some English sheep. Manure can be easily procured from ryots residing around the estate. Of course I could have asked Mr. Ryan to value the property at an enormous figure, but this was not my disire as I wish you clearly to see what can be made out of the estate.

Any further information you may require please let me know, and I will gladly do all in my power to assist you.

Present value of Richings Estate.....	Rs.	65,000
Expenditure over	,,	60,000
	Rs.	1,25,000

Now I am open to a liberal offer, and I will see if I can manage to close the bargain on receipt of letter.

(Signed) J. F. SULLIVAN.

RICHINGS LODGE, LOVEDALE,
OOTACAMUND,
January 1884.

To M. R. Ry. P. Koteisami Tevar Avergal,
The Palace,
Ramnad.

I intended to ask Mr. Ryan to enclose a brief report on the estate in general, but I find he has gone to Mysore on business; however you have seen everything yourself.

EXHIBIT VIII.

MY DEAR CROLE,

It struck me after we parted this morning that it would be better if you returned to Madura to-morrow, as you had intended. I think we have said all we have to say to each other. Bon voyage.

Yours sincerely,
(Signed) FORSTER WEBSTER.

29*th August* 1885.

EXHIBIT IX.

AMMANAYAKANUR, 31*st August* 1885.

MY DEAR WEBSTER,

In accordance with the instructions conveyed in your note of the 29th instant, which was received at 2 P.M., I revoked all arrangements for postponing my departure from Ooty and arrived here to-day. I understand that everything you said holds good, and shall make the necessary communications to you before you leave for Simla. So much for public matters.

* * * * * * *

Yours sincerely,

(Signed) C. S. CROLE.

AFFIDAVITS.

A

I am the Zemindar mentioned in the Collector's Memorandum to H. E. the Governor, dated 26th September 1885. I have carefully read and considered that Memorandum. I solemnly assert that it is correct in every detail as a faithful reproduction of the information supplied by me to the Collector in respect of the proposal that I should purchase the Richings property. It was known to me from the commencement that I was being asked to purchase the estate from the Honorable Mr. Sullivan, not from his son. The latter told me that he could do nothing without communicating with his father. Besides, I heard that the estate belonged to his father. I have not been able to find the second letter from Mr. J. F. Sullivan reducing the price and my reply thereto communicating my final refusal to purchase the Richings property. These may be among my papers in my palace at Ramnad. At the request of Mr. J. F. Sullivan I returned an unsigned Memorandum regarding the property, which was in the handwriting of the Honorable Mr. Sullivan.

If I had purchased the property, it was arranged that I was to employ Mr. J. F. Sullivan as Manager. He asked me for the appointment, and said he would try and do the work for Rs. 300 a month, but was afraid that he would require Rs. 500 eventually.

I was made to believe that the valuation of Richings Estate, for which I paid, was made by the Mr. Ryan who owns the "Cedars," and who was represented to me by Mr. J. F. Sullivan as a very wealthy man. I never heard of any other Mr. Ryan. I was influenced in favor of the purchase of the property by the idea that the wealthy Mr. Ryan, who was the only Mr. Ryan ever mentioned to me, made the valuation. I have since discovered that another Mr. Ryan was the valuator employed, and it has since been pointed out to me that all the facts and details regarding the estate on which he based his calculation were supplied by Mr. J. F. Sullivan. I call this clear false personation, and I was deceived regarding the valuator. I repeat what I have said frequently that the attempt to induce me to purchase the Richings Estate was a swindle carefully plotted beforehand.

I should have mentioned that Mr. J. F. Sullivan told me when I was at Ootacamund during the Christmas of 1883-84 that his father had intended to come up, but was prevented by having to send off a sick son to Australia, or something of that kind.

(Signed) P. KOTEISAMI TEVAR.

Given before me this 4th November 1885.

(Signed) C. S. CROLE.

B

T. Rajaram Row.—I am Deputy Collector (Honorary) and Manager of Ramnad. There was some talk at Ramnad last year that the Sub-Division Zemindar, Mr. Koteisami Tevar, was to buy a garden at Ooty belonging to the Honorable Mr. Sullivan. It has come to be generally known of late that for some reason or other the latter gentleman is not well disposed towards the Collector.

(Signed) T. RAJARAM ROW.

MADURA,
31*st October* 1885.

C

MADURA, 9*th November* 1885.

I have been called upon by the Collector of Madura to state, in confidence, for the information of Government, what I knew of:—

1*st.*—The ownership of the Richings Estate at Ootacamund.

2*nd.*—The acquisition of land at Ootacamund by the Honorable H. E. Sullivan, which had been refused to applicants.

3*rd.*—The purchase of certain buildings by the Honorable H. E. Sullivan from the Municipal Commissioners of Ootacamund.

2. In regard to the ownership of the estate now called the Richings, I never knew there was any question or doubt as to its ownership. It has been always known as Mr. H. E. Sullivan's, and it has been always acknowledged by that gentleman as his property. I have myself paid several hundreds of rupees to Mr. Sullivan's agents for Cinchona plants purchased from his estate and, to the best of my recollection, one cheque at least was paid through Mr. Sullivan himself. Owing to certain orders of Government, prohibiting the occupation and cultivation of land by public servants, arrangements were, I believe, proposed about 3 years ago, to transfer this estate to the name of Major Martin, now Private Secretary to H. H. The Maharajah of Mysore. This proposal fell through, and I have reason to believe that the estate was shortly afterwards transferred to the name of Mr. J. F. Sullivan, son of Mr. H. E. Sullivan, at a nominal price of Rs. 75,000, but was re-transferred back to Mr. H. E. Sullivan, by deed of mortgage, for the same amount. I have heard that Mr. J. F. Sullivan left the estate some time ago owing, it is said, to some difference of opinion with his father as to its management, and I believe the place is now managed by Mr. H. E. Sullivan through his old Butler, Venkatasami Naidu.

3. In regard to the acquisition of land by the Honorable H. E. Sullivan, there is of course, as Government must be aware, no doubt about it. This land lies on the S. E. side of Elk Hill, facing the Lawrence Asylum. It had been refused to other applicants on the ground that it was a favourite resort of the public, and especially of visitors, owing to the nice drives in the neighbourhood and the beautiful views that could be obtained from it. The land was, I believe, transferred to Mr. Sullivan by the Collector without apparently consulting the Municipal Commissioners, and nobody but the parties concerned appeared to have known anything about it until Mr. Sullivan began to work upon the land. This raised such an outcry, that the private transfer, if it did exist, had to be revoked, and the land was sold by auction under the Waste Land Rules. Mr. Sullivan of course bought it through his son, but he had to pay somewhat dearly for it. Even then there was grumbling at the land having been sold at all, and the public deprived of its use.

4. I was Local Fund Engineer of the Nilgiris in 1881, and about August of that year Mr. Roupell, the then President, ordered me to inspect and value certain Municipal buildings situated near Mr. Sullivan's estate. He did not inform me, nor did I know the object of the valuation. I inspected and valued the buildings in the ordinary course of my duty. The valuation of the materials which was alone taken into account, amounted to between 3 and 4 thousand rupees. The exact figues were I think 3,200. I have the notes taken at the time somewhere and, if required, I think I can produce them. I reported the valuation to Mr. Roupell, and on receipt of my report he sent for me hurriedly to his house. He told me that Mr. Sullivan had offered Rs. 50 for the buildings and he did not know what to do. He decided, however, to have nothing more to do in the matter directly and he asked me "to explain the matter to Sullivan" myself. I met Mr. Sullivan the next day I think. I told him what had occurred. He laughed at my valuation and informed me that the Municipal Commissioners had offered him the buildings for Rs. 100. I told him I would give Rs. 2,000 for the buildings myself for the use of my own estates; but that I would not interfere with him in the matter, and if he felt inclined to accept the Commissioners' offer the best he could do would be to go home and send them a cheque for the amount they asked. I have good reason to believe that

he did so. Anyhow the buildings were taken possession of by him; the land attached to them was, I believe, taken possession of by Mr. Sullivan also, but I am not sure about it.

(Signed) J. O'SHAUGHNESSY,
L. Fd. Engineer, Madura.

D

R. Ramasubbayyar.

I am the Vakil of the High Court mentioned in the Collector's Memorandum to the Governor, dated 26th September 1885. When the Zemindar consulted me as to the purchase of the Richings property, he spoke of it as old Mr. Sullivan's. I have read the Memorandum which correctly describes the circumstances as far as I was connected with them. There is a general notion to the effect that the Honorable Mr. Sullivan is the enemy of the Collector, and people have even been afraid that sanction to the Water Project for the city of Madura would be delayed owing to that feeling of hostility, because it is the Collector's scheme.

12th November. (Signed) R. RAMASUBBAYYAR.

About the beginning of January 1884, the Proprietor of the Elphinstone Hotel in the Mount Road, asked me to purchase some Tea for the Union Club, Madura, and to induce the Club to buy Tea of him. The Tea was described as from the Honorable H. E. Sullivan's estate. The Hotel man also told me that he had been asked by the Honorable Mr. Sullivan to undertake the management as his son was not able to manage it properly.

Nov! (Signed) R. RAMASUBBAYYAR.

Given before me this 18th ~~January~~ 1885.

(Signed) C. S. CROLE,
Collector.

E

K. Krishna Rao.

I am Head Sheristadar of the district. Last year the Sub-Division Zemindar, Mr. Koteisami Tevar, told me about certain negotiations for the purchase of an estate at Ootacamund, belonging to the Honorable Mr. Sullivan. He told me that they had failed, as the Collector advised him to have nothing to do with the property. It is a fact that it became a general belief in the Madura District that the Collector had an enemy in the Government. In some circles it was known that the Honorable Mr. Sullivan was hostile to the Collector. There is no doubt that agitation and frivolous petitions increased owing to this, and that public business was obstructed. The impression produced in my mind, and I believe upon officials generally, was that the course and tenor of the orders of Government in the Local Fund and Municipal Departments, and to a certain extent in the Revenue Department also, were unfavorable to the Collector without any cause being apparent from the merits of the subjects dealt with.

(Signed) K. KRISHNA RAO,
Sheristadar.

Given before me this 17th November 1885.

(Signed) C. S. CROLE,
Collector.

F

Affidavit given by the undersigned residents of Dindigul.

The Collector having asked us to state what we know about the following matters, we have to say that since last year a widespread rumour has been spread that there is some enemy in Government, and that this has encouraged some bad people to oppose the Collector in his schemes for the improvement of this town.

(Signed) D. ETHUPATHI RAO,
Secy. to the Water Project Committee,
L. F. Board Member,
Councillor, Municipal Commission,
and Honorary Magistrate, Dindigul.

(Signed in vernacular) N. RAMASAMI CHETTY,
Merchant, Dindigul.

[Enclosure IV.]

The Humble Memorial of CHARLES STEWART CROLE, Madras Civil Service, to His Excellency The Right Honorable The EARL OF DUFFERIN, K.P., G.M.S.I., Viceroy and Governor-General of India in Council.

MOST RESPECTFULLY SHEWETH THAT:—

Your Petitioner is a Civil Servant of over 22 years' standing, 8 of which have been spent in the grade of Collector. The list of his services appended to this Memorial will show their varied nature (Exhibit G).

2. His official career has hitherto been entirely unsullied. On the contrary, he has all along enjoyed the marked approbation of successive Madras Governments.

3. Not to go further back than the Madras Famine of 1877-78, in which your Petitioner served in Nellore and Kurnool, of which latter District he was Collector, Petitioner not only received the thanks of Government, but the most flattering acknowledgments of His Grace the Duke of Buckingham, as well as substantial recognition in the way of favorite and lucrative appointments.

4. On his return from leave on Medical Certificate, granted on account of the results of sunstroke and malarious fever contracted during the Famine, Petitioner was appointed as Collector to the Madura District in March 1882, in spite of his objections to it, as the hardest and most difficult charge in the Madras Presidency.

5. Petitioner's objections being overruled, he set himself to the task of loyally carrying out the duty entrusted to him by Government.

6. He found the District in anything but a satisfactory state. The records of the Board of Revenue and the Madras Government bear testimony to this. A huge arrear of public revenue remained uncollected, the revenue establishments were demoralized, the local bodies disaffected, several of the influential and respectable Members of the Municipal Council of Madura city had resigned in disgust, and a strike had just taken place in the native bazaar.

7. When the Petitioner was removed from the District on the 1st January 1886, the Madura District was the premier District in the Madras Presidency, singular in the successful enlistment of non-officials in the cause of public spirit and the successful management of local affairs, in the introduction of water-supply for its large towns, designed and carried out by Petitioner himself, in the efficiency of its village sanitation through the medium of voluntary associations, in the establishment of an experimental Farm, of a People's Park and of Public Gardens from private subscriptions, in the starting of an annual Agricultural Show during the Grand Festival, in large public works of various sorts, and in the efforts made towards the social improvement of the Hindus and the amelioration of Native society.

8. As regards the collection of the public revenue, the District has stood at the head of the 22 Districts in the Presidency for 3 years running, and at the end of the last revenue year (30th June 1885) it presented the unprecedented spectacle in the Returns of the Board of Revenue of a collection of 100 per cent. on the Land Revenue Demand of 26 lacs of rupees. Arrears there were none, and both proprietors and ryots had been relieved altogether from the heavy annual impost on account of interest and process fees, which had disappeared along with the attachment and sale of property for Government dues.

9. Your Petitioner might cite from the public records many other evidences of his successful administration, but he fearlessly appeals to the Madras Government for confirmation of the above description.

10. Petitioner will only refer to the favorable notices of his work which appear in the Tour Minutes published by His Excellency, the present Governor, and to the fact that, in January 1885, His Excellency personally gave him the assurance that he possessed the "entire confidence" of the Government. This was in special reference to the experiment in the development of Local Self-Government in the District, which contained "the most dangerous Town in Southern India." His Excellency stated that he was watching Petitioner's work with much interest, it being the pioneer effort in that direction. He also remarked on "the smoothness" with which the Madura Municipality was working.

11. Again on the 7th September 1885, the Chief Secretary, writing by direction of His Excellency, informed Petitioner that, in recognition of what he had done, His Excellency promised to take a "good opportunity" of giving him promotion.

12. This being your Petitioner's position up to that very recent date, your Petitioner, under the order of the Madras Government now appealed against (Exhibit D), is assumed to have turned his back on his whole previous history and his antecedents, and is declared guilty of "*gross and intentional insubordination*" to the Board of Revenue.

13. Your Petitioner craves that the facts be carefully scrutinised. They are to be found in documents hereto appended.

14. Acting on a suggestion made by Petitioner in 1882, the Madras Government ordered a trial to be made in the Madura District of an experiment, new to this part of India, of doing Government printing work, including the District Gazette, by contract. The first contractor failed, owing to one of the causes, which had been specially brought to the notice of Government by Petitioner as one of the risks of the step. Petitioner cancelled the bond. When forwarding Petitioner's proposition statement for the entertainment of an establishment to carry on the work pending a decision as to the repetition or abandonment of the plan, the Board of Revenue, on the 6th November, recommended the Petitioner to the Government for censure for "being solely responsible" for the failure (Exhibit A).

15. This Resolution of the Board of Revenue did not reach the Petitioner for 13 days, and Petitioner, fearing that, owing to the delay which had occurred, an order might be passed against him which it would be difficult to remove, wrote, *on that very day* (19th November) to the Board, bringing to their notice that some of the most important documents had been overlooked (Exhibit B).

16. In paragraph 5 of that letter Petitioner used the following words:—

"5. The Board will probably be pleased, after this *resumé*, to delete the reflections on me, which appear above the signature of Mr. Acting Sub-Secretary Laffan."

17. Petitioner prays that the document be carefully examined, for these words, torn from their context, are said to contain the "gross and intentional insubordination" with which he is charged in the Resolution of the Board of Revenue, dated 9th December (Exhibt B). After five paragraphs, devoted to the failure of the Press contract, the Board close by recommending to Government the transfer of Petitioner to another District as a punishment for the "insubordinate tone" of the *5th para.* of Petitioner's letter. That para. is reproduced above. The Board assert that the words used therein by Petitioner amount to "an insinuation" that the Board's Sub-Secretary "drafted" the reflections objected to by Petitioner, and "communicated them without the knowledge of its Members."

18. The real fact was, that the para. containing the Board's recommendation of the censure on Petitioner was the last of a rather lengthy order, and that Petitioner used the words alluded to, purely and solely, as an indication of the position of the part of the order to which alone his letter referred, namely, the last paragraph; in other words, the one just above the Acting Sub-Secretary's signature.

19. Petitioner was apprised of the above said recommendation of the Board of Revenue on the 17th December, and *on that very day*, wrote (Exhibit C) to the Board, repudiating any idea of the construction which it had placed upon the above expression.

20. It is to be noted that, before reporting Petitioner to the Government, the Board did not give Petitioner any opportunity of explanation.

21. Petitioner, having come to Madras for the Christmas holidays, waited on the Chief Secretary on the 21st December, and personally disavowed what the Board had attributed to him.

22. Petitioner, also on the 21st December 1885, wrote to the Revenue Secretary, notifying that an explanatory letter had been sent in to the Board of Revenue on the very day on which he became aware of the misapprehension of the Board of Revenue.

23. To Petitioner's intense surprise and grief, the Madras Government, by an order (1st January 1886, Exhibit D) found the Petitioner guilty of "*gross and intentional insubordination.*" Incidentally, this order had the effect of casting doubt on the good faith of his statement as to his true meaning.

24. Petitioner was ordered (1st January) as a punishment, on these facts, to be transferred from his own District, Madura, to the inconvenient, unhealthy, and unimportant District of Anantapur, in the Ceded Districts. This order, besides the disgrace, involves very heavy pecuniary loss. Petitioner then (2nd January) appealed to His Excellency the Governor, for an interview, at which he felt sure he could right himself in His Excellency's estimation. The Private Secretary replied that His Excellency not only refused to see Petitioner, but that he declined to receive any communication on the subject.

25. Petitioner then wrote, on the 3rd January 1886, the subjoined letter (Exhibit E) to the Chief Secretary, craving the reconsideration of his case by the Madras Government, and fully detailed the reasons for his prayer.

26. He further begged permission to withdraw, in the most unreserved manner, the words which had caused the misapprehension against him, and substituted others which equally well expressed his meaning. In reply, the Government have, on the 10th idem, notified their refusal to alter their opinion in G.O., dated 9th January 1886, No. 40 (Exhibit F).

27. Petitioner has thus exhausted every means of obtaining relief except by way of appeal.

28. Detailed comment on the papers will not be attempted by Petitioner. It could not strengthen a case, which he submits with the full confidence of innocence to the decision of His Excellency the Viceroy.

29. He begs only to be permitted to draw attention to the singularly inadequate cause for the order appealed against, as well as to the *á priori* improbability of a sane man deliberately committing the offence imputed to Petitioner, in a document which was written for the express purpose of going before the Government, and the sole object of which was a humble appeal to the Board of Revenue for the withdrawal of a hostile opinion, passed owing to the incompleteness of the file in its office. In the very nature of things there could have been no thought of insubordination.

30. Petitioner would further bring to notice that the Government has not adopted the view of the Board of Revenue, expressed in either its first or second Resolution (Exhibits A and B), in regard to Petitioner's alleged responsibility for the failure of the Press contract. This is tantamount to approval of Petitioner's conduct in that matter, and to an admission that Petitioner's remonstrance was justified by the circumstances.

31. This, it must be remembered, constituted the substantive issue before the Government, but the censure recommended by the Board of Revenue was, as a fact, not administered by the Government, who took no notice whatever of the matter, except to sanction Petitioner's proposals (G.O., 30th November 1885).

32. Furthermore, it must be observed that the reference made in the order of Government now appealed against, as well as in the Resolution of the Board of Revenue, to the only thing in Petitioner's whole service which the latter was able to urge against him, namely, a certain expression used by Petitioner in 1884, in the course of correspondence regarding the

development of the Local Self-Government policy in Madura, is hardly in point. Petitioner would suggest that the papers be referred to. He would merely represent that there can hardly be said to have been any condonation, as is alleged by the Board, seeing that no complaint, of any sort or kind, was ever breathed against him, far less investigated, at the time. Moreover a complaint, even if it had been sustainable, could not have been, in any way, of the same character as the present accusation, for there Petitioner referred to a principle, namely, the newly introduced portfolio system of the Board of Revenue, merely, while here a personal attack, involving official impropriety on the part of one of its subordinate officers, is alleged. If the papers in the possession of Government be examined, this will clearly appear, and it will also be seen that the tone of the correspondence, apart from the merits of the case put by Petitioner, would have precluded the Board from taking action, which, as a fact, it did not do. It is not possible therefore to treat that matter as a *res judicata*. It should also be mentioned that the letter alluded to went before Government at the time, and that its tone was *not* remarked on.

33. *To sum up* :—

the whole tone of Petitioner's letter to the Board of Revenue in the *present* matter, the particular words themselves as quoted above, the avowed object with which the letter in question was written, the probabilities of the case, and Petitioner's own evident self-interest in view of special circumstances—all render it absolutely impossible to accept the view taken of his conduct by the Madras Government.

34. Petitioner submits that a Civilian of the standing and the high public character, which Petitioner has proved he possessed up to September 1885, had every claim to look for consideration at the hands of Government, in place of the disgrace which has been inflicted on him.

35. Petitioner further submits that he has, in the absence of a tittle of evidence, been punished for an offence of which he is entirely innocent, that thereby his prospects and reputation have been most seriously damaged, and that a strained and unnatural construction has been placed on his words, in spite of his solemn disavowal, which Petitioner would urge, with the utmost deference and respect, the Government ought, in fairness, to have accepted.

36. He appeals with confidence to His Excellency the Viceroy for the cancellation of the order appealed against, for formal reinstatement in the office of which he has been deprived, and for such other relief as His Excellency may see fit to grant.

And, as in duty bound, Your Excellency's Petitioner will ever pray.

MADRAS, 10*th January* 1886.

LIST OF EXHIBITS.

A. Board's Proceedings, dated 6th November 1885, No. 3032.
B. Board's Proceedings, dated 9th December 1885, No. 3320.
C. Collector's letter, dated 17th December 1885, to the Board of Revenue.
D. G.O., dated 1st January 1886, No. 1.
E. Collector's letter to the Chief Secretary, dated 3rd January 1886, No. A.
F. G.O., dated 9th January 1886, No. 40, Mis.
G. List of Services of C. S. Crole, Esq.

EXHIBIT A.

Resolution of the Board of Revenue, dated 6th November 1885, *No.* 3032.

The proposition statement received from the Collector is submitted, through the Accountant-General, for the sanction of Government with the following remarks.

2. As directed in G.O., dated 17th November 1883, No. 2590, Financial Department, the District Press at Madura was abolished, and tenders invited for the performance for a term of five years, from 1st April 1884, of the printing work of the Collector's office. The tender of C. Seshadri Sastri, being the lowest, was accepted on the Collector's recommendation

in Board's Proceedings, dated 11th March 1884, No. 840, and a draft agreement prepared by the Government Solicitor was forwarded to the Collector for execution.

3. From the outset the work turned out by the Contractor appears to have been thoroughly unsatisfactory. In his letter, dated 23rd December 1884, disposed of in Board's Proceedings, dated 22nd January 1885, Mis. No. 563, the Collector, in reporting on the offer of Seshadri Sastri to print birth and death register forms, stated that his press and printing materials were under attachment by the Subordinate Court for debts due by him ; that "the work turned out by him hitherto has not been satisfactory," and that he persistently failed to appear for the purpose of signing the Contract Bond. In his endorsement, recorded in Board's Proceedings, dated 9th April 1885, Mis. No. 3248, the Collector reported further that Seshadri Sastri was virtually a bankrupt, that his press materials had been attached by the Subordinate Court, and that "his business will soon be in the hands of a receiver, for whom the Contractor manages the concern." He accordingly recommended "that the contract be cancelled, and that the press be taken charge of by the Treasury Deputy Collector pending the conclusion of a new contract with a substantial man." The Treasury Deputy Collector's report, forwarded with this endorsement, showed further that the work had been done up to date in the most miserable and inefficient manner, and drew attention to the fact that Seshadri Sastri had failed to comply with the orders of Government requiring him either to resign his post as Taluk Sheristadar of Dindigul or to withdraw from the direct management of his press. Explanation was called for on the latter point and the matter submitted for the orders of Government with the result that the Collector's dismissal of Seshadri Sastri from his appointment was confirmed by G.O., dated 1st June 1885, Mis. No. 1284. With regard to the cancelment of the contract, the Collector was informed by Board's Proceedings, dated 24th August 1885, Mis. No. 7854, that he had full power to cancel it under Clause 34 of the agreement, and that it was his duty to do so on being satisfied that the conditions of the agreement had been violated.

4. The Collector now reports that he has cancelled the contract, and submits a proposition statement for temporary establishment to perform the work pending further orders. The cost of the temporary establishment proposed is Rs. 193 per mensem.

5. The Board consider that the whole responsibility for the failure of this experiment rests with Mr. Crole, the Collector, for having, in the first place, recommended a man for a Government contract who was a Government servant, and therefore under the rules ineligible to undertake it, and next for not having taken proper care to ascertain that he was solvent. The Board recommend that no further experiments of a like nature be permitted to be tried in Madura.

(Signed) SIDNEY LAFFAN,
Acting Sub-Secretary.

EXHIBIT B.

BOARD OF REVENUE, 9*th December* 1885, *No.* 3320.

CONFIDENTIAL.

Proceedings of the Board of Revenue.

Read the following letter from C. S. CROLE, Esq., Collector of Madura, to the Acting Secretary to the Board of Revenue, dated 22nd November 1885, No. 683.

I have the honor to draw the attention of the Board to paragraph 5 of their Resolution,* and to request most respectfully that they will note the mistake of fact underlying the assertion which it contains "that the whole responsibility for the failure of this (printing contract) experiment rests with Mr. Crole, the Collector."

* (Dated 6th November 1885, No. 3032.)

2. The first reason given for this opinion is that I "recommended a man for a Government contract, who was a Government servant, and therefore, under the rules, ineligible to undertake it."

Government order, dated 17th November 1883, No. 2590, Financial, forwarded to me along with Board's Proceedings, dated 30th November 1883, No. 10109, Miscellaneous, appears to have been overlooked by the Board when that assertion was allowed to go out of their office.

3. The second reason given by the Board for charging me with the failure is "and next for not having taken proper care to ascertain that he was solvent."

As to this, I would simply draw the attention of the Board to paragraph 5 of my letter printed in the above Government order. The man offered personal security of Rs. 5,000, or cash to the amount of Rs. 1,000, for the due execution of a contract for work, worth about Rs. 2,500 a year. He was likewise known to have a rich uncle and to be possessed of some valuable plant; and the inquiries instituted showed, as far as such inquiries can, that there was no reason to doubt his solvency. He actually lodged Rs. 1,000, as security, and, as a fact, every care was exercised to obviate that "risk" of failure "owing to want of capital," which I myself originally brought to the notice of Government as one of the risks involved by the change. (*Vide* my letter to Board, dated 30th July 1882, No. 285, and my other letter above quoted.)

4. The real cause of failure was, that the Contractor found the venture unremunerative, and my information is, that he purposely brought about the cancellation of the bond, so as to get rid of the contract. Now, the certainty of this happening was brought to the notice of the Board by the Superintendent, Government Press, Madras, through whom I sent the tenders to the Board for the very purpose, that he might give them that advice, when they selected the tender, which I of course could not give them. When my letter with the tenders went up to the Board, they had the following opinion before them, while I had not seen it.

"As they (tenders) have been sent to me (by the Collector) for transmission to the Board, I presume that it is with the object of obtaining an expression of my opinion. I would, therefore, remark that the rates offered by C. Seshadri Sastri, whose tender it has been proposed to accept, are so extremely low and unremunerative as, in my opinion, to admit of no reasonable expectation of his being able to perform the work satisfactorily."

5. The Board will probably be pleased after this *résumé*, to delete the reflections on me, which appear above the signature of Mr. Acting Sub-Secretary Laffan.

6. As to the Board's recommendation, that no further experiments of a like nature be tried in Madura, I have the honor most submissively to represent that the system of printing by contract has not yet had that fair trial which it would probably have had, if the advice offered to the Board of Revenue by Mr. Keys had been accepted. I should strongly recommend that the adverse judgment be suspended, until a trial, under proper conditions, has been made. There seems to be no good reason whatever, why printing by contract should not be done at least as efficiently and economically for Government as it is for Local Fund Boards and Municipalities or private parties.

RESOLUTION—*dated 9th December* 1885, *No.* 3320.

Submitted to Government in continuation of Board's Proceedings, 6th November 1885, No. 3032.

2. Mr. Crole takes exception to the concluding paragraph of the Proceedings above quoted, in which the Board expressed the opinion that the whole responsibility for the failure of the experiment rested with him, for having, in the first place, recommended a man for a Government contract, who was a Government servant, and next for not having taken proper care to ascertain that he was solvent.

3. With regard to the first point Mr. Crole refers to G.O., 17th November 1883, No. 2590, Financial, in which the Government, on a report from himself, ruled that there was "no objection *per se* against the firm mentioned on the ground stated." What Mr. Crole reported was that Seshadri Sastri, Taluk Sheristadar of Dindigul, was engaged in a number of "ventures," that, amongst others, he was the "real proprietor" of the South Indian Press at Madura, and that another man was "the manager." It was this latter individual who, apparently of his own motion and without any mention of Seshadri Sastri's connection with the business, offered, as reported in Mr. Crole's letter read in G.O., 1st July 1882, No. 672, Revenue, to execute Government work at the South Indian Press at a saving on the cost to Government of 12½ per cent. Mr. Crole also referred to his letter read in Board's Proceedings, 20th January 1883, No. 162, in which he reported that Seshadri Sastri had established a printing press at Madura, but that this did not interfere with his official duties at Dindigul, and that the orders on the subject were observed in the Madura District. It was on this Proceedings that G.O., 2nd March 1883, No. 308, Revenue, was passed, ruling that native servants need not altogether sever their business connections, provided they did not concern themselves in the direction and management. When, therefore, Mr. Crole, in his letter, No. 454, of the 21st September 1883, reported in the terms stated above in regard to Seshadri Sastri's connection with the South Indian Press, it was naturally assumed by Government that he had merely a pecuniary interest in "the firm," and the Board's objection to his employment as a Contractor was consequently overruled. That the Government were under this mistaken impression,—an impression which was also shared by the Board,—is clearly stated in G.O., 8th July 1884, No. 1530, Mis., which directed that Seshadri Sastri should be called upon to resign either the contract or the public service. The Board cannot, in these circumstances, acquit Mr. Crole of having, doubtless unintentionally, misled themselves and Government; and they consider that, in view of the defective information furnished by him, he alone is responsible for the employment of a Government servant as Contractor contrary to the rules.*

4. As to the second point Mr. Crole observes that Seshadri Sastri gave cash security amounting to Rs. 1,000, the Government printing work being worth about Rs. 2,500, and that he "was likewise known to have a rich uncle, and to be possessed of some valuable plant." The cash security was reported by Mr. Crole, in his letter printed in G.O., Financial, 17th November 1883, No. 2590, to be "quite sufficient," but it was obviously no guarantee of his solvency, and events have shown that it had no effect whatever in securing the proper execution of the work. Whether he had a rich uncle or not had absolutely no bearing on the question of his own solvency; and as to his plant, the Board observe that it is under attachment by the Civil Court for debts, which doubtless existed in 1883. The Board see no reason, therefore, to modify their remarks on this point.

5. In paragraphs 4 and 6 of his letter, Mr. Crole seeks apparently to lay the blame of the failure on the Board for accepting his own recommendation, notwithstanding the warning contained in Mr. Keys' letter, printed in Board's Proceedings, 11th March 1884, No. 840. The Board are unable to see any grounds for this contention. Mr. Crole had recommended the acceptance of Seshadri Sastri's tender, and was responsible for doing so; and the Board were entitled to assume that the man knew his own business well enough not to offer terms which he knew would involve him in loss. It was open to Mr. Crole to suggest a reconsideration of the matter, if, on seeing Mr. Keys' letter, he, with his personal knowledge of Seshadri Sastri and of local circumstances, had thought such a course necessary.

6. The Board regret to be obliged to draw the attention of Government to the grossly insubordinate tone of Mr. Crole's 5th paragraph, the language of which the Board can only interpret as an insinuation that the "reflections" on himself, to which he refers, were drafted

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* NOTE.—The Board when writing thus was evidently not aware that the whole subject was again before Government on the petition of the unsuccessful Tenderers, that a report was called for, and that Government again disallowed the objection to Seshadri Sastri.—C. S. C.

by the Board's Acting Sub-Secretary and communicated to him without the knowledge of its Members. The Board need hardly observe that such was not, and could not have been, the case; and they regard Mr. Crole's conduct in making such a suggestion as a flagrant and most reprehensible breach of official propriety. Nor is this the first occasion on which Mr. Crole has offended in this respect. In connection with certain proceedings of the Board on the action of the Madura Local Fund Board, he protested, in violent terms, against what he called "being pilloried" before his subordinates, and declared that under the portfolio system introduced into the Board under the orders of Government, a Collector's reputation built up laboriously during a service of over twenty years, was "placed at the mercy of the opinions of a single individual" (paragraphs 22 and 23 of his letter, printed in G.O., 18th September 1884, No. 2213, Financial). The Board refrained at the time from taking as severe notice of this language as they might have done, but the present repetition of Mr. Crole's offence shows that their forbearance was misinterpreted. The Board would draw the attention of Government to their order of the 5th February 1873, No. 147, in which a very similar breach of official decorum on the part of Mr. Vans Agnew, C.S., was characterised by them as a "presumptuous exhibition of insubordinate temper," and in which he was warned that the Government would "fully uphold the respect due by Collectors to the Board of Revenue," and would "not hesitate to remove him from office, should the present intimation be lost on him." Mr. Vans Agnew's conduct on that occasion was severely animadverted on by the Secretary of State, and he subsequently apologised and expressed his extreme regret at having acted under "a mistaken impression of the practice in the Board's office;" but this excuse cannot be pleaded by Mr. Crole, who has himself officiated as the Board's Sub-Secretary. The Board are, therefore, reluctantly compelled to recommend that Mr. Crole be removed from Madura to some other district, and otherwise dealt with as the Government may think fit.

(Signed) C. F. MACCARTIE,
Acting Secretary.

To the Secretary to Government, Revenue Department.
Copy to the Collector of Madura.

EXHIBIT C.

MADURA COLLECTOR'S OFFICE,
17*th December* 1885.

FROM
THE COLLECTOR OF MADURA,
To
THE SECRETARY TO THE BOARD OF REVENUE,
MADRAS.

SIR,

I have the honor to inform the Board that their Proceedings of the 9th December, No. 3320, was received by me this morning.

2. I hasten to express my unfeigned astonishment that the Board should have so entirely misapprehended my meaning as to arraign me before Government for making in my letter of the 22nd ultimo an insinuation regarding the authorship of the resolution therein referred to, which, as they justly observe, my own experience as a Sub-Secretary must have taught me to be perfectly unfounded.

3. As a matter of fact nothing was further from my thoughts. My letter referred to was directed solely to relieving myself from censure, passed, as I believed, through inadvertence, from which I felt confident that the Board would gladly absolve me on the full facts, as they affected my action, being disclosed.

4. I lost not a moment in doing so, as the matter was then before Government, and I was naturally most anxious that my statement should reach Madras before Council day.

5. The explanation is extremely simple; my letter dealt with one paragraph and one only. I began my letter by referring to para. 5 of the Board's Proceedings, and I ended my

"résumé" by alluding to the same paragraph in reference not to its authorship but to its locality, in other words, namely, as the one immediately above the Sub-Secretary's signature.

6. The plain as well as the literal meaning was merely to indicate clearly the same 5th paragraph, and nothing else whatever.

7. I have the honor to express a hope that the Board will be pleased to lay this letter before Government without delay.

I have the honor to be, &c.,
(Signed) C. S. CROLE,
Collector.

EXHIBIT D.

PUBLIC DEPARTMENT.

Proceedings of the Madras Government.

Read Endorsements by the Revenue Department, dated 24th and 28th December 1885, Nos. 7073 and 7075 respectively.

ORDER THEREON, *dated 1st January* 1886, *No.* 1.

The Government are unable to accept Mr. Crole's explanation of paragraph 5 of his letter recorded in Board's Proceedings, No 3320, dated 9th December 1885, and, having regard to his manner of addressing the Board on the former occasion alluded to in paragraph 6 of their Proceedings aforesaid, they are of opinion that the "plain meaning" of the objectionable paragraph was what the Board have interpreted it to be. In addressing such a communication to the Board, Mr. Crole has been guilty of gross and intentional insubordination, and has incurred the grave displeasure of the Government.

2. The Board have recommended his removal from Madura, and he will be removed accordingly and posted to another district.

(Signed) W. WILSON,
Ag. Chief Secretary.

EXHIBIT E.

MADURA COLLECTOR'S OFFICE,
Dated 3rd January 1886.

No. A.
To
THE HON'BLE W. WILSON,
Ag. Chief Secretary to the Government of Madras.

SIR,

I have the honour to acknowledge, with the most intense pain, the order of Government, dated 1st January 1886, No. 1, Public, transferring me from charge of the Madura District for gross insubordination to the Board of Revenue.

2. As His Excellency is aware, I have for some considerable time past begged to be allowed to resign charge of the Madura District on the score of health, and, if the reason for my transfer had been placed on public grounds, I should have cheerfully submitted without demur to the pleasure of Government in this as in all other matters. But it is quite different when the step is taken on a conviction for gross and intentional insubordination, of which I am able to say, with the clearest of consciences, I am entirely innocent in intention.

3. I trust to the forbearance of Government while I make the following submission, not captiously or out of a spirit of insubordination, but purely in self-defence. I would first ask that my letter under reference be read over. It will be seen that its general tone is subdued and orderly. To tell truth, when I wrote it, I considered that I was merely bringing to notice an oversight in regard to the facts, which had very naturally arisen owing to part of the Press contract correspondence having been with the Chief Secretary, and part only with the Board of Revenue. My care was solely to bring the facts to notice in time so as to prevent the Government adopting the Board's view of my conduct in regard to the contract. As a fact and quite independently of my letter, the Government did *not* adopt it.

4. Secondly, I beg permission to reproduce from my letter, written in the spirit above described, the words on which gross insubordination is charged. They are as follows:—

"The Board will probably be pleased, after this résumé, to delete the reflections on me, which appear above the signature of Mr. Acting Sub-Secretary Laffan."

5. The Board's contention is that I had by these words meant to insinuate that the officer who signed its Proceedings also wrote them and "communicated them without the knowledge of its Members." It appears to me, with the utmost deference, that such a construction puts a strain on the words which they will not bear. On the contrary, if insinuation or *innuendo* were to be suspected at all, I must say, after careful reperusal of the passage, that I should much rather have expected the converse rendering, namely, that the Sub-Secretary, who signed the paper, was *not* the author of it. This, as I understand, would have been a truism and in accord with the facts. It so happens, however, that neither one nor other was present to my mind, and I must submit with every respect that, as the user of the words, I have surely a claim to ask that my interpretation of them be accepted. For I am the only person who can possibly know what I meant, and, even in a case of doubt or obscurity, the meaning, as stated by the author, must necessarily be adopted in preference to any other, unless his construction is, on the face of it, contrary to common sense, which it can hardly be said to be in the present instance.

6. What was meant was simply an indication of the part of the Board's Proceedings which I requested might be deleted, as it contained a reflection cast on me, owing principally to the incompleteness of the record in the possession of the Board of Revenue, and I described the paragraph by its locality, instead of by its number. That is the simple fact, and it would have been reported to the Board, had they called upon me for explanation before reporting me to Government for punishment.

7. In order to save all chance of mistake, I may say that I know absolutely nothing of Mr. Laffan, and he will doubtless bear me out in this point.

8. I have the honor to assure Government that, when I wrote my letter to the Board, repudiating the construction imputed to my words, I deemed it absolutely impossible that the Government would endorse the opinion of the Board of Revenue in the light of the explanation offered. Now that I find that they are, to my misfortune, deemed capable of that meaning, I feel that it is due to the Government, as well as to myself, to declare publicly on my honor as a gentleman, that nothing was further from my thoughts than insubordination, or more foreign to my object than to make any insinuation whatsoever.

9. I have nothing more to urge than that, since it is now clear that I unwittingly used an expression which is capable of being entirely misconstrued, it only remains for me to withdraw in the most unreserved manner the words objected to, namely, "above the signature of Mr. Acting Sub-Secretary Laffan," to substitute for them the words "in the last paragraph of the Board's Proceedings," and to express my sincere regret that I should have written words liable to be so misunderstood.

10. I most respectfully beg Government will be pleased to reconsider their order,

and to relieve me from the grave and almost unbearable stigma which has been attached to my conduct and reputation.

I have the honor to be, &c.,

(Signed) C. S. CROLE,
Collector.

EXHIBIT F.

PUBLIC DEPARTMENT.

Proceedings of the Madras Government.

Read the following from Mr. C. S. Crole, Collector of Madura, dated 3rd January 1886, No. A.

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Order thereon, dated 9th January, 1886, No. 40, Mis.

The Government see no reason for reconsidering their order, nor for altering the opinion expressed therein regarding Mr. Crole's letter to the Board.

(Signed) W. WILSON,
Acting Chief Secretary.

EXHIBIT G.

LIST OF SERVICES of CHARLES STEWART CROLE (Edinburgh University).—Joined the Service, 31st Aug. 63; Student at the College, 9th Dec. 63; Passed in Tamil, 1st Apr. 64; in Telugu, 3rd Oct. 64; Asst. to the Collr. and Mag., Madura, 8th May 65 to 12th July 66; Passed Lower Standard, 18th Apr. 66; Ag. Head Asst. to the Collr. and Mag. of Tanjore, 18th July 66 to 19th April 67; Passed Higher Standard, 21st Aug. 66; Full Powers of a Magistrate, 12th Feb. 67; Head Asst. to the Collr. and Mag. of Tanjore, Ag. Judge of the Court of Small Causes, Madura, 24th Apr. 67; Head Asst., Madura, continuing to act as Judge of the Court of Small Causes, 18th June to 20th July 67; Ag. Sub-Collr. and Joint Mag., Coimbatore, 4th Aug. to 22nd Oct. 67; *Overstayed joining time, 2nd and 3rd Nov.* 67; Ag. Head Asst. to the Collr. and Mag. of Trichinopoly, 4th Nov. 67; In charge of the Collr.'s office, 17th Dec. 67 to 6th Jan. 68; Ag. Head Asst., 7th Jan. to 14th Feb. 68; Justice of the Peace, 8th Jan. 68; Privilege leave, 15th Feb. to 14th Apr. 68; On duty in the Sub-division, Madras, 15th Apr. 68; Ag. Sub-Collr. and Joint Mag., Madras District, from 17th Apr. 68; In charge of Collr.'s office, Madras, from 21st to 29th Apr. 68; Head Asst. Collr. of Cuddapah, continuing to act as Sub-Collr., Madras, 25th May to 14th July 69; Ag. Sub-Secy., Board of Revenue, from 15th July to 20th Sept. 69; Ag. Sub-Collr., Madras, 28th Sept. 69; Ag. Collr., Madras, from 8th to 30th Nov. 69; Ag. Sub-Collr., Chingleput, 1st July 70; Privilege leave, 31st July to 29th Aug. 72; Head Asst. Collr., Kurnool, continuing to act as Sub-Collr., Chingleput, 15th May 73; Privilege leave, from 16th April to 15th July 74; Left Chingleput, 11th July 75; *Furlough to Europe, from 19th July 75 to 1st Feb.* 77; Ag. Addl. Sub-Collr., Nellore, 19th Feb. 77; Sub-Collr. and Joint Mag., Nellore, 19th June 77 to 1st April 78; Ag. Collr. and Dist. Mag., Kurnool, 4th April 78 to 5th Jan. 79; Ag. Collr. and Dist. Mag., Salem, 9th Jan. to 6th June 79; Ag. Collr. of Sea Customs, Madras, and Protector of Emigrants, 8th June to 1st August 79; Ag. Collr., Dist. Mag. and Agent, Tanjore, 6th Aug. 79 to 24th Jan. 80; Awarded an honorarium of Rs. 2,500 for compiling the Chingleput District Manual, 1st Dec. 79; Ag. Commr. of Salt Revenue, Madras, from 28th Jan. to 28th March 80; Ag. Collr. of Sea Customs, Madras, and Protector of Emigrants, 31st March to 5th Nov. 80; *Furlough to Europe, from 13th Nov. 80 to 27th Feb.* 82; To be Dist. and Sessions Judge of Kistna, from 16th June 81; Ag. Collr. and Mag., Madura, 26th March 82; Collr. and Mag., Kistna, continuing to act in Madura, 21st Nov. 82; Collr. and Mag. of the District, Madura, 24th Nov. 83; Privilege leave, from 11th Jan. to 4th Feb. 85.

[Enclosure V.]

Miscellaneous Correspondence with the Chief Secretary.

A

MADURA,
28th February 1885.

MY DEAR WEBSTER,

I should have written this some time ago to say that a bundle of letters, regarding the subject mentioned by me in Madras, is in my possession. The remainder of the correspondence, which is said to be voluminous, has been promised.

Yours sincerely,

(Signed) C. S. CROLE.

To the Honorable E. F. WEBSTER, C.S., Chief Secretary.

B

KODAIKANAL,
26th September 1885.

MY DEAR WEBSTER,

As promised in my note of 31st August, I enclose a Memorandum embracing both Captain Campbell's and Mr. Sullivan's matters.

Captain Campbell's letter to me is enclosed in original. I have not the papers in the other case with me. They are at Madura, but you may rely on the general accuracy of the statements made.

Please acknowledge receipt, and address "Madura."

Yours sincerely,

(Signed) C. S. CROLE.

To E. F. WEBSTER, Esq., C.S., Chief Secretary.

C

ULWAH,
7th October 1885.

DEAR CROLE,

I am directed to say that although your D.O. letter to me, dated the 26th September, enclosing a Memorandum for the information of the Right Honorable the Governor, is an unusual and irregular mode of transacting business, His Excellency will take the paper into consideration at the first meeting of the Council after his return to head-quarters. Much of it relates to matters about which His Excellency can, in the nature of things, know nothing whatever, but I am to say that he can give, of his own knowledge, the most positive denial to your statement that any thing that may have happened between you, or any friend of yours, and any member of the Sullivan family, has had the slightest shadow of influence upon your official career.

Yours sincerely,

(Signed) FORSTER WEBSTER.

C. S. CROLE, Esq., Madura.

D

MADURA,
22*nd October* 1885.

MY DEAR WILSON,

In Webster's note of the 7th instant, acknowledging a Memorandum prepared for the use of His Excellency, the following passage occurs:—

"I am to say that His Excellency can, of his own knowledge, give the most positive "denial to your statement that any thing that may have happened between you, or any friend "of yours, and any member of the Sullivan family, has had the slightest shadow of influence "upon your official career."

Will you kindly make my respectful submission to His Excellency that I am grievously ashamed at having unintentionally allowed my meaning to be so misunderstood. The Memorandum in question was written, after consultation, in my capacity as Collector, and all thought of my individual interests or feelings was designedly abandoned in a document which treated solely of public affairs in their relation to the interests of Government. I should have erred beyond forgiveness, if I had forgotten the unvarying consideration and kindness extended to me personally on every occasion by His Excellency. Of this I have the most grateful consciousness, and it encourages me to burden His Excellency with this explanation.

Yours sincerely,

To the Honorable W. WILSON, C.S., Chief Secretary. (Signed) C. S. CROLE.

CONFIDENTIAL.

Notes on Mr. Crole's Memorial to the Secretary of State.

Para. 2.—There is nothing in the memorandum to show that it was written for the *private information* of His Excellency; and it is submitted that no officer has a right to address to the Head of the Administration communications for his *private information*, except in reply to an order in that behalf; or to expect that any communication addressed to the Governor on public matters will be treated otherwise than officially.

Para. 4.—The Board proposed that Mr. Gribble should be tried under Act XXXVII of 1850 ("An Act for regulating inquiries into the conduct of public servants"). The Government referred the charges against him for the consideration and opinion of Mr. Brandt, who had just been relieved of duty as an Acting Judge of the High Court. Before the orders of Government were passed, Mr. Gribble was permitted to resign the service on a proportionate pension.

Para. 5.—Beyond writing two memoranda read in the order of 4th Feb. 1886, No. 240, Mr. Sullivan took no part in the discussion, and purposely, and with the concurrence of his colleagues, refrained from signing the despatch to the Secretary of State, reporting Mr. Crole's suspension. As to "dispensing with all proper inquiry," it is observed that no inquiry was necessary till Mr. Crole made out a *primâ facie* case for one. He was allowed the fullest opportunity for doing so, but, in the judgment of the Government, completely failed.

Para. 6.—If Mr. Crole had contented himself with putting before Government facts or rumours affecting Mr. Sullivan's conduct, as a public servant and a covenanted civilian, that had come to his knowledge or hearing, he would probably have been held to have been within the legitimate sphere of his duty; but he went far beyond that, and made the "facts" that he reported to Government the basis of a violent and virulent attack on the Hon'ble Mr. Sullivan personally. It is not the case, therefore, that he

"stated nothing which his duty did not demand."

Para. 8.—Mr. Crole was bound to make good his case; he was bound to establish a *primâ facie* case against the Hon'ble Mr. Sullivan before Mr. Sullivan could be called upon to answer. He failed to do so, and the question was, therefore, necessarily "reduced within the narrow limits of official misconduct on Mr. Crole's part."

Para. 12.—There is no ground for the assertion that the Government have "suppressed" inquiry into the landholding transactions of members of the civil service. They have been all the subject of inquiry, the result of which has been communicated to the Secretary of State and the Government of India.

Para. 13.—In his Minute of 22nd January 1886, His Excellency observed that he "could not say that he had seen any thing since he came to Madras that could, with fairness, be regarded as the growth of a commercial spirit." Mr. Crole's assertions regarding the growth of such a spirit and the consequences of it are not understood, and are not supported by any information before the Government.

Para. 14.—The "Garstin" dacoity case is now before the District Magistrate of Madura, and from the report of the proceedings in to-day's *Standard*, it appears that the Vakeel for the prosecution has not scrupled to affirm in opening his case that the crime was instigated by Mr. Crole!

Para. 17.—Mr. Crole cannot, in the circumstances of the case, implore even "in self-defence" a full and searching inquiry into the conduct of Mr. H. E. Sullivan.

Para. 18.—The "order now appealed against" did *not* "constitute Mr. Crole prosecutor of the charges." That rôle he assumed himself, and having done so, Government merely called upon to make it good.

Mr. Crole did *not* "merely pass on information which had become public property in the Madura district." He passed on the information, but with it, and based on it, most serious charges framed by himself against a Member of the Government.

Para. 19.—The Government disposed of the matters in question after the most

careful consideration, and after giving Mr. Crole the fullest opportunity of substantiating the charges he had made. As he failed to do so, the necessity for inquiry disappeared.

Para. 20.—There was no occasion for "instituting a public inquiry before condemning Mr. Crole." It was a question of discipline. Mr. Crole chose to prefer certain very grave charges against a Member of the Government, which, when called on to substantiate, he could not do; his action was, therefore, a grave breach of discipline, and for that he was punished. Mr. Sullivan was *not* "bound to demand a complete investigation in vindication of his honour as a Member of the Civil Service." No case had been made out *primâ facie* that he could be called on to answer: why, then, should he demand an investigation in respect to the same allegations?

Para. 22.—In para. 5 of our despatch to the Secretary of State, No. 3, dated 16th February 1886, we wrote that "for so grave a breach of discipline we consider that removal from the service would not have been too severe a penalty." Suspension and the consequent loss of pay cannot, therefore, be considered as "unreasonably severe."

Para. 25.—It is not usually considered to be a part of the business of a Collector of a district to advise zemindars or other residents thereof on their private affairs.

Para. 31.—*Vide supra* para. 6.

Para. 32.—The object of the Government in consulting Mr. Handley was to get from a professional lawyer and a judge accustomed to weigh evidence, and *not* a Member of the Civil Service, an unbiassed opinion on the case submitted by Mr. Crole.

Para. 34.—The mere fact that what Mr. Crole calls an enormously excessive valuation was put on the property that a member of the Sullivan family wanted to sell to a native is not fraudulent; *caveat emptor*. As a matter of fact, the native did not buy; but even if he had, other things would have to be proved to show that the transaction was fraudulent.

Para. 35.—It was certainly *not* "in accordance with the orders of Government," that Mr. Crole "took certain affidavits." As he had made certain charges, it was supposed that he had

evidence already to hand in support of them. The order of Government in no way authorised Mr. Crole to take affidavits in support of the charges he had made.

Para. 36.—The makers of the affidavits are doubtless responsible for the truth or falsity of them; but the affidavits themselves are used by Mr. Crole in support and in proof (heaven save the mark!) of the charges he made.

Para. 38.—As already pointed out, Mr. Sullivan could not be called on to answer till Mr. Crole had made out a *primâ facie* case against him. This he did not do.

Para. 40.—(*a*) *Facts.* Yes.

(*b*) The statements in the memorandum go far beyond mere statement of facts; they are charges of offences, and so far are *not* covered by the affidavits and documents sent in by Mr. Crole.

Para. 45.—"It is not easy to understand the portion of the order of Government describing Mr. Sullivan's position" in respect of the Richings estate. The order is, it is submitted, perfectly clear.

Paras. 47 to 58.—If the Secretary of State considers any further inquiry necessary regarding Mr. Sullivan's connexion with the Richings property, the circumstances of which have been already reported to him, it will be made.

N.B.—It is worthy of note that Mr. Crole has in para. 51 put a most unwarrantable interpretation on an ironical expression used by Mr. Sullivan in writing to his son regarding the sale of the property. He told him in reference to his expectation of getting a lakh of rupees for it, that "he wished he might get it." Mr. Crole has converted this every-day piece of irony into the expression of a hope that his expectation would be fulfilled!

Para. 59.—*Vide* paras. 6 and 31 *supra.*

Para. 60.—The Madras Government's view of the case was *not* mistaken. Mr. Crole made the charges, and was properly held responsible for making them.

Paras. 61 to 64.—It seems hardly worth while to discuss Mr. Crole's criticism of Mr. Handley's opinion of the value as evidence of the statements adduced by Mr. Crole in support of his charges; but I think Mr. Handley's estimate of them,—not Mr. Crole's,—is the

correct one, and that, so far from Mr. Handley's opinion being entitled to no weight, the Government were perfectly justified in accepting it as the unbiassed judgment of a professional lawyer and judge.

Para. 66.—So far from the matter of charge III being, notwithstanding Mr. Crole's advised description of it, "minor and subordinate," it was, in my opinion, the apex of the pyramid he had been building up; without it, his case would have been a mere *frustum*, and he could only write down *Q.E.D.* to the demonstration of his theorem that "landholding by officials in India is an evil thing," when he had ended in some such culmination.

The passage *could not* have been struck out of the memorandum without leaving it imperfect.

Para. 67.—"Mr. Sullivan's hostility" has never been admitted either tacitly or otherwise.

Para. 68.— Though no formal orders censuring Mr. Crole and expressing the dissatisfaction of the Government with his administration of the Madura district may be on record, the following extracts from demi-official communications to him will show that Mr. Crole had not, in the opinion of the Government, "held the scales evenly" between contending factions in times when there was considerable friction, and when public opinion was much excited on various matters of local interest.

D.O. letter to Mr. Crole, dated 14th October 1884 (G.O., Financial, Mis. No. 2393, dated 8th October 1884):

"I am to add that the Government cannot but express their regret that, instead of holding the scales evenly between the contending factions, you should have taken so very decided a part on one side."

D.O. letter to Mr. Crole, dated 18th December 1884 (G.O., Financial, Mis. No. 2955, dated 18th December 1884):

"The Government would view Dr. Chester's retirement from connection with the medical and public institutions of your district with regret, and wish you to adopt, in communicating with him, that impartial attitude which I have already been directed to advise you to take up in holding the scales between contending factions."

Para. 80.—On the contrary, I submit that the opinion of the Government regarding Mr. Crole's ~~notion~~ motive is perfectly justified by the facts as put before them.

Para. 69.—This is not a fair representation of the communication made to Mr. Crole. That was as follows :—

"His Excellency has noted your request for a change of work, in view to meeting your wishes when a good opportunity offers."

Paras. 70 and 68 *ad finem*.—In this para. Mr. Crole repeats his former blunder of supposing that Mr. Sullivan was the "Member in charge" of Local Fund and Municipal affairs ; as a matter of fact, the Member in charge was Mr. Master.

Para. 77.—When Mr. Crole made the charges he did, it was only natural to suppose that he had already in his possession the evidence on which they were based. He had no authority to take affidavits in support of those charges.

Para. 83 (*a*).—"The connexion of that order," &c. The only connexion between the two orders that I know of is that the fact of Mr. Crole's having been recently transferred from Madura to Anantapur as a punishment for insubordination to the Board of Revenue was considered in mitigation of judgment in the present case ; he was suspended only, though the Government thought dismissal would not have been too severe a penalty for the breach of discipline.

(*b*) "It is the first occasion," &c., *vide supra* para. 68 (extracts from demi-official communications to Mr. Crole).

Para. 85.—If the information be confirmed,—and this is not admitted,—the charges made by Mr. Crole are in no way justified, nor his breach of discipline expiated.

Para. 86.—Mr. Crole, in bringing the charges he did, went far beyond his "honest duty".

W. WILSON.

12*th March* 1886.

Cruf. 41/1886

th FEBRUARY 1886, No. , PUBLIC.

CONFIDENTIAL.

PUBLIC DEPARTMENT.

LETTER—to

THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA.

MY LORD,

We regret to have to inform your Lordship that we have considered it our duty to suspend Mr. C. S. Crole, of the Covenanted Civil Service, in the following circumstances.

2. In September last, Mr. Crole, who was then Collector of Madura, submitted, with a demi-official letter addressed to the Chief Secretary, a "Memorandum for His Excellency the Governor," in which he preferred certain very grave charges against the Hon'ble Mr. Sullivan, the Senior Ordinary Member of our Council.

3. These charges were, in effect, as follows:—

(1) That the Hon'ble Mr. Sullivan had broken his covenant as a Civilian, and infringed the orders of the Government of India and the Secretary of State in holding land in the presidency in which he is employed for the cultivation of commercial products for profit.

(2) That Mr. Sullivan had been guilty of cheating, inasmuch as he had been party to an attempt to induce a native landholder in the Madura district to purchase the property referred to in (1), in circumstances that were fraudulent.

(3) That, in consequence of Mr. Crole having interfered and advised the landholder in question not to purchase this property, the Hon'ble Mr. Sullivan had abused his position as a Member of the Government by publicly denouncing Mr. Crole in his official capacity and obstructing him in the administration of the Madura district.

4. Mr. Crole, having been called upon to substantiate these charges, submitted a letter, No. A , dated 9 Nov. 1885 , in which he set forth the facts and evidence which he considered proved them. Our own knowledge of the facts was sufficient to refute the third of the charges as entirely without foundation, and, in our judgment, Mr. Crole entirely failed to establish the first and second of them by the evidence he had adduced. Desiring, however, to have an independent opinion on the matters involved in these two charges, we laid the papers, so far as they related to them, before Mr. J. W. Handley, Chief Judge of the Small Cause Court, and lately an officiating Judge of the High Court at Madras. That gentleman's

conclusion was at one with our own, and was to the effect that the evidence adduced by Mr. Crole not only did not prove the first and second of the charges he had preferred against the Hon'ble Mr. Sullivan, but that there was nothing in its nature to justify Mr. Crole in having made them.

5. For so grave a breach of discipline, we consider that removal from the service would not have been too severe a penalty, but, being willing to give Mr. Crole, who is a man of some ability and may yet do good work, an opportunity of re-considering himself and retrieving his character, we were of opinion that the interests of discipline would not be unduly compromised, if we awarded him a period of suspension. We accordingly suspended him for a year from the 4th February 1886. A copy of our Proceedings of that date, No. 240 , together with copies of all the papers connected with the case is enclosed for your Lordship's information.

6. In conclusion, we have to inform your Lordship that Mr. Sullivan, who, beyond writing the two memoranda read at the head of our Proceedings under reference, took no part in the discussion, has, with our concurrence and by his own special request, refrained from signing this despatch.

We have the honor to be,
My Lord,
Your Lordship's most obedient, humble servants,

(Signed) M. E. GRANT DUFF,
(,,) C. G. MASTER.

FORT ST. GEORGE,
th February 1886.

Exd. F. R. Bantleman.

FORT SAINT GEORGE.

PUBLIC (1886) *DEPARTMENT.*

(Copy).

LETTER to the Right Honorable the Secretary of State for India.

Dated th February,

No. of 1886.

Forwarding copy of Proceedings of this Government relative to the suspension of Mr. C. S. Crole of the Madras Civil Service.

No 3

6th Febry

My Lord

I have the honor to request that your Lordship will be pleased to submit for the consideration of Her Majesty the Queen in Council the following circumstances.

2. In September last the Collector of Madura submitted with his demi-official letter addressed to the Chief Secretary a memorandum for the Governor in which he preferred certain charges against the Hon. Mr. Sullivan, the senior ordinary member of Council

3. These charges were in effect as follows (1) That the Hon. Mr. Sullivan had broken his covenant as a civilian and in spite of the orders of the Govt. of India and Secretary of State in Council

land for the purchasing in
Cochin to be supplied by
the cultivation of commercial
products for export

(2) That the cultivation had been
guilty of cheating in measuring
the land for the purchase of
Cochin to the Madura district to pur-
chase the property referred to in
(1) in circumstances that were
fraudulent.

(3) That in consequence of Mr.
Cotton having interfered and advised
the landholders against
not to purchase the property
the Hon. the petitioner had
abused his position as a
member of the Govt. by publicly
censuring Mr. Cotton in his official
capacity and obstructing him in
the administration of the
Madura district.

4. That Mr. Cotton called upon
to substantiate the charges
submitted in Letter No. 9
in which respectively the
facts and evidence which he con-
sidered proved them. That the
knowledge of the facts was sufficient
to refute the 3rd of the charges
on which ~~without~~ immediate action and
an enquiry Mr. Cotton had en-
joined for to establish the 1st and
2nd by witnesses he ad-
duced. Desiring however that
the matter should be
an independent opinion on these
two charges
he laid the papers, so far as
they related to them, before the
Hon. J. W. Handley, Chief Judge of
the ~~High~~ Sudder Court and Lately
an officiating ~~Judge~~ Judge of the High
Court at Madras. That gentle-
man's conclusion was at once with

our own and was the effect-
that the evidence adduced by
the Crown entirely did not prove
any of the charges he
had preferred against the Chief
Secretary but that there
was nothing in the matters of
complaint to justify the Governor in having made
them.

5th That to prove a breach of
discipline we consider that
removal from the service ought
not have been to serve a pecu-
-liar but, ~~being appeal with fear~~
~~that~~ being willing to give the Crown
that is a man of suitability and
may yet do good work, an effec-
-tual of reconsidering himself and
retrieving his character, we
were of opinion that the interests
of discipline ought not to be unduly
compromised if we awarded him a
period of suspension. We accord-
-ingly suspended him from

from 4th February 1886
from Pres. of Natal date
Gosta with copies
~~Gosta with copies and~~ of all the
papers connected with the
case is enclosed for your Lordship's
information

H. Wilson

H. E. Grant Duff
Gov. & Master

6. ~~We have read and~~ except
beyond writing the two memoranda
read at the head of our
proceedings under reference
~~to the Colonial~~ the Attorney
Gen. report - the discussion
~~with the exception of writing the two memoranda read at the head of~~
~~proceedings under reference~~
~~to the Attorney~~ has
taken no part in the
discussion or has ~~had~~ right to vote in forming
~~in the absence of any precedent~~
~~to the Attorney Gen. that I ought~~
~~upon this despatch~~
~~to~~
he ~~asked permission to~~
vote on our conclusion and by
his own special request ~~to~~ refrained from signing this despatch

Fort St George
16 February 1886

H
2/2/86

Collection

[*Despatch.*]

BACK PAPER, No. OF 18

READ AGAIN Order of Government, dated
188 , No. Miscellaneous.

FURTHER PAPER, No. OF 188 :

ENCLOSURES.

CURRENT No

STATEMENT WITH DITTO.

ORDER, &C. OF GOVERNMENT—A.

PAPERS KEPT OUT OF FILE FOR DESPATCH IN ORIGINAL.
(not paged.)

...nor it has been proposed to
...tion, to admit of no reasonable

...after this *résumé*, to delete the reflec-
...re of Mr. Acting Sub-Secretary Laffan.

Order
Letter
Collection