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 a year, 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's 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's 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 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. VansAgnew, 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. VansAgnew'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.

(A true Copy and Extract.)

Acting Secretary.

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

Exd. F. R. Bantleman.

Conf d 2s

REVENUE DEPARTMENT.

1885.

Board of Revenue,

MADRAS.

9529

GOVERNMENT OF MADRAS
15 DEC 85
REVENUE DEPARTMENT

Printed

Proceedings, dated 9th December 1885, No. 3320.

Endorsement, 28th December, 1885, No 7075.

Transferred with the Honourable Member's remarks, to the Public department in continuation of endorsement No 7073 dated 24th December 1885.

(By order)

M Mammatt
Ag Under Secretary to Govt.

To the Public Dept. with Rev. Bds No 147 973 & 3454 of 83.

Submitting to Government, with remarks, letter from the Collector of Madura commenting on the terms of Board's Proceedings, 6th November 1885, No. 3032, regarding the *District Press*.

Madura Collr's office
21 December 1885. Madras

No: 210A

GOVERNMENT OF MADRAS
22 DEC 85
REVENUE DEPARTMENT

From C. S. Crole Esquire
Collector of Madura

To J. F. Price Esquire
Secretary to Government
Revenue Department
Madras.

Sir,

In connection with the Resolution of the Board of Revenue dated 9th Instant which is now before Government, I have the honor to submit that a further Communication on the subject therein referred to is now before the Board for transmission to Government.

2. It was despatched from Madura on the 17th Instant, the same date on which the Resolution in question reached me.

I have the honor to be
your Most obedient Servant
C. S. Crole
Collector 21/12

9693

Revenue (188) DEPARTMENT

FROM,

THE COLLECTOR,
MADURA.

No. 210 A.

ENCLOSURE.

Dated 21 }
Received 22 } December 1885

No

SUBJECT

Stating that a further communication on the subject of District Press contract is now before the Board for transmission to Government

Encl in Dist C 543 of 90

No A

Madura Collectors office
Dated 22 December 1885

GEN. REG. No 6781 of 1885

From.

C. S. Crole Esquire
Collector of
Madura

To C. F. Mac. Carter
Esquire
Actg Secretary to the
Board of Revenue
Madras

Sir,

I have the honour 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

Collector 11/12

Justly observe, my own experience as a Sub-Secretary must have taught me the perfect unfounded.

3. As a matter of fact my 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 Proc, and I ended my "release" by alluding in reference not to its authorship but to its locality to the same paragraph 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 honour to express a hope that the Board will be pleased to lay this letter before Government without delay.

I have the honour to be
Sir
Your obedient Servant
C.S. Wade
Collector 11/12

REVENUE BOARD OFFICE * MADRAS *

Proceedings of the Board of Revenue.

Dated 22nd December 1885.

No. 11281 Miscellaneous.

READ Letter from the Collector of Chadras, dated 1st December 1885. No. A.

Resolution.

Submitted for the information of Government.

[True Extract]

[illegible]
Ag Secretary.

To The Secretary to Government R.D.
with original letts to be returned.
Copy to the Collector of Chadras.

C. A. S. D. C. Ld

Encl in Pabl 5432/85
1

9723.

1885.

Board of Revenue,

MADRAS.

Pub CURRENT NO. 5432

To

The Secretary
to Government
R. D.

RECEIVED IN MADRAS
22 DEC 85
REVENUE DEPARTMENT

Dr Thorpe Sr.

Proceedings, dated 22nd December 1885.
No. 11281 Miscellaneous.

Subject.

Subm. for the information of Govt letter from the Collector of Chadura stating that the meaning of his letter dated 22nd November last No 683 regg the Contract of the District Board has not been correctly apprehended by the Board.

P. TD

C. Nos 9693 & 9723-

Reis: G.O. No 7073 dt 24-12-85:

Transferred to the Public Department.

Fredk Rice
Actg Secretary Rev. Dept.

December 24th 1885

Attached to file papers

DEPARTMENT.

No.

(H.E. No 2 Circuits)

From

FOR ORDERS.

In the first of these Circuits the Board recommend that Mr Cole be removed from headquarters to some other District and Mr Ross dealt with as the Govt may think fit for writing parts of the letter which the proceedings record in the Circular are based - the tone of the paragraph & the Board's opinion "grossly insubordinate" while its language can the Board think "be only interpreted as an insinuation that the reflections contained therein which Mr Cole refers were dictated by the Board" are to be seen and communicated to him without the knowledge of the members".

The paragraphs in question are

para 5 "The Board will probably be pleased, after this resume, to

delete the reflections on me which appear above the signature of Mr Acting Sub Secretary Laffan.

Prima facie these words make the very gross insinuation that the Board submit false canons of Govt.

In the 2d of the Customs, however, Mr Cobbe disclaims all intention of making any such insinuation than which, he says, 'nothing was further from his thoughts' and explains that all that he meant by the form of words he used was to allude to the 5th para of the Boards' Proceedings which contained the censure upon him of which he complained & in reference not to its authorship but to its locality viz., as the paragraph immediately

* This word does not occur in the original letter

I do not feel able to accept Mr Cobbe's disclaimer. I believe the original misapprehension was intentional nor is it the first time that he has addressed the Board in a similar strain.

I think that Mr Cobbe shd be removed from Madura. If H.E. assents to which I suppose he would perhaps be made available for Umballa

EHH
30/12

above the Act Secretary's signature'

The Board have not apparently accepted this explanation for they forward it to Govt without comment.

If Mr Cobbe only meant that he was sorry over all he meant he has only 'darkened counsel by words without knowledge'. The use of official documents of language unanticipating as that used by Mr Cobbe in this case cannot be too strongly condemned and can hardly be screened on a plea of fantastic pedantry of diction when used by an officer of his age & experience & merits.

The Board recommend Mr Cobbe's removal from Madura and it is many accounts desirable that he should be removed from that district W. Wilson

29-12-85

Pub. Dept.

G.O. of 1st January 86, No. 1. (Jails)

The Govt. are unable to accept

her (Colls (highly non-natural

explanation of para 5 of

his letter rendered in Board's

Proc No. 3320 dy 9th Dec 85

and having regard to his

manner of addressing the

Board on the former occasion

alluded to in para 4 of their

Proc. aforesaid they are of opinion

that the plain meaning of

the objectionable paragraph

was what the Board have

interpreted it to be. In ad-

-dressing such a communica

-tion to the Board he (Coll has

FOR ORDERS.

I disbelieve Mr Grahis statement. I am of opinion that he meant to be uncivil to the Board, that he thought the Board would not punish him & that finding himself in an awkward scrape he gives this highly non-natural explanation of his letter

I do not object to his going to Kurnool particularly but would prefer Anantapur because I am unwilling that Kurnool shd be treated as a penal settlement

MLP

I should like Mr Chief Sec to see Mr Master again. If he still prefers Kurnool let it be Kurnool. Of course it is possible that we may have to put Mr Crake on subsistence allowance in connection with some of his other misdeeds & then it will be a pity to put a stigma on Kurnool for nothing

MLP

I think I would not upon his claim. The present inspector may end in his name January as the District

Eyes 31/12

MLP 31st Dec

Dec 1885.

I

(1)
86

(15)

DISPOSITION
No. 1. Pueblo
DATE 1-1-86
BY GOVT. ORDER

Cruzado No. 1
86

CONFIDENTIAL.

MEMORANDUM.

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

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

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

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

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

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

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

* 20th March 1872.

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

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

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

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

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

* * * * * * * *

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

10. Three years later, however, the Government had occasion to express * their dissatisfaction that Mr. Symonds did not more cordially co-operate with the Medical Officer when he communicated to him his suspicions that the supply of food to the convicts in the Central Jail, Trichinopoly, was not issued in proper quantities. In this connection, however, it must not be forgotten that the Inspector-General did not consider the outbreak which gave rise to the inquiry into the food-supplies to have been caused by any maladministration of Mr. Symonds, and that that officer's action on the occasion of the outbreak was approved by Government. [See paragraph 37 of this Note].

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

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

† G.O., 16th August 1875, No. 1798.

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

‡ G.O., 16th August 1875, No. 1798.

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

The Government thereon passed the following § order:—

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

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

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

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

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

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

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

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

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

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

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

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

† G.O., 8th September 1882, No. 1252.

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

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

20. The Government passed the following ‡ order:—

‡ G.O., 23rd December 1882, No. 2228.

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

Dr Cline was recalled was he not? Look up. — State. Yrs. please see para 19 of note.

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

21. Subsequently, in 1885, the Inspector-General of Jails (Mr. Grimes) had an interview with His Excellency the Governor, from which it resulted that His Excellency thought it advisable to transfer Mr. Symonds from the Madras Penitentiary to the charge of the Salem Central Jail. It appeared that Mr. Symonds left too much to his subordinates, that his work suffered from his devotion to other pursuits, that he fell below the proper standard of zeal and careful attention. At the same time, Mr. Grimes admitted, when the transfer of Mr. Symonds from the Penitentiary was being made, that there had not been much fault to find with the condition of that Institution on his inspection in March 1885.

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

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

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

---

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

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

23. The Superintendent of the Madras Penitentiary, Mr. Goodrich, reported ‡ to the Inspector-General that the convict Howard (for permitting whom, when at liberty, to visit convict Lingam Laksmaji, Mr. Symonds had been censured § by Government), in writing to his solicitor had spoken frequently of a friend up-country, who could, would and was bound to assist him, and that, on being questioned, he stated that this friend was Mr. Symonds.

‡ D.O. (A), dated 12th December 1885.

§ G.O., 23rd December 1882, No. 2228.

24. It was further reported ‖ that convict Howard's solicitor in paying, on the 19th December, the balance of the fine imposed by the Presidency Magistrate on that individual, in default of payment of which he was undergoing imprisonment, had stated that Mr. Symonds had paid the amount. The solicitor, Mr. Ambrose, too, wrote to Howard saying that his up-country friend had sent him Rs. 50 towards the payment of his fine.

‖ D. O. (B), dated 19th December 1885.

25. 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.

(1)

Confidential report on the Madura District.

I am requested to report confidentially on the state of affairs in the Madura Dist. from a social as well as administrative point of view.

2. It is as well to remark at the outset that I have been more or less connected with the Madura District since 1876. as Special Assistant and Head Assistant; in 1877. 1878. I was on special duty for Famine Relief operations in the district and from December 1882 to Sept. 1884. I acted as Sessions Judge of Madura. In September 1884 I went to England on furlough and returned in December 1885. On the 4th January 1886 I joined my present appointment

3. It is notorious that for the last four years i.e. during the whole time of Mr. Cole's administration the state of affairs in Madura from a social point of view have been most

unsatisfactory not to say scandalous. There has arisen an antagonism of the gravest kind between Europeans and natives and between different sections among the natives themselves. The harmony and quiet intercourse that existed in old times between Europeans and natives and between the Collector, Judge, and the other Europeans of the Station amongst them. This has been for some years conspicuously absent. Briefly the whole social fabric became disorganized. Mr. Cole himself was undoubtedly the cause of this. He seldom or never entertained his fellow Europeans, nor did he ever join in their amusements, or in fact take any part with them socially at all. During the whole time I was in Madura with Mr. Cole, I only dined with him once. I met him out at dinner once. He always refused to dine with us or to join our social parties. I never met him at a social party, or social gathering of any sort in my life. Of course Mr. Cole may have something to say on his side in explanation of his exclusiveness but the fact remains nevertheless. Mr. Cole belonged to our Club, but he never came there except at meetings when he did his best to stir up factions amongst us, and make himself as disagreeable as possible. Now as to Mr. Cole's intercourse with natives. The Collector's house is on the opposite side of the river from the other European houses. Mr. Cole founded a native Club and induced the Members to build a very pretty building at the entrance to his bungelow. He had a sort of shed built near his door-way. This building he dignified by the name of

"durbar hall". In the morning and evening he and Mr. Cole sat in durbar with the Natives of the Club and talked freely to them. All sorts of rumours are prevalent as to the nature of the conversations held at these durbars. No doubt there is much exaggeration, but one thing is certain that the demeanour of the natives frequenting the Club has entirely altered within the last few years. I knew them before, and know them now. To me they are much the same but to other Europeans I have seen myself, their manner is almost contemptuous. The members of the native Club are mostly vakeels, Zemindars, Etc, quite an exclusive set. Naturally other sections of natives and all Eurasians who are not allowed within the precincts of this Club are very angry and there is jealously and feud between them.

4. As regards administration. The characteristic of local Government is only too apt to be selfish. The tendency is to spend money at the centre and starve the extremities. When in charge of Ramnad Estate I was always fighting the Madura Board to induce them to spend money on the roads towards which the Estate contributed so largely. This tendency has evidently increased to an alarming extent of late. I hear outcries from all sides regarding the deplorable state of the roads. Ramnad road is nearly impassable, the same is the case with Melampatti road, the Colonel of 22nd Regt. N.I. marching through the other day reports the roads to be in a disgraceful state. Mr. Stokes too reports badly on the state of the Sub. division road. Curiously enough too

have never seen the Municipal
roads in such bad repair as
at present. The cause of this
state of things is, that Mr.
Cole tried to work everything
too cheaply. There is nothing
alike enough supervision.
Mr. Cole too had so many
irons on the fire that he was
always taking men from
their legitimate duties and
employing them on new schemes.
The Madura Park, the Madura
waterworks, the Madura
Farm, the Vigay bridge.
the Dindigul waterworks
Pulney waterworks, Vigay
valley railway, and such
like schemes largely took up
the time of officials who
were paid for, and should
have been engaged in other
duties. There seems to have
been a feverish desire to
push on everything at once.
At the same time it must
be acknowledged that Mr. Cole
jealously [illegible]

had a wonderful power of
getting things done. I do not
believe there is another man
in the service who could have
carried out so far successfully
the schemes of the Madura
waterworks, the Park and
the Farm. When I came down
here and inspected these
works I was much surprised
at the progress made. But
then again, the means employed
appear of a somewhat
doubtful character. There are
all kinds of rumours about
the manner in which money
was raised to carry on the
Park and Farm schemes. No
doubt there is great exaggera-
tion in these rumours. "Omne
ignotum pro magnifico est"
everything has been conducted
in a hole and corner manner.
There was evidently a very
large expenditure going on.
but no accounts were fur-
nished, in fact no regular
accounts seem to have been

Dr

Kept. It is difficult to estimate how much has been spent on this Park, certainly it must have been a very large sum. The Secretary Mr. Rama Subbiah, tells me that about Rs 23,000 have been raised by subscriptions. In addition to this there have been gifts made in kind. For instance a large fountain by Mr. Kotaswamy Thanar and the entrance gates which are certainly very handsome are said to be the gift of a Chetty, and to have cost Rs 4,000-. The Park establishment is now paid by the Municipality but no accounts have been furnished and this is a source of much annoyance to many of the Commissioners. A few days ago a demand was made upon me as President of the Park Committee (which I am not) for the payment of Rs 1.600 from the Fund - I wrote to Mr. Rama Subbiah and he came over this morning and brought a box full of papers. I find that the Park is in debt by about Rs 5.000 and that there is no money to meet the demand of Rs 1.600. The debt has been incurred in this way: Mr. Cole appointed a committee of native gentlemen members of the native Club, each of these members from time to time undertook to push on the work; as long as money was available the members in charge spent it; if no money was forthcoming he advanced it out of his own pocket. In this way there is due a sum of about Rs 2.000 to Krishna Row the Dasgoor Sheristadar amongst others and at present no means of repaying it. No doubt these debts are perfectly bona fide and will be paid off sooner or later, many of the members of the Committee being both wealthy and influential. I have called a meeting of the Park

committee and propose to appoint
an auditor to audit the accounts
so that everything may be
published for the information
of the public.

5. As regards the Farm: here
again there are no end of rumours
about the way in which money
was squeezed out of the Esplt &
others in the form of subscriptions.
No doubt the official thumbscrew
was put on and twisted tight
and it is most probable that a
great deal remained in the hands
of the manipulators in addition
to what was remitted to Head
Quarters. Government ordered
this official interference to be
put a stop to, and I am not
aware that it was continued
after receipt of the order. (I see
W. Stokes in his letter herewith
sent says it was.) The same
objectionable plan of money
being advanced by officials
and others seems to have been
followed on the Farm. But I
have not yet seen the accounts.
6. I doubt very much whether
Government should interfere
with the Park or Farm. The

[illegible] order

of the Santa Cruz?

might well be a
last days?

question in this respect.
Farmer is almost a private
concern nearly the whole of the
money having been subscribed
by quite a small number of
the influential inhabitants of
the Town. No doubt the collector
aided materially by bringing
his official influence to bear
but the result is certainly
laudable. I held a meeting of
the Park committee this morn-
ing, and they have agreed to
have all the accounts audited
and published. They have
also agreed to make the claims
of officials a first charge, &
to strengthen the committee by
adding one or two additional
members named by myself.
Under these circumstances I
think Government might leave
well alone. The same may
be said of the Farm. There
may have been probably were
irregularities in collecting the
money but I do not think it is
necessary to institute any enquiry
unless specific complaints are
made in which case they should
be investigated on their merits.
7. There remains to consider the

Dr. [illegible] revenue and magisterial
[illegible]administration of the District
[illegible]round the character of the officials
[illegible]ngaged in carrying on the
[illegible] Government of the District and
[illegible] the manner in which their
[illegible] officials have been worked.
[illegible] In a conversation I had with
[illegible] W. Cole in Madras just before I
[illegible] came down here, he told me that
[illegible] the only way to rule Madura
[illegible] District was by fear. He admitted
[illegible] that the officials generally were
[illegible] very corrupt, that he had not
[illegible] introduced "new blood" because
[illegible] it would be useless with such
[illegible] Corrupt surroundings. His idea
[illegible] was to keep on the "full leach"
[illegible] because he was "full". W. Cole
[illegible] fully succeeded in inspiring
[illegible] abject terror every where amongst
[illegible] all officials, for the slightest
[illegible] offence they were transferred,
[illegible] suspended, and worried to
[illegible] death, woe betide them if they
[illegible] appealed. W. Cole had no mercy
[illegible] he used every official engine
[illegible] at his disposal to destroy
them. There are many instances
on record to show what was the
general character of W. Cole's

(4)

administration in this respect.
I have not studied the point at
all but I can give a few instances.
(1) W. Cole was planning the means
to start the Park and was at
Sivaganga on circuit. It was
necessary to conciliate the
Natakotai Chettiar from whom sub-
scriptions were much required -
The Sub. magistrate at Sivaganga,
Ramaraowmy Iyengar had made
himself obnoxious to the Chettiars
by committing two of their number
to the Sessions where they were
heavily punished. W. Cole took
advantage of a trumpery complaint
before the Head Assistant Magistrate
and transferred Ramaraowmy to
Kodaikanal, and after worrying
him there with Survey work in
addition to his own, he finally
took away his Magisterial powers
and reduced him to a clerk's post.
(2) Venkata Ramaya, a Municipal
Councillor incurred W. Cole's displeasure
he induced the Police to charge him
with an offence which on the face
of it was absurd, and when the
Deputy Magistrate threw the case
out W. Cole wrote a Proceedings
and caused the Police to put the

That is for Govt to do — as knowing mind of Mr — can — this is important

case again before the same Magistrate. I took the case on my file and dismissed it.

(3) Venkatasawmy Naidoo a contractor on 3 separate occasions Mr. Cole tried to induce the Local Fund Board to impound his deposit money of Rs 2000. They refused on each occasion.

(4) Mr. Chetti's case. The fact is Mr. Cole has ruled Madura in the same way strong Collectors used to rule it 50 years ago. The only difference is that he worked behind the screen of Local Boards. He is the personification of despotism clothed in a local-self-government skin. He is a man who will brook no opposition and that is the reason why you see so few Europeans on the Board lists. We cannot work with Europeans. We flattered the vanity of the half civilized Zemindars of this District with the object of getting money out of them, at least this was no doubt one of the objects though very likely he really wished to do them good and raise them in the social scale. The result has not been satisfactory. of its results we have every reasons to suppose has been the dastardly assault committed on Mr. Garstin. There is strong evidence that this assault was instigated by the Bodinaikanur Zemindar, one of Mr. Cole's protégés.

8. Enclose a report from Mr. Stokes and some notes put together by a friend on the Municipal board. I let them speak for themselves.

V. Lovett

[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 land 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, 17*th 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. $\frac{2727}{19\text{-}3\text{-}81}$, $\frac{5441}{31\text{-}5\text{-}81}$, $\frac{2383}{20\text{-}10\text{-}81}$, $\frac{10977}{22\text{-}12\text{-}81}$, $\frac{278}{27\text{-}1\text{-}82}$ & $\frac{998}{4\text{-}4\text{-}82}$

† Bd.'s Procs., No. $\frac{6914}{5\text{-}9\text{-}82}$ 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. Moveover 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.*)

From *5th January* 1884.

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 :—

		Rs.	A.	P.	Rs.	A.	P.
90	Interest on 5,929 at 8 per cent. for the year	474	0	0			
	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			
	Cr...	...	...	...	53,750	0	0
91	Up-keep of the Estate	9,950	0	0	36,997	0	0
	Approximate interest on above	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			
	Cr...	...	...	...	53,750	0	0
					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 full-fenced 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,
29th August 1885. (Signed) FORSTER WEBSTER.

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.

12*th 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 Revenue, to execute 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

* 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,
17th 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.

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,
28*th 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,
26*th 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,
7*th 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,

(Signed) C. S. CROLE.

To the Honorable W. WILSON, C.S., Chief Secretary.

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.

a/26 Jany 80

† see para 40 of memo & letters R. & T. referred to Kerrin.

§ It is believed that the Chief Sec.y did see Howard but nothing is known as to hand shaking.

‖ see para 21 of Memo: Mr. Symonds seems to admit having stated his opinion on the case.

After such notice as Govt. may take of the unprecedented tone of this letter in general & its para: in particular, it remains, on the record, to call on Mr. Symonds to state whether he did not send money to Mr. Ambrose to be, or knowing it to be applied to the payt. or part payment of Howard's debts, whether he was concerned, directly or indirectly, in the publication of the newspaper articles referred to in paras 27–31 of the Memo & what he has to say as to his having (para 29) written to a paper espousing the cause of a convict under his charge, & further with reference to the information in the possession of Govt. the nature of which may be gathered as indicated, he still maintains that he cannot disclose his relations with Howard during his former service as during his present incarceration. 1st 27/1/80

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.

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

Mr. Grimes' question which was repealed by Govt. referred the present period of incarceration since October 1885 prior to which Mr. Symonds had been transferred to Salem.

But see para 24 of the printed memo. The solicitor Ambrose said he paid part of the fine out of money remitted for the purpose by Mr. Symonds.

See paras. 28 + 29 + 30 + 31 + 41 + 42 of Memo.

has not been sent but the original is on file. It is the letter R referred to in para. 40 of printed memo.

He openly wrote of Howard then a convict under his charge in the penitentiary, as a man who perhaps would be righted on appeal & he caused the Editor of the Times of Ceylon, as such, deserted him. See paras 28-31 & 40-42 of printed memo.

The Humble Memorial of CHARLES STEWART CROLE, Madras Civil Service, to The Right Honorable The EARL OF KIMBERLEY, Her Majesty's Secretary of State for India in Council.

MOST RESPECTFULLY SHEWETH THAT:—

Petitioner has been suspended for one year by the Government of Madras as a punishment for making, in a Memorandum prepared for H. E. the Governor, three charges, alleged to be unjustifiable, against the Honorable Mr. H. E. Sullivan, C.S.I., Senior Member of Council, in his capacity as a Member of the Madras Civil Service (G.O., 4th Feb., 1886, No. 240, Public, Enclosure I).

2. It is to be noted that the Memorandum in question was, as it sets out by stating, written, after communication with the Chief Secretary, for the *private information* of His Excellency. Its style shows this. It frankly reproduces the substance of conversations with the Chief Secretary, and it places at His Excellency's disposal for perusal a private letter received by Petitioner, which Petitioner had certainly no idea of communicating to the Madras Government. Petitioner submits that, before his Memorandum was used *officially*, an opportunity should have been afforded him of revising it, especially as he stated that it was written from memory and without the papers.

Opportunity not afforded for revising Memorandum before it was treated officially.

3. It is likewise to be noted that Petitioner had, eight months previously, reported substantially the same facts in person to the Chief Secretary, certainly without eliciting any unfavourable comment. (*Vide* paras. 24, 25, 27, 65, 66 and 68 *infra*.) Petitioner had, therefore, good reason to believe, when he incorporated them in his Memorandum, that he was merely performing an unavoidable duty.

4. Petitioner protests most strongly against the procedure adopted by Government. In regard to a case like this, every Civilian must be placed on an equal footing, and the course which was pursued in the case of—*e.g.* Mr. Gribble, C.S., should, it is submitted, not have been departed from in that of Mr. Sullivan. There should have been a full and searching enquiry for the purpose of exhausting every tittle of evidence on both sides.

Accused officer a party to decision of his own case.

5. Instead of this, Mr. Sullivan, as a Member of the Government, is one of the Judges of his own case, which is disposed of by dispensing with all proper enquiry, and punishing the Collector who brought it to notice, under the pretext of the whole thing being a malignant personal attack.

6. Petitioner most emphatically repudiates the existence of any such unworthy spirit on his part. His Memorandum to H. E. the Governor, on which his case rests, would have been a very different document had it been written for the gratification of personal feeling or revenge. This can be easily proved. The sole and only mainspring of his action was the performance, as a public servant, of duty for which he is paid, and he stated nothing which his duty did not demand.

Personal feeling or revenge on Petitioner's part repudiated.

Grave public scandal of landholding, trading, and speculation on part of high Madras Officials.

7. Petitioner originally brought the subject to notice as an incident in a general question of great public importance which he likewise discussed. (*Vide* his Memorandum to H. E. the Governor of Madras, Enclosure II.)

8. The Government of Madras now seeks to reduce it within the narrow limits of official misconduct on Petitioner's part. The case has been treated as if it were merely an unwarranted attack on a Member of the Madras Government entitled to protection in the discharge of his high functions. But the question really at issue is quite different, as Petitioner will now proceed to show.

9. It is far from Petitioner's object to inflame passion on the part of those officials who are unfortunately mixed up with transactions in land or speculation, but as the order now appealed against raises the question of motive, Petitioner feels compelled, in self-defence, to crave indulgence for the following prefatory statement of the unsatisfactory condition of affairs in Madras, without which his appeal cannot, it is now seen, be readily understood.

10. The levity, with which the orders of the Secretary of State, and the provisions of the Civil Service Covenant (Clause 7) have been treated by certain Members of the Madras Civil Service, during the last few years, has long been an open scandal, and has been the repeated subject of comment even in the public prints. One of those whose names have, for years, been prominently mentioned, is Mr. H. E. Sullivan,—first, in connection with the acquisition of land and certain plantations in South Arcot, when he was Collector of that district, and, subsequently, in regard to property on the Nilghiris.

11. The chief offenders, unfortunately, belong to the upper ranks, and have hitherto succeeded in avoiding that full enquiry which the honor of the Civil Service and the public interests, alike demand.

12. But the very suppression, which has been practised, has exaggerated the magnitude of the scandal, and has led the public to believe that affairs are even worse than they really are. For the main body of the Service is perfectly untainted, although, in the public mind, it lies under the same suspicion which attaches to the rest.

13. The consequence of the growth of this commercial and speculative spirit is to distract the attention of public servants from their legitimate duties, and to bring them into very undesirable relations both with their brethren and with the natives of the country. There has, likewise, been a perceptible loss of tone, and damage to the high and honorable traditions of the Civil Service. This has, certainly, tended to diminish the respect and prestige of the Government itself in the eyes of the people, and has produced a sensible effect in demoralizing the inferior establishments of Government also. It is believed that these effects have been noticed to some extent in England.

14. As an additional and *convincing* proof of the endless ramifications in evil of this irregularity of landholding, Petitioner would cite the GARSTIN DACOITY CASE, now under investigation before the District Magistrate of Madura. It appears that Mr. J. H. Garstin, C.S., Second Member of the Board of Revenue, spent last Christmas holidays at Dévakulam, at which place he owned an estate, which,

under compulsion, he made over to Trustees for his family in October last. He is also interested, as a large shareholder, in the North Travancore Land Company. While he was returning through the Madura District, during the night of the 29th December 1885, he was attacked by a band of dacoits, and the Police, on the theory that bad blood existed between Mr. Garstin and the neighbouring Zemindar of Bodináyakanúr, arising in some way through Mr. Garstin's connection with Dévakulam, have charged the latter, a man of wealth and the representative of one of the oldest families in the country, before the Magistrate as the instigator of the crime.

Grave public scandal of landholding, trading, and speculation on part of high Madras officials.

15. It is only fair to Mr. Garstin to mention that he is understood to have exonerated the Zemindar, and to have stated that he entertains no suspicion against him, but the fact remains that the Zemindar stands charged by the Police with the crime.

16. This case has produced the most intense excitement and alarm in the Madura District, and has seriously affected public business also. It is perfectly undeniable that, if Mr. Garstin had never become entangled* in land, this criminal case, and the attendant agitation, could not have arisen.

* "7. Civil Servants * * in the actual service of the Crown in India are prohibited from holding lands in a native State for any purpose whatever." (Letter of Mr. Secretary Mackenzie, C.S., to the Government of Madras, 13th May 1885, No. 21-797, Home Department, Public; *vide* also para. 4, Secretary of State's Revenue Despatch, No. 22, 25th November 1862; also ditto, para. 3, 9th July 1863, No. 17; also Resolution of Government of India on Despatch from Secretary of State, No. 99, 25th August 1873.)

Searching enquiry required into conduct of Mr. Sullivan.

17. Surely, when Petitioner implores, in self-defence, a full and searching enquiry into the conduct of Mr. H. E. Sullivan, he can hardly be accused of overstepping the necessities of the case.

Petitioner merely passed on information received officially.

18. The order, now appealed against, sets out by constituting Petitioner prosecutor of the charges, whereas, acting on instructions of the Chief Secretary to Government, he merely passed on information, which had become public property in the Madura District, and which, if true, besides affecting the reputation and prestige of Government, damaged the Madras Civil Service as a body, in that its senior representative was accused of a flagrant breach of the rules of the Secretary of State regarding the holding of land and dealings with native Zemindars.

No enquiry by Government.

19. Petitioner submits that the Madras Government has disposed of the matters in question without that careful enquiry which their importance to all concerned demanded.

20. If Petitioner were really prosecutor, as is now alleged, Government ought, in fairness, to have instituted a public enquiry before condemning Petitioner, in view of the fact that the affidavits and documents submitted at their instance, besides supporting the statements made by Petitioner, disclosed other serious charges, and also in view of the fact that the Petitioner had, in para. 11 of his report to Government, dated 19th November 1885, No. A, expressly stated the sources from which *evidence* must be obtained. Government, however, have taken no notice of this. Mr. Sullivan has apparently demanded no complete investigation as he was bound to do, in vindication of his honor as a Member of the Civil Service. Government has acquitted him, and punished Petitioner, without any thorough sifting of the evidence which was at their disposal.

No enquiry by Government.

21. Besides the attendant disgrace and loss of service, their order is equivalent to the enormous fine of Rs. 30,000.

22. It is submitted, that such a mode of deciding a matter like this, is absolutely unprecedented; that the punishment, besides being entirely undeserved, is unreasonably severe; and that it has been inflicted under an entire misconception of Petitioner's duty and action in the matter.

Charges against Mr. Sullivan.

23. The first two charges against Mr. Sullivan are, in the words of the Madras Government, as follows:—

"I. That towards the end of January 1884, the Honorable 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 Honorable 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 Honorable 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."

24. Briefly, Petitioner, in January 1885, came up to Madras from Madura, of which district he was then Collector, and informed the Chief Secretary of a very grave scandal which was public property in his (Madura) district, and which he deemed it his duty to bring to notice.

25. The fact was, that a Zemindar and his legal adviser had taken Petitioner's advice regarding the purchase of an estate at Ootacamund, which, they said, virtually belonged to Mr. H. E. Sullivan, although the transaction was being carried out through his son. The price asked (Rs. 1,25,000) was, admittedly, out of all proportion* to its real value, and Petitioner advised them to have nothing to do with it. Petitioner's acquaintance with all the parties (including the Honorable Mr. Sullivan) was of the slightest, and he gave the advice purely in the way of business as the Collector of the district.

* It was over three times the present nominal value (Rs. 40,000 odd) of the property according to Mr. Lee Kirby, a professional estate valuator.

26. At the instance of the Chief Secretary, the papers were obtained from the Zemindar, and he (Chief Secretary) was informed of the fact by letter* from Madura, and the matter dropped until the end of August 1885.

* Letter No. A, dated 28th February 1885, Enclosure V.

27. Petitioner was then consulted confidentially regarding Captain E. A. Campbell, who is agitating in England against abuses alleged against Madras officials in regard to landholding, particularly in Dévakulam and Ootacamund, and commercial speculations generally.

Charges against Mr. Sullivan.

28. In a conversation between the Chief Secretary and Petitioner at Ooty (August 1885) on the general question, the subject, as it related to the above-named transaction, was rediscussed, and the Chief Secretary ordered Petitioner not to leave Ooty, as he (the Chief Secretary) would go over and see His Excellency the Governor about it. Eventually Petitioner received orders to rejoin his district, the understanding being that the substance of the various conversations should be reported confidentially in writing for His Excellency's information. (*Vide* Exhibits VIII and IX, Enclosure III.)

29. Petitioner accordingly furnished His Excellency (26th September) with a Memorandum, of what had come to his knowledge on the whole subject of landholding by Civilians, to which was appended a communication received from Captain E. A. Campbell, which the Chief Secretary had particularly desired Petitioner to transmit for His Excellency's perusal.

30. The above circumstances account for the detailed character of the Memorandum, as far as it related to the Honorable Mr. Sullivan; for, of course, His Excellency was entitled to know exactly what had been brought to Petitioner's notice during the eight months preceding.

31. But it is quite clear, at the same time, that Petitioner's position was that of merely passing on information which he had received from others in his official capacity, and with which he was incompetent to deal, while at the same time it was out of his power to suppress it.

32. In this connection, it will be observed that the Government rely on the contrary opinion of Mr. Handley, Chief Judge of the Small Cause Court, who does not belong to the Civil Service, who was naturally most imperfectly acquainted with the facts, and who cannot be accepted, in any way, as an authority on the duty of a Collector in the circumstances in which Petitioner was placed.

33. Moreover, Mr. Handley's opinion on this point, is at direct variance with that of the Chief Secretary (Mr. Webster), under whose advice Petitioner acted. It is left to Your Lordship to decide, whether a Collector was, or was not, bound to follow the advice, which the Petitioner considered equivalent to the instructions of the Chief Secretary to Government.

What followed.

34. What followed was this. The Government of Madras called on Petitioner to substantiate portions of the Memorandum to His Excellency on certain points relating entirely to the Honorable Mr. Sullivan. The major portion of the statements contained in it appear to have been accepted without comment. The fact of an attempted sale to a native by a member of Mr. Sullivan's family for a sum enormously in excess of its real value, of a property in which Mr. Sullivan had an interest, was admitted. Orders were issued by Government prohibiting the sale of produce grown on the "appurtenances" of residences, and the transfer of certain estates to Trustees, *e.g.* Mr. Garstin's at Dévakulam, and otherwise, was announced to the Service. (*Vide* G.Os., 14th October and 30th October 1885.)

35. In accordance with the orders of Government on that portion of his Memorandum relating to the Honorable Mr. Sullivan, Petitioner took certain affi-

davits, and submitted them along with certain original documents. These certainly went far beyond the statements made by Petitioner, but they were submitted to Government in justification solely of Petitioner's *bona fides*, and as relieving Petitioner from all responsibility for making any statement which was not capable of being supported by affidavits.

36. These will be found in the Appendix. They speak for themselves. Whether true or false, it is palpable that the makers of these affidavits, and not Petitioner, are responsible for the statements contained in them.

37. In the very nature of things, such evidence, *quâ bona fides*, could not run on the same lines as that required for actual proof of the charges arising out of such affidavits.

Government specially warned by Petitioner that evidence had to be taken by them.

38. Government was specially warned by Petitioner that the evidence, produced or procurable by him in Madura, could not be used for that latter purpose, and, in order to save all doubt, he indicated, in paras. 10, 11 and 12 of his report to the Government of Madras (Enclosure III), the direction, which an enquiry into the truth or falsity of the affidavits, submitted by him, would require to take. The passage is reproduced in the margin.

Para. 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."

Para. 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."

Para. 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."

39. Government has, however, in spite of the precautions taken by Petitioner, and, without making any enquiry, treated the case so submitted as complete, and punished Petitioner for bringing charges, which he never brought, and which have yet to be investigated before any judgment can, with justice, be passed on their truth or otherwise.

40. It is humbly submitted that the only points for decision, as far as Petitioner is concerned, are two :—

Petitioner's bounden duty as a Collector in respect of this case.

(*a*) Was it, or was it not, the bounden duty of Petitioner, as Collector, to apprise the Government that such facts had come to his official notice ?

(*b*) Are the statements contained in his Memorandum to His Excellency the Governor covered by the affidavits and documents sent in by him ?

41. If these questions be answered in the affirmative, Petitioner submits that he has been most unjustly punished.

42. Collectors in the Madras Presidency have, invariably, been held responsible, as the local representatives of Government, for keeping it informed of any thing and every thing affecting the public interests, which may come to their notice in any way. This responsibility extends even to the Board of Revenue. Petitioner has knowledge that two of the present Members of the Board (one of them as Collector) have, on a former occasion, officially brought to notice the contravention of the orders of the Secretary of State by a Member of the Service, and although one of them was declared by the Judge of the High Court, who investigated them, to have made charges (criminal) which were absolutely without foundation, it was not considered necessary to punish him for this failure of the case. The Honorable Mr. H. E. Sullivan was a Member of Government at that time. (*Vide* report of the Honorable Mr. Justice Brandt to the Madras Government, dated 3rd June 1884).

43. Furthermore, Mr. Lee Warner, C.S., when agent for Government as the mortgagee in possession of the Ramnad Estate, in 1872, came to know, from the Zemindar of the day, that a member of the family of the then Acting Advocate-General had solicited a present. The Collector hesitated to act, but Mr. Lee Warner felt bound to report the fact. In the result, the Government found, that the existence of such a scandal in his family, albeit that it was alleged to have taken place without the knowledge of the Acting Advocate-General, precluded his being allowed to hold that appointment, and Mr. Lee Warner's action was commended.

Complicity of Mr. Sullivan in attempted sale to a native landholder.

44. Next, in regard to the other and distinct point dealt with in the order, now appealed against, namely, the complicity of the Honorable Mr. Sullivan in the scandal, either innocently or otherwise, the order of Government appealed against supplies conclusive affirmative testimony of the propriety of Petitioner's conduct in making a report, and thereby divesting himself of all responsibility arising out of the knowledge of facts and accusations, which had come within his official cognizance.

45. The portion of the order of Government describing Mr. Sullivan's position, is reproduced in the margin. It is not easy to understand it. It appears to signify that Mr. Sullivan owned an estate of over 100 acres within the Municipal limits of Ootacamund up to 1883, and that in that year, with the intention of putting all his children on an equal footing with his son who was managing it, he took a mortgage on it for Rs. 60,000. It does not appear how or when the estate became the property of the son mentioned. The intention of the mortgage is stated to have been that the "other children should, as far as possible, have equal interest in the same way as if it (the property) had been made the subject of a settlement in their favour."

Para. 2. *Charge I.*—As to the Honorable 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; that having in this and other ways made considerable advances in favour 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 certain deduction in favor of his son, Mr. J. F. Sullivan, be divided equally among his children.

Para. 3. In effect, the intention was, the Advocate-General states, "that the estate 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."

N.B.—The above description overlooks the employment of Mr. J. F. Sullivan for some years in the Police, and his final departure for England last year.—C. S. C.

46. It is clear that such a settlement in Trustees was precisely what was required as a *sine qua non* in order to entitle Mr. Sullivan to certify that he had no interest in land in the Province in which he was employed. But no such settlement was made, and it is palpable that it was therefore within Mr. Sul-

livan's power to revoke a mere intention at any moment and resume his direct interest.

47. Petitioner respectfully urges that these are points which demand the fullest enquiry.

Opinion of Advocate-General on Mr. Sullivan's retention of a "substantial interest" in land in 1884.

48. The Advocate-General, who was consulted by Government, is perfectly plain on the legal position occupied towards the property by Mr. Sullivan. He says:—

"Mr. H. E. Sullivan, by becoming mortgagee* (1883) acquired a substan-
"tial interest in the estate. By virtue of the mortgage he
"became an encumbrancer 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."

* (In consequence, it is believed, of stringent orders from the Government of India.)

49. The description continued to apply to the position of the Honorable Mr. Sullivan in September 1885, when Petitioner's Memorandum was written.

Mr. Sullivan asserts ignorance.

50. Mr. Sullivan asserts his ignorance of his peculiar position, and states that he has never received any profits. It does not appear whether there have been any, but these are points with which Petitioner has no concern. But how such a peculiar stipulation in favour of the mortgagee came to be inserted in the deed has not been explained, though perfectly easy of proof. In any case, Mr. Sullivan's return to the Government of India of lands held by him would certainly seem to require to be revised from the date of its institution, in 1883, in the light of the opinion of the Advocate-General. It is true that Mr. Sullivan promises now to vest the property in the Official Trustee, but that is merely another way of admitting the existence of a "substantial interest" in land in the Madras Presidency of which, apparently, the Government of India has not hitherto been apprised. In any case, the fact appears to disclose a clear breach of his covenant, and of the orders of the Secretary of State, taken in connection with his original ownership, and the circumstances which led to the deed of 1883 containing the above extraordinary stipulations* in his favor.

* "Clause 2.—That he will perform and obey all such rules and regulations of the Secretary of State in Council and of the said Service as shall be in force, &c."—(Civil Service Covenant.)
"Officers of the Covenanted Civil Service are * * * absolutely precluded from holding lands within their own Presidency."—Secretary of State's Despatch, No. 22, 10th August 1861; *vide* also Mr. Secretary Mackenzie's (Home Department, Public) letter to the Government of Madras, dated Simla, 13th May 1885, No. 21-797.

Admission of Mr. Sullivan.

51. Again, the Honorable Mr. Sullivan admits that he knew from his son, that the latter was in negotiation with a native gentleman for the sale of the estate, in which he (the Honorable Mr. Sullivan) had the above interest, and that he did not at once prohibit the transaction. He says that he replied that he hoped he (the son) might get the lac of rupees. This too, although he must have known that the price was enormously in excess of the market value of the property, that part at least of the money was to come to him, and that the purchaser* was a Zemindar holding land within the territories subordinate to the Government of which he (the Honorable Mr. Sullivan) was, and is still, a Member.

* "Pecuniary dealings with any of these clauses of persons (natives) are contrary to the duty of a public officer, and are prohibited by the views of the Legislature, and by the orders of Government (12th January 1827).

Mr. Sullivan asserts ignorance of this also.

52. Mr. Sullivan professes entire ignorance of the result of these negotiations. This denial cannot be intended to be taken literally, for Mr. Sullivan must have been aware that the native gentleman had not proceeded with the transaction, at all events, in August 1885. For, at that date, Mr. Sullivan was admittedly employing a Mr. Lee Kirby to value the property, with a view to its being placed on the English market. His son had, by that time, left India for good.

53. The Zemindar, in his affidavit, states as follows:—

"The latter (the son) told me that he could do nothing (about the sale)
"without communicating with his father (Mr. Sullivan). Besides, I heard that the
"estate belonged to his father."

54. This statement is fully borne out by Mr. Sullivan's admission. He admits that his son *did* write to him about the sale. It is palpable that in view of the possession by the father of a "substantial interest"— to wit a lien of Rs. 60,000, a sum nearly one-third larger than the total value of the property according to Mr. Lee Kirby's valuation—the son could not, by any possibility, have acted without the knowledge and consent of his father, as the encumbrancer. Is it possible to conceive that Mr. Sullivan never took the trouble to enquire, or was never informed, why such a grand opportunity of realizing a lac of rupees for an unmarketable property had failed? Mr. Sullivan had means of obtaining exact information of every thing that transpired in the Madura District through relatives stationed there.

Cl. 7 of Civil Servi Covenant broken.

55. Now, Clause 7 of the Civil Service Covenant was, by the receipt of that letter, and the non-repudiation of the proposed transaction, contravened in the most glaring manner. It runs as follows:—

"7th. That he shall not nor will, by himself, or in partnership with any
"other person or persons, or by the agency of any other person or persons, either
"as principal, factor, or agent, directly or indirectly engage, carry on, or be con-
"cerned in any trade, bank, dealings, or transactions whatsoever." (*Vide* also G.O. (Madras), 12th January 1827, above quoted.)

56. An overwhelming body of evidence is easily available on the point that Mr. Sullivan, by his actions and conduct with reference to the estate, has all along, even after the mortgage, been regarded by the public of Ootacamund as the owner of it, which is one of the statements made in Mr. O'Shaughnessy's affidavit.

57. Petitioner's Memorandum, however, merely stated that the parties evidently regarded the Honorable Mr. Sullivan as *virtual* owner. That is all the length Petitioner went. Surely the statement is abundantly proved.

58. No doubt, in his affidavit, taken in consequence of orders of Government, the Zemindar goes much further, and says that Mr. J. F. Sullivan told him, and he believed, that the Honorable Mr. Sullivan was the vendor. The fact that the Zemindar was evidently aware of the true legal position of the Honorable Mr. Sullivan, as now laid down by the Advocate-General, is strong confirmation of the general veracity of his other statements. The Honorable Mr. Sullivan states that he was entirely ignorant of the "peculiar incidents" incorporated in his own mort-

gage deed. It is quite clear, however, that his son correctly apprehended them, for the Zemindar acquired his knowledge from him (the son), and that knowledge proves to be accurate.

59. It is not Petitioner's province to go into the charges arising out of the affidavits, &c., submitted by him, but he would respectfully urge, whether the opinion of the Advocate-General and the admissions of the Honorable Mr. Sullivan quoted above, do not fully absolve him from any charge of recklessness or bad faith in having brought the matter to notice.

60. The Madras Government, holding to the mistaken view that Petitioner was responsible for making the charges, and that all the available evidence was before them, and overlooking the extraordinary fact that the Honorable Mr. Sullivan contented himself with a simple denial, even of the knowledge of the contents of his own mortgage deed under which he was to take Rs. 60,000, instead of insisting on the facts being probed to the bottom, by full enquiry, for the vindication of his own character, then consulted the Chief Judge of the Court of Small Causes as to the legal effect of the so-called evidence which, as has been shown, was not evidence at all, except in support of the *bona fides* of Petitioner's Memorandum.

Mr. Handley's "opinion" of the case examined.

61. Petitioner has no wish to cast aspersions on this officer, but, if the extract from his report, reproduced in the order of the Madras Government, be a fair sample of the whole, it must be allowed that it is a most extraordinary document.

62. Among other things, for instance, he proceeds to assert, in the face of the positive testimony of authenticated affidavits, that there is no evidence of any irregularity or fraud whatever, and that Petitioner had no justification for making the subject known to Government. By means of a quotation, without reference to other allusions to the matter in Mr. J. F. Sullivan's letter* regarding Srinivasamurti Ayyangar, he characterises Petitioner's statement regarding that most serious portion of the case as a "flagrant misrepresentation." Again, in his allusion to the mistake regarding the name of the valuator (Ryan), Mr. Handley makes remarks so obviously founded on an entire misconception of the gravity of that incident of the case and an oversight of the passage in the Zemindar's affidavit bearing on that point, as to deprive his opinion of any claim to reliability. Finally, he winds up by overriding the opinion of the late Chief Secretary, in regard to the proper course for Petitioner to pursue, and advises Government that, by pursuing it, Petitioner had become the real accuser, and had made himself responsible for the truth or falsity of the allegations made in the papers. Had he accompanied this remark by directing the attention of Government to the advisability of testing the sources for ascertaining the truth, as indicated by Petitioner, there might have been room for difference of opinion, but, in view of his silence on that point, Petitioner submits that Mr. Handley has been guilty of a great error of judgment, and of a grave injustice to Petitioner, which deprives his opinion of any weight which might otherwise have been due to it.

* Exhibit IV, Enclosure III.

63. As another instance of the manner in which Mr. Handley has performed the duty assigned to him, Petitioner would cite his assertion that the only evidence in Petitioner's possession of the Richings Estate being the property of the Honorable Mr. Sullivan, was the mere suspicions of a native landholder

against the character of an English gentleman. To begin with, this is a misstatement of what was alleged. The Honorable Mr. Sullivan was described as "virtual" owner only, and the Advocate-General's opinion of the mortgage deed, and the facts prove this to be, at least, so legally correct, as to justify the use of the term. Again, Mr. Handley ought to have known that the native gentleman referred to was not an ordinary native landholder, but belonged to the princely family of Ramnad, and that he was a proprietor in his own right, besides holding a high public office. Mr. Handley was further aware, from the documents before him, that this "native landholder's" statement was not by any means "*really all the evidence.*" Mr. Handley knew that there were also the statements of others, and that one paper, written by an English gentleman (Mr. O'Shaughnessy), also before him, besides fully confirming the Zemindar's statement regarding the Honorable Mr. Sullivan's alleged ownership, opened out charges of a still more serious character against the Honorable Mr. Sullivan. For instance, Mr. O'Shaughnessy distinctly accuses the Honorable Mr. Sullivan of having purchased certain Municipal buildings to add to his estate, for Rs. 100, after he knew from him (Mr. O'Shaughnessy), as Local Fund Engineer, that a valuation made by order of the Collector amounted to Rs. 3,200. Mr. O'Shaughnessy also mentions the improper acquisition by Mr. Sullivan as an addition to the estate, of a piece of land reserved for the public, and always refused to previous applicants, the assignment of which was cancelled by the Board of Revenue, it is believed, who ordered its sale by public auction. Again, Mr. Handley omits to notice the sale, in January 1884, of Tea grown on the estate to the maker of affidavit D, Enclosure III, as on Mr. Sullivan's part—a transaction which is alleged to have taken place in the very Hotel in Madras at which Mr. Sullivan was then stopping. Finally, Mr. Handley was aware that Petitioner had indicated to Government that there remained other sources of information, which Petitioner did not deem it within the scope of his instructions or his ability to open up.

Mr. Handley's "opinion" of the case examined.

64. Petitioner therefore most respectfully submits that no weight whatever is due to Mr. Handley's opinion, and that the Government of Madras ought not to have relied on it.

65. The Government go on to say:—

Charge III.—Subject entirely unimportant compared with main charges.

"*Charge III.*—That in consequence of Mr. Crole having advised the "said landholder not to purchase the property, the Honorable 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."

66. This matter was advisedly described in Petitioner's Memorandum to H. E. the Governor as minor and subordinate. It is clearly extraneous to the grave and important questions therein dealt with. It was not in any way mentioned as a grievance or by way of complaint, (neither of which had any existence), for it had long previously been disposed of as a consequence of confidential communication with the Chief Secretary, and personal representation to His Excellency. The allusion was simply directed at what appeared one of the many very undesirable complications arising from neglect of the orders of the Secretary of State, forbidding the holding of land by Civilians. To have struck the passage out of the Memorandum would not therefore have affected the real purpose of that document in the slight-

Opportunity for revision not afforded.

est degree. With reference to the remarks in para. 2 *supra*, Petitioner submits that had the Memorandum been returned to him for revision, as it is suggested it ought to have been before being treated as strictly an official document, he should have excised that portion in question, solely on account of the unnecessary trouble involved in supplying judicial proof of a statement which, after all, did not affect the main questions dealt with, in any way whatever.

67. Petitioner has explained clearly, in his report to Government, the reasons for his having made the statements referred to. He honestly believed what he said. Mr. Sullivan's hostility is tacitly admitted, and his violent personal bias was exhibited at the interview referred to by him. Petitioner submits that he was bound to make this known in the public interests, that it was not, in any way, made as a personal complaint, but that it was merely referred to, as a subordinate and comparatively unimportant incident, passed and gone, in additional evidence of the grave objections attending the holding of land by Members of the Civil Service.

68. In regard to para. 10 of the Government order, Petitioner would point out that the phrase, Petitioner "interested himself in the negotiations between his (Mr. Sullivan's) son and the Zemindar," is not a fair description of Petitioner's action; while in regard to the censures and dissatisfaction said to have been expressed by Government with Petitioner's administration, as such, of the Madura District, there is positively no order on record, which can, by any possibility, bear such a construction. The Government has never on any occasion expressed such dissatisfaction. The orders complained of by Petitioner referred solely to personal questions relating to Local Fund and Municipal affairs. (*Vide* paras. 21 to 32 of Petitioner's report to the Madras Government, dated 19th November 1885, Enclosure III.)

Petitioner's favourable position in H. E.'s esteem up to September 1885.

69. On the other hand, so lately as 7th September 1885, the Chief Secretary, writing under instructions from His Excellency, specially promised Petitioner promotion on account of the nature of Petitioner's services.

Mr. Sullivan's hostility to Petitioner practically admitted.

70. In regard to this third and subordinate matter, Petitioner would submit that personal hostility on the Honorable Mr. Sullivan's part is now tacitly admitted. The cause must necessarily be matter for inference. Mr. Sullivan denies that the "Richings Episode" was the cause. The attendant circumstances drove Petitioner to the conclusion that it *was*. He submits that this was a natural conclusion, and he would draw attention to the fact that none other is assigned. Petitioner considered himself safe in asserting, as the result of interviews with the other Members of the Government, as well as with the Chief Secretary, in January 1885, that Mr. Sullivan's views regarding him were not shared by his colleagues; but it was almost unavoidable that communications in the Local Fund and Municipal departments should be tinged with the result of the very strong personal dislike, exhibited against Petitioner in person by the Member in charge, although, as a matter of course, Petitioner well knew that all orders went out under the sanction of the collective Government. It must be remembered that the interview with the Honorable Mr. Sullivan, at which the above feeling was ascertained for a fact, was reported in detail to the Chief Secretary within a few minutes of its occurrence, and a few days afterwards to His Excellency the Governor also.

71. With reference to these and other remarks in paras. 10, 11, 12 and 13 of the order, Petitioner humbly submits that the attitude of the Honorable Mr. Sullivan to Petitioner was not brought to notice for the first time in his Memorandum. A special complaint regarding it was received from Petitioner by His Excellency in presence of the Chief Secretary, as well as a description of the stormy interview with the Honorable Mr. Sullivan, described in para. 33 of Petitioner's letter to Government (above referred to), in January 1885, in Government House, Madras. It was on this occasion that Petitioner expressed his wish to resign, and that His Excellency, with much consideration, expressed his "entire confidence" in Petitioner's conduct of local affairs.

72. It is true that His Excellency was not then apprised of the Richings Estate scandal. Petitioner has never ceased to regret this, but he acted under orders.

73. Again, Petitioner had repeatedly complained to the Chief Secretary of the same thing.

Petitioner not reproved for bringing Mr. Sullivan's hostility to notice in January 1885.

74. *Then* was surely the time to take notice of any impropriety in Petitioner's conduct in so complaining, instead of treating the mere subsequent reference to a circumstance passed and gone, as if it were an offence only freshly committed.

75. Petitioner would only cite, without further comment, the extraordinary fact that, while the cause of his complaints so made, arose after the "Richings Episode" (February 1884), he suffered from it no more after the time when he made them (January 1885). This is distinctly mentioned in paras. 22, 23, and 32 of Petitioner's report to the Madras Government, dated 19th November 1885 (Enclosure III).

76. In regard to the allusions to the prosecuting tone adopted by Petitioner, it must be remembered that it was almost unavoidably forced on Petitioner, especially by the knowledge of the case, which the investigations made by him, in order to reply to the call of Government for "substantiation" required him to make. Petitioner freely admits also, that, between the date of his first communication with the Chief Secretary (January 1885), and the date of his Memorandum (September 1885), he had seen reason to entertain a very strong opinion regarding the case. When, therefore, he was called on to "substantiate" charges, some of which he had never made, and when it became clear that *his* conduct, and *not* that of the Honorable Mr. Sullivan, was under investigation, it was not possible to preserve a judicial tone. He can only express his regret, if he has been led into any error of judgment in this respect, and prays that his explanation that it was entirely unintentional, may be accepted.

77. With reference to the remarks of the Government of Madras at the close of para. 10 of the order appealed against, on the taking of affidavits regarding public feeling in the district, Petitioner has only to say that, as this was one of the points which he was ordered to "*substantiate*," no other method seemed open to him of showing the truth of the statement, except by taking affidavits from some of those persons who had special knowledge of its genuineness.

Charge withdrawn by Government.

78. Petitioner will not seek to enter the ground touched by para. 11 of the order appealed against. It is a most serious matter, but it does not concern him, and it can be cleared up only by formal enquiry. Petitioner cannot, however, refrain from expressing astonishment that the Government of Madras should have failed to appreciate the gravity of the affidavit of the Zemindar fully adopting the responsibility for the statement in Petitioner's Memorandum on this point.

Para. 11.—The Government have not thought it necessary to go into the statements of Mr. Crole regarding the Honorable 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 Honorable Mr. Sullivan to that individual, was due to any improper motive.

No foundation for assertion that Petitioner's action was prompted by bad feeling against Mr. Sullivan.

79. Petitioner trusts that this statement of plain facts will be considered sufficient to absolve him from the groundless charge of a "malignant attempt to "revenge himself upon the Honorable Mr. Sullivan for a purely imaginary wrong." The whole facts of the case, the care and caution shown by Petitioner in consulting the Chief Secretary before taking any action, and in acting then only under his instructions and with his knowledge, a consideration of the extremely painful and delicate position in which Petitioner was placed through having to perform a repugnant duty, and the fact that Petitioner's whole previous history* belies the probability of his laying himself open to such a charge, are sufficient refutation of the existence of any such feeling. If additional proof were wanting for the demolition of such a baseless theory, it is to be found in the fact that, after Petitioner officially reported the circumstances to the Chief Secretary at the Government Office, in January 1885, he (Petitioner), imagining that he had done all that his duty required, did not move further in any way in the matter until he received certain instructions in August 1885 from the Chief Secretary which entailed his writing his Memorandum to His Excellency the Governor. It is submitted that this circumstance is perfectly incompatible with the existence of any improper motive on the part of Petitioner. In this connection Petitioner would draw attention to the fact of his abstention, when called on by Government to "substantiate" certain portions of his Memorandum, from bringing forward the new facts against Mr. Sullivan which had come out in the affidavits and otherwise. Petitioner would also urge, in vindication of his entire immunity from improper feeling, the fact that he most palpably acted in Mr. Sullivan's interest in stopping the negotiations with the Zemindar for the sale of the property. A person, prompted by malignant or revengeful motive, would certainly have encouraged the completion of a transaction with such a plainly compromising character.

* *Vide* Enclosure IV.

80. There is therefore, it is humbly submitted, not a *scintilla* of evidence to support the theory hazarded by the Madras Government. Every fact and every fair inference tends irresistibly to prove that good faith and complete absence of bias characterised the action of Petitioner from beginning to end of a very delicate matter, for Petitioner had, as may easily be seen, no interest, of any sort or kind, apart from the performance of his public duty.

81. This is made as clear as glass in the marginal quotation from a demi-official note written by Petitioner to the Chief Secretary. The full correspondence is printed in Enclosure V to this Memorial.

"The Memorandum in question was written, "after consultation, in my capacity as Collec- "tor, 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 Gov- "ernment." (Letter from Petitioner to Chief Secretary, dated 22nd October 1885.)

Summary.

82. To SUM UP:—

It is admitted by Government:—

(1) That Mr. Sullivan originally owned the property.

(2) That he still retains a "substantial" interest in it.

(3) That his son tried to sell it to a Zemindar for a sum far in excess of its real value.

(4) That Mr. Sullivan knew of this negotiation at the time.

It is denied by Government:—

(1) That Mr. Sullivan knew of the failure of the negotiation.

(2) That Mr. Sullivan knew that he had a "substantial interest" in the Richings Estate.

(3) That the hostility of Mr. Sullivan to Petitioner arose from the advice given to the Zemindar by Petitioner, although the hostility itself is not denied.

Objectionable procedure of Government in transferring Petitioner on a groundless charge of insubordination while present grave matter was undisposed of.

83. Your Lordship will be in a position to understand the reference in para. 13 to the cause of Petitioner's removal from the Madura District, without comment by Petitioner, by reference to the Memorial (Enclosure IV) on that subject submitted by Petitioner on the 14th January 1886, to His Excellency the Viceroy. Petitioner begs that that Memorial be now considered in conjunction with his present appeal. The connection of that order with the order now appealed against is hardly possible of denial. It is the first occasion during a service of over 22 years on which Petitioner has ever received other than expressions of praise and confidence from the Madras Government.

84. If unconsciously, in any act or word, Petitioner be deemed to have fallen short, or to have been guilty of any impropriety, Petitioner prays that the unprecedented difficulty of the position in which he has been placed, through no fault of his own, be taken into account, and that his humble apologies be accepted for any such error, committed in perfect good faith, and in the honest discharge of a painful and dangerous duty.

85. Petitioner submits that there are still several most grave features of this case, which a formal and fair enquiry alone can elucidate. The information originally communicated by him, has been confirmed, in the most unmistakeable manner, by facts, which are now admitted in the order of Government appealed against, regarding (1) the "substantial interest" retained by the Honorable Mr. Sullivan in the Richings property, (2) his knowledge of the negotiations for its sale to the Zemindar, and (3) his personal hostility to Petitioner (a comparative stranger) *after* the date of the failure of these negotiations.

Protection craved.

86. Petitioner's worst anticipations of the danger attending the performance of his duty in the matter have been realized, but he looks confidently to superior authority for protection and redress, in the full trust that it will not

permit a public servant to be punished for honestly doing his duty—no matter how powerful the individual affected may happen to be.

Prayer. 87. Petitioner's humble prayer is, that Your Lordship will be pleased to order a full and searching enquiry into the whole subject by an unbiassed officer from another Province, to grant Petitioner compensation for the disgrace and loss inflicted on him, and to restore him to the position in the Service from which he has been illegally and unjustly suspended without any adequate ground.

88. And Your Lordship's Humble Memorialist, as in duty bound, shall ever pray.

MADRAS,
22*nd February* 1886.

REVENUE DEPARTMENT.

No.

From

Dated 188 .

Prayer.

FOR ORDERS.

The Board consider plain as they have done before of the impropriety there adopted by Mr. Cole in addressing them and recommend his transfer to another district. This would stamp Cole's criminality in the Public Dept.

Submitted with copies of G.O. Pub. Dept. No. 223 dated 18th. Sept. 1884 and of the G.O. in which Mr. Jane Agnew was severely censured.

The question as to whether the Bd. of Revenue was right or wrong in censuring Mr. Cole has nothing to do with that now raised. It was their plain duty as submitted to of the

in terms different from those employed by him.

There can be but little doubt as to what para 5 of his letter to the B.I. was intended to convey. It is in effect the same as Mr. Jones's own words in rougher terms and for doing so that Officer was severely censured.

The tenor of Mr. Cole's letter embodied in G.O. Ext. No. 2213 dated 7th Oct. 1884 appears to be anything but proper.

[illegible]
17-12.

And I should glad of the [illegible] was supported by H.E. my Hon'ble Colleague

[illegible]
19/12

Royal Hotel
20 Dec 1885

My dear Wilson.

Will you come
to dinner
Dec 30th or 31st
when can you re-
ceive me?

Yours sincerely

C. Lloyd

20th Dec 1885

Dear Martin

Hastily I am
pressed circumstances
Miller tells [illegible] that he
should communicate with
me in writing on any
matter that he may
desire to address the Govt

Yrs Very
W. Whitson

Dear Wilson

I don't know whether you are aware that the Board have come up with a recommendation that I be removed from headquarters for addressing them in a very insubordinate style.

This is an additional reason for care in communicating with him.

But I would not, if I was in your position

decline a personal
interview. To do so
might give him ground
for suspecting, or say-
ing, that he had not
had an opportunity of
fully explaining his
position.

John Sinclair

Chancellor

20/12/85

21st Dec 1885

Dear Mabie.

I think that the Board have recommended Corbin's removal from Madura but the papers are held by Mr Thomson (Revenue Dept). The question is one of Salt Revenue and therefore if it is Salt Dept is it not?

Yrs sincerely
W. Wilson

W/
Dear Wilson

Yes, I think the matter should certainly be dealt with in the Public Dept. At present the file is with me & will remain so until I send it to Jones tomorrow

Yours

20/12

Cipher telegram
to
Secretary of State 22.3.86
re:
Mr Crosle.

CONFIDENTIAL.

No. 48
1886

Abstract of Memorial to The Right Honorable The Secretary of State for India in Council, from C. S. CROLE, Madras Civil Service.

Petitioner appeals against one year's suspension inflicted by the Madras Government for alleged misconduct in reporting information received by him officially as Collector of Madura, regarding a transaction in land on the part of the Honorable Mr. Sullivan, C.S.I.

Grounds of appeal :—

1. The Memorandum by Petitioner to His Excellency the Governor, on which this case arises, treated of grave scandals in landholding, trading, and speculation, affecting high officials in Madras. This, its main object, is passed over without comment.

2. An incident of the said scandal affecting Mr. Sullivan is alone seized upon.

3. The accused officer was Judge in his own case.

4. No evidence has been taken, although ample is available.

5. The case has been disposed of on the mere *ex parte* statements of Mr. Sullivan.

6. Petitioner has been punished for performing his bounden duty.

7. Petitioner cannot be held responsible for the truth or otherwise of statements fully covered by affidavits taken from the persons who made them.

8. The truth or falsity of these has not at all been investigated by Government.

9. The G.O. appealed against fully admits the substantial correctness of the facts as reported by Petitioner, to wit:—that Mr. Sullivan's son attempted to sell an unmarketable Tea and Cinchona Estate to a native landholder for more than three times its nominal value: that Mr. Sullivan then possessed a "substantial interest" in it: that Mr. Sullivan was cognizant of the transaction, &c.

10. The Civil Service Covenant and the orders of the Secretary of State were thus infringed by Mr. Sullivan.

11. The above facts had been brought officially to notice by Petitioner 8 months before Petitioner reported them, in communication with the Chief Secretary, to His Excellency in writing. No disapproval of Petitioner's conduct was then expressed.

12. Petitioner acted in good faith officially, and had no other motive whatever.

13. The effect of this order must be to deter Collectors from honest discharge of duty.

14. The action of Government, in transferring Petitioner to an unhealthy district for alleged insubordination while the present matter remained undisposed of, and in then alluding to it, the only order against Petitioner during 23 years' service, without mentioning that it was at that moment before the Viceroy in appeal, was unfair to Petitioner as discounting the decision on the matter and discrediting Petitioner's case.

15. Petitioner appeals to his [illegible] unblemished character and acknowledged services during 23 years.

Petitioner prays for :—

(*a*) A full enquiry.

(*b*) Compensation for disgrace and loss.

(*c*) Cancellation of the order of suspension.

Spare copy for India Office

(Original lodged with Madras Govt 10th March 1886