I 6 pi. —

This protest may as proposed in its 12th paragraph be recorded.

Naturally Mr Crole objects to any course being adopted which does not happen to accord with his own views.

[signature]
31.3.86

Very well! It will be observed that Mr Crole again repeats his offensive and insubordinate language about the Board of Revenue. I presume he cannot have received our latest order when he penned his 10th para but if so what do the last words of his 3rd para mean?

The Secy to speak to me about this.

[illegible]

Order 725 5th April 1886 No. 725 Mis.

CURRENT No. 127

[9]

Public (1886) DEPARTMENT.

725 Mis
5-4-86

From

C. S. Crole, Esq
M.C.S.

G.O. 725 Pub Mis
5-4-1886.

No.

Dated 29th } March 1886.
Received 30 }

Enclosures

SUBJECT.

Further protest agst Mr. Thomas' appointment to inquire and report on his administration of the Madura district.

[illegible]

The G.O. refusing to interfere with Mr Thomas' appt. on Mr. Crole's first protest is just now [illegible]

NOTE FOR THE CHIEF SECRETARY.

C. No. 1270

The previous papers in this case are in circ: The box went to His Excellency yesterday. It will be remembered that Mr. Crowe has since asked to be permitted to withdraw the present letter, which he had written before the receipt of the E.O. referred to by His Excellency. This E.O. (No 664) was issued on the 30' March.

Very well R.S.
3.4.86

Send both papers here when they send return from circ FW 3/4 sent FW 5/4

Submitted R.S. 5.4.86

Circulated 30/3/86 F.W.

Madras
27 Aug^d 29 Ma[illegible]

To

The Chief Secretary to Go[illegible]
Mad[illegible]

CHIEF SECRETARY 30 MAR 86 GOVERNMENT OF MADRAS

Sir,

I have the honour to ac[illegible]
ledge the receipt yesterday
of a copy of the G.O. comm[illegible]
ing Mr. Thomas to enquire [illegible]
port on my administration [illegible]
Madura District. That Orde[illegible]
12th March 1882. On the 10th
I had lodged with Govt. an a[illegible]
the Secretary of State against [illegible]
pension on account of the [illegible]
taken by me with regard t[illegible]
Sullivan.

I suppose this is meant to imply that the G.O. was in consequence of the appeal!

2. It is without doubt, r[illegible]
to any servant of Govt. wh[illegible]
we reluctantly, placed in a [illegible]
of apparent antagonism
[illegible] of so [illegible] they [illegible]
[illegible] any [illegible] by [illegible]

or a mission which, entrust-
-ed has been this hands compels
-dge most respectfully this
test on any public grounds, the
objections, lodged by me with
the 21st inst. having been of no

S. C. now under reference,
the extraordinary complication
Thomas is, in a large measure,
to advise Govt on subjects
as a member of the Board of
he has already assumed an
and expressed opinions all

among other things, to report on
-nistration with reference to
-ues and effect on Native and
society. He is to investigate
-ing of institutions avowedly
-ns for the purpose of the educ-
non-officials in the manage-
their own affairs, and in the
-ent attainment of progressive
and material prosperity.

and moderation" in the ins
of local liberty is committe
verdict.

6. I pass over without detailed
as of itself amply suggestive,
tude given to Mr Thomas' disc
the scope of his enquiries, a
down in para 8 of the order,
note that he is to investiga
subject of subscriptions made
purposes in the Madura Distt
since disposed of by Govt a
& Mr Thomas and his colle
but now it appears, for the
known cause, to be revised
his auspices.

7. I protest most strongly ag
being entrusted with such
behind my back and unem

8. It is perfectly futile to expe
existing circumstances, that he
able to obtain any bona fide
views from non-official quarter
for similar reasons, will ma

ything their own way.

, of course, perfectly easy, as
ust be well aware, to procure
l for an adverse report on the
t of any Officer whatever, who
. to lie under the serious dis-
e of Govt.. In no District is
ny lack of persons ready to
; if only they think themselves
of the protection of Govt. against
equences of their concoctions. The
ro is as old as Macaulay.

ld, in addition, submit for con-
n the fact that, previous to
cess over the charge of menb-
n, now in appeal, Mr. Thomas
colleagues in the Board of
had made three overt attacks
in which they were at the
ble to obtain the support

ustries of Local Self Govern-
ry 1884

ment to Govt. regarding my
[illegible] matter [illegible]

11. While so, all commendation
been studiously withheld,
e.g. my preeminence in the
of revenue is recorded in this
turns.

12. I mention these facts in
of my humble request that
at least place on record my
against the appointment in

13. As Govt. is aware, the q
of the appointment of a Commission
to enquire into my action w
gard to Mr. Sullivan's ~~in~~, or
conduct and allied question
at least will very shortly be
the Secretary of State. No useful
can be served while that que
pending decision, by sending
Thomas to Madura; seeing
will be one of the special
the Commission ~~to~~ to decide
any, and if so what, enq
[illegible] no resp
[illegible] that [illegible] by

e to prejudice my appeal for
at least, to incur large expendi
hich will possibly have the in-
over again, to ~~[illegible]~~ increase
iculty of ascertaining the truth,
upset and disorganize the Dis-
y woking the elements of strife
ntrigue
x^t. will remember that one of the
f my late appeal to the Secre-
State is to obtain an enquiry.
ging this protest, therefore, Gov^t.
ease to understand that I
no wish to shirk it, but only
re a fair one.

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

[illegible]
M. L. S.

Circulated 30/3/86 E.W.

CONFIDENTIAL.

MEMORANDUM BY HIS EXCELLENCY THE GOVERNOR.

We left Ootacamund soon after 2 o'clock on the 8th of September under a cloudy sky. The Kaity Valley was full of mists up to the road, which runs from the toll-bar to the Lawrence Asylum; but we rapidly got below them to see the avenue of *Acacia dealbata*, in exceptionally good flower, and the barley of the Badagas ripening around their prosperous villages. Light rain accompanied us nearly as far down as Burliar, and the whole ghaut was one mass of green foliage, except where great wreaths of the large lilac *Argyreia* or the white *Trichosanthes* broke its delicious monotony.

2. I walked from Kalar through the Areca grove, and observed that the plantations of the *Manihot Glaziovii* were doing as well as we could desire. The introduction of that plant is one of the noiseless changes of the last few years,—more really important than many that have been more talked of.

3. At Mettupálaiyam we were joined by Colonel Blair, who reported that the Coimbatore tanks were pretty full and the Noyel River coming down in flood. The dry weather of July and August had developed some highway robbery in the eastern part of the district; but the heavy rain of the night of September 7th would, he thought, if followed by other showers, soon send the extemporised Robin Hoods back to their fields. So surely, in this as in many other countries, does crime fall with prosperity and rise with bad times.

4. Mr. Leman was laid up with fever after a visit to Kollegál, and excused himself from appearing at Pothanore; but Colonel Blair's account satisfied me as to there being at present a fair average of well-being in Coimbatore. In the Polláchi region there had been, if possible, too much rain, and even that corner of the district through which the Amarávati takes its course after leaving the mountains,—a corner too often avoided by both monsoons,—had this year drunk its fill.

5. I got up early on the morning of the 9th, having arranged the first part of our journey, in order that I might see by daylight the country between Salem and Vellore, which I had always hitherto traversed in the night. The beautiful but deadly woods at the foot of the Shevaroys, which I crossed in 1883, were in the greatest beauty, and no wonder; for when Mr. McWatters joined me at Mallápuram, he told me that they had had more than eight inches of rain at Salem on the night of the 7th and two inches last night. The rain has come too late to make the early crop a good one; but all fears of a water-famine have been dispelled. Up to last Monday Mr. McWatters was sending three miles for his drinking water.

6. The fine hill ranges which stand up on the right as the train runs northward from the Shevaroys were admirably seen, as were the Javadis and the Yerragiris. Thousands and thousands of acres here want nothing to enable them to be brought into highly profitable cultivation but a sufficient amount of labour; and that labour we shall not obtain till we can help the peasant to fight a more than even battle with fever. This, as my honorable colleagues know well, we can only do with the aid of Mr. Lawson and Mr. Hooper. Salem, with its great extent, some 8,000 square miles,—say a fourth of Scotland,—only gives us, I think, a clear revenue of eighteen lakhs or so,—less than is brought in by some English noblemen's estates, which, by comparison, are mere cabbage gardens.

7. I did not know that in the Krishnagiri taluk the vine is grown to a very great extent in the backyards of the inhabitants, the grapes being of very fine quality, and bringing in twice a year large returns to the cultivators. Surely there are many other places where as much might be effected.

8. I was glad to see Tirupatúr and the scenery round it, so much admired by Sir Thomas Munro. At Jalárpet Mr. McWatters took his leave, after reporting all profoundly quiet in his district. The townspeople, who gave so much trouble in 1882, are now behaving as well as possible.

9. Not long after leaving Jalárpet we passed into North Arcot and reached Vellore, where Mr. Worsop of the Police had a good account to give of the general tranquillity; but the recent beneficent rains did not reach thus far. The thermometer, however, was not high, only 91° at 11 o'clock.

10. At Tirupati the Mahant received us with the usual ceremonies, and we advanced through a very garden to the dry bed of the Cheyár River. There is in this part of the country a great deal of cholum (*Holcus sorghum*) and some indigo cultivation under wells.

11. At Cuddapah Mr. Bird reported a rather abnormal rainfall in his district,—heavy where it was usually light, and light where it was usually heavy. Mr. Higgins had fewer forest fires than usual to complain of, and Mr. Thomas, the Police officer, had, as was natural, some fears of increased highway robbery, if the drought of the last fortnight continued. The natives whom I saw were much pleased with the prospect of an improved water-supply.

12. At Tadpatri, I heard from the Deputy Collector a far less good account of prospects in Anantapur than we have received from the Collector, and trust that he took a pessimist view. Certain it is that everything appeared very dry, and the atmosphere was extremely oppressive.

13. The early morning of the 11th found us in the Nizam's country, and at Hotgi, whence the new line goes off to Beejapore and Bellary, we passed into the charge of the Bombay officials.

14. From Hotgi to Dhond the country was,—little or no rain having fallen,—dreary beyond description, like the Castiles when no crop is on the ground, or the plains of Hungary without their picturesque inhabitants; but as we neared Poona hills began to lift themselves on the southern horizon, and we passed into a fertile region covered with sugar-cane.

15. We remained five days at Ganesh Khind, and I need not say that I discussed a great variety of subjects with the Governor of Bombay. Amongst these were—

(1) Decentralisation;
(2) The Presidential Armies;
(3) Native agency;
(4) The recent relinquishments made by the Provincial, in favor of the Imperial, finances;
(5) Industrial and technical education.

I have stated or shall state verbally to my honorable colleagues the substance of what passed with regard to these important matters, as to which Lord Reay and I were absolutely at one.

16. From Poona we passed rapidly, by way of Bombay, to Ahmedabad, where the Municipality met me with a very friendly address, in which they expressed a hope that I should find the town improved since I was there eleven years ago; this certainly is the case, not the least creditable improvement being the repair and refilling with water of the great Kankria tank,—one of the finest masonry tanks which exists, I suppose, in India.

17. From Ahmedabad we passed to Mount Abu, where I had the opportunity of comparing notes upon a great many Indian questions with Sir Edward Bradford, Governor-General's Agent for Rajputana, whose conversation, accustomed, as he is, to look at a totally different side of our affairs from that which is chiefly presented to the notice of those who govern the Southern Presidency, was, I thought, peculiarly instructive.

18. A halt for a day at the capital of Jeypore brought before me the excellent architectural work that had been done for that State by Colonel Jacob, and somewhat modified my view about a Consulting Architect to replace Mr. Chisholm, which

was, it will be remembered, one of the subjects on which it was settled at the Council of the fifth of September, I was to make representations at Simla.

19. A building is now nearly completed in the public gardens at Jeypore, which is called the Albert Hall, but is about as unlike as it can be to its well-known namesake. If we could only call to our assistance the man who created this, or any one who would work in the same spirit, we should be able to secure that adaptation of Indian forms to modern exigencies, for which we sigh in vain. A Consulting Architect from Europe would be but too likely to give us repetitions of the nondescript edifices with which we are but too familiar; but I am afraid that the Government of India, with the best will in the world to help us, may not be able to give us either Colonel Jacob or any one like him.

20. At Agra, I had the benefit of conferring with my old friend Sir Alfred Lyall, the Lieutenant-Governor of the highly prosperous North-West Provinces. I could not name any member of the Indian services, who seems to me to have looked so deeply as he into the problems,—ever increasing in complexity,—which are gathering round the gigantic task we have undertaken in India.

21. From Agra we transferred ourselves to Simla, after a brief halt at Delhi, and immediately entered upon the discussion of the various topics which, it had been settled, were to be treated of by me when there. I will take, first, those that had to be discussed with General Wilson. The first of these was the defence of the Madras coasts. For that purpose it seems probable that about five-and-a-quarter lakhs will be assigned to us. The method in which that sum is to be utilised was under consideration, and we shall have our say about it.

22. The second was the purchase of a steamer. The last word of the Government of India about this would seem to be that we should pay for the steamer, say twenty-seven thousand pounds; that we should keep it up, say at the rate of from four thousand to five thousand pounds a-year; and that we should have the entire control ofit, except when, on an emergency, we put it at the disposal of the Government of India.

23. These are hard terms, though perhaps the best that can be offered; but, great as our necessities are, we must scan the proposals made very severely before we accept them; for the existing Madras Government will certainly never get any benefit from the steamer, while their successors will get all the benefit, and be able, if they think fit, to deplore our extravagance!

24. The third topic discussed was the acquisition of the building, known as the Mansion, for the Military Accounts Offices at Madras. It seems to me out of the question to get the Government of India to grant at present the much larger sum of money which, we are now told, will be necessary. The matter is not extremely urgent, and our late colleague, Sir F. Roberts, who so much desired the removal of the Military Accounts Offices from Fort St. George, will himself soon be a Member of the Government of India, and able, if he thinks fit, to get his colleagues to agree to the increased expense much more readily than we can.

25. It will be remembered that we agreed that it was high time to call attention to the disproportion, so unfortunate for this Presidency, which exists between the admissions to the C.S.I. of officers employed in Bombay and in Madras. A careful note of this was drawn up, and left in the proper hands. The same course was pursued with reference to the two native gentlemen, whose merits we considered to deserve some recognition.

26. The question of the importation of salt into Mahé was also discussed, and will, I apprehend, be settled substantially as we wish.

27. Colonel Brownlow was absent, so that I was not able to mention to him several matters of which I had desired to speak, but notes on all these were left with Mr. Hope.*

---

* (1) The Periyár Project.
(2) The continuance of the special establishment for tank maintenance.
(3) The Bellary, Rushikulya and Barur Projects.

28. I talked over the recent order about the creation of new districts with Sir Auckland Colvin, and explained to him that their creation would entail considerable expense, which he would no doubt arrange to meet. It will be in the recollection of my honorable colleagues that when Bellary was divided, there was no little difficulty in getting adequate establishments for Anantapur.

29. Our recommendations with reference to the Survey Department, the necessities of which are so urgent, have, I understood, been brought to the favorable notice of the Secretary of State, and, in compliance with a suggestion from the Financial Member, I instructed our Chief Secretary to get the reduction of our balance to seventeen lakhs, which was settled in the spring of 1884, put on official record.

30. Mr. Hooper's position with reference to travelling allowances was also brought before the Financial Member.

31. Hopes were held out that, before the next five years' contract has to be arranged, Sir Auckland Colvin would endeavour to visit Madras, say next October, and go, on the spot, into the different questions which will require to be settled.

32. I spoke, as arranged, to Mr. Buck about a Geological Surveyor for Vizagapatam, about Miss Pogson's case, and about the best method of arranging the information supplied by our Government Mineralogist, so as to meet the wants of the Government of India in his Department.

33. I think I can best put before my honorable colleagues the outcome of our conversations with Mr. Hope, by quoting *in extenso* the note drawn up by Mr. Webster under date of September 30th and initialled by Mr. Hope, together with the material portion of a letter from him to Mr. Webster, dated 4th October:—

"Simla,
"30*th September* 1885.

"The Hon'ble Mr. Hope, Member of the Government of India, in charge of the Public Works and Railway Departments, called on His Excellency this morning to discuss various subjects connected with the administration of the Presidency of Madras.

"I. Mr. Hope informed His Excellency that he expected to be able to pass, at the next meeting of the Council, an Act enabling local Authorities to guarantee interest on capital raised for the construction of local lines of railway. He pointed out the necessity of passing a short Enabling Act in the Madras Legislative Council on lines which would be sufficiently indicated in the speech he proposed to make when introducing the Imperial Act; and he added that, as soon as this was done, a reply would be despatched to our letter of the 11th of December last.

"With respect to the question as to the best way of raising the required capital, Mr. Hope stated that he would not object to the South Indian Railway Company forming a separate company for this purpose; and he thought that the form of agreement (for a similar purpose) between the Tarkeswar Railway Company, the E. I. Railway Company, and the Secretary of State, which is now under consideration, might be taken as a model for the Máyavaram-Mutupet line. Mr. Hope kindly added that he would be glad to furnish the Madras Government with a copy of the Tarkeswar agreement, as soon as it is completed.

"The next subject mentioned was the Nílgiri-Rigi line. Mr. Hope informed His Excellency the Governor that, if the promoters of the line fail to form a company within the period allowed them, he, personally, would raise no objection to the Madras Railway Company undertaking the work out of the sale-proceeds of the Bellary-Guntakal line; but he pointed out that the last word on this subject would remain with the Secretary of State.

"Turning then, to the question of the extension of the railway from Pálghat, Mr. Hope informed His Excellency that the Government of India had addressed the Secretary of State on the subject on the 3rd of July, but had not, as yet, received a reply from His Lordship.

"The Madras Railway Company are, Mr. Hope added, in possession of sufficient capital to enable them to undertake the work.

"Colonel Shaw-Stewart's case was next discussed. Mr. Hope stated that the rule requiring the retirement of an officer, on promotion to the rank of Major-General, is never relaxed, except in the exceedingly rare instances in which the Government of India might find it impossible to supply the place of the officer required to vacate office; and he added that Colonel Shaw-Stewart was mistaken in supposing his case to be a peculiar one, the fact being that it was on all fours with those of Colonels Innes and Brownlow, who would shortly be required to retire, and, Mr. Hope added, there are many other officers in the same position. For these reasons, Mr. Hope said he felt himself unable to recommend the Government of India to reconsider the orders already issued.

"The application for a personal allowance to Mr. Mellis, which the Government of India had already rejected, was next mentioned, and Mr. Hope said that he was unable to see any good

reason for acceding to the request, as he thought it unadvisable, on public grounds, that an officer should be retained in the same post for any great length of time; and that if Mr. Mellis really is the valuable public servant that he is represented to be, his best course would be to seek advancement from some other Railway Company; further, as the Madras Railway Company does not pay its way, any increase to the allowances now given to Mr. Mellis would be a charge thrown on the State.

"Next, adverting to the Bellary-Kistna and Cuddapah-Nellore Railways, Mr. Hope informed His Excellency that Mr. Lambert has recently received a lakh of rupees, and that if the Secretary of State agrees to certain proposals of the Government of India, as to the distribution of the sum of 60 lakhs (Midland Railway Refund), another 15 lakhs will be given at once to the Bellary-Kistna project, and 10 lakhs to the Cuddapah-Nellore line.

"The matter has been referred to the India Office by wire, and the orders of His Lordship are expected immediately.

"E. F. W.
"T. C. H."

"4*th October* 1885.

"My dear Webster,—I have initialled the memorandum which is quite correct. I may add a few remarks.

"The order for draft of the letter to Madras about the local railways has gone to my office, so the letter should issue in a day or two. I will send you a copy of it, and an early proof of my speech.

"A careful reply about Colonel Shaw-Stewart's case shall be sent, putting the matter rather more fully than in the notes. As to Mr. Mellis, the opinion I gave seems right; but the matter is not a very large one, and if His Excellency had any strong wish regarding it, I would endeavour to meet it.

"The Red Hills case is, I understand, settled, to His Excellency's satisfaction, Sir A. Colvin having agreed to give back to the Provincial Government the sum required.

"I am making the inquiries about Colonel Jacob of Jeypore, which His Excellency desired, and will let him know.

"I will also telegraph if the Secretary of State sanctions the grants for the Bellary-Kistna and Cuddapah-Nellore Railways.

"Believe me, &c.,
"(Signed) T. C. HOPE."

34. I have already laid verbally before Members of Council the substance of the very important conversations which I had about our recent Provincial relinquishments. These matters can hardly, just at present, be dealt with on paper; but I could not have desired to be met in a more equitable spirit, or one more worthy of the Government which controls, under the general direction of the Secretary of State for the time being, the destinies of this great Empire. Altogether I cannot speak too warmly of the courtesy and desire to meet our wishes of all with whom I had to transact business at Simla, from the Viceroy downwards.

35. From the summer capital of India I went, in some thirty hours, to Ulwar, a small Native State in Rajputana, about the size of our district of Tanjore. The Dewan is a very intelligent man, and bears a high character, and I heard from our Resident, Colonel Peacock, an excellent account of its management. When I was at the India Office, it had the reputation of being about the worst-governed part of India; but a long minority, combined with the judicious management of Colonel Powlett and others, enabled the present highly-intelligent Ruler to start on quite new lines.

36. From Ulwar I passed, *viâ* Ajmere, to Udaipur, where we were splendidly received by the Maharana, at a very beautiful fête which he gave us, on the lovely Peshola Lake. The following address was read in his presence by the Dewan:—

"Your Excellency, Ladies and Gentlemen,—I am extremely glad of having had the pleasure of seeing Your Excellency and Mrs. Grant Duff. In former days it was very dangerous and difficult to come down from Madras,—a place lying far and far away; but owing to the excellent arrangements made by the British Government of opening railways all over India, these difficulties have been removed, and I am thereby afforded the pleasure of Your Excellency's company to-night. I have gathered from newspapers and other sources of Your Excellency's noble qualities, but I find the accounts fallen far short of what these qualities really are, after I have had the pleasure of making your acquaintance.

"I sincerely hope Your Excellency and Mrs. Grant Duff have enjoyed your visit to my territory, and hope Your Excellency will again give me the pleasure of a visit whenever it is convenient to you."

I replied as follows :—

"Your Highness, Ladies and Gentlemen,—When, ten years ago, I left the shores of India, little dreaming that I should ever tread them again, my keenest regret was that I had been unable to visit Udaipur. That misfortune has now been repaired under the most agreeable conditions, thanks to the great kindness and the magnificent hospitality with which you have received us.

"The mountain-girt centre of Your Highness' wide domains equals, in its loveliness, all that Oriental poets have told the sober West, about Paradise, and your architects, inspired by the genius of the spot, have covered it with buildings, whose marble terraces seem to have been intended to be trodden by creatures superior to man.

"Great however as is the beauty of this place, its historical associations are not less remarkable. We, Europeans, look with interest and pride upon those of our ancient houses which have entwined their history with that of their respective countries; but we know that none of them can surpass, if, indeed, they can equal, the antiquity of that house of which Your Highness is the honored head.

"May the prosperity of Meywar, protected by the ægis of British power last, under the guidance of you and yours, for as many ages as it has already lasted. I need not say *esto præclara !* I will say *esto perpetua !*

37. From Udaipur I returned to the railway at Chittor, and travelled to Bombay, where I had a further opportunity of talking over matters of common interest with Lord Reay, with the additional advantage of knowing the views entertained about them at the centre of affairs.

38. It had been intended that I should say a good deal at Simla, both on his behalf and my own, with reference to decentralisation; but, in all that concerned the relations of the Imperial and the Provincial finances, I found the views prevailing so just and liberal that I had to listen rather than to speak.

39. From Bombay I steamed along the coast in the *Investigator*, looking in at Ratnagiri and Goa; my visit to the latter place having been kindly arranged by the Viceroy, through the Foreign Office.

40. I also landed at Karwar, one of the most beautiful places in India, or any where else. Its inhabitants, who still retain a most kindly recollection of their old connection with this Presidency, presented me with an address, of which the following is a copy :—

"May it please Your Excellency,—We, the members of the Karwar Municipality representing the town of Karwar, while approaching Your Excellency with this mark of our loyalty, beg to express the great satisfaction that we feel in welcoming Your Excellency to this small seaport town.

"We also beg to say that in thus welcoming Your Excellency, we do not feel that we are simply discharging our duty towards a representative of Her Most Gracious Majesty our beloved Empress; but that we are honoring the head of a Government under the benevolent administration of which we had passed the first half century of British rule. We beg to congratulate ourselves for the opportunity thus afforded to us to give expression to our gratitude to that Government under which we first enjoyed the fruits and blessings of the benign and paternal British administration, when these provinces were finally rescued from the hands of Tippoo, Sultan of Mysore.

"The honored name of Munro, who first restored order and peace here, and that of Harris, whose concern for the welfare of the ryot is so well known,—both of whom befriended the people, and whose mild administration of the district secured the attachment of its people to the British Government, are remembered here with love, esteem and gratitude to this day.

"It was in 1862 that, tempted by the existence here of this small and lovely bay, the enterprising Government of Bombay got this district transferred under its jurisdiction, with a view to make this port the terminus of a line of railway from its cotton-producing districts of the Southern Mahratta country. And the people of the district submitted to the change, stimulated by the hope that a line of railway passing through their district to this town would materially increase their prosperity and conduce to their general advancement.

"Now that a foreign port has been preferred to fulfil the purpose which this port was once intended to serve, the project of a railway to Karwar seems to have been all but practically abandoned; and the chief object of the transfer of the district remains yet to be fulfilled.

"The town is now in a declining state, but it is a matter for some consolation to find that it still continues to hold a place among the places that are deemed worth visiting by heads of Governments, which circumstance, indeed, makes us no little hopeful of its future.

"It is a very happy coincidence that we should welcome Your Excellency on a very auspicious day,—a day that marks an important epoch in the history of the district. This is the day appointed to hold Municipal elections in this town under the scheme of local self-government,—a boon which does honor to the British rule and those statesmen who helped to introduce it.

"Lastly, we beg to offer our most sincere thanks to Your Excellency for the interest Your Excellency has manifested for this town by visiting it, and to assure Your Excellency that this day of your visit will ever remain fresh in our grateful remembrance."

To this I replied :

"It is very agreeable to me to find myself at this most lovely spot, the name of which has been so long familiar to me, and your most friendly reference to the Government of Madras is an additional satisfaction.

"You refer, I observe, to Munro, whose name is so familiar to us in the South, and you speak also of my predecessor, Lord Harris. You must, I am sure, have learnt with pleasure, as I did, that, when the recent change of Government took place in England, his son was selected to take charge of the interests of India in the Upper House.

"You allude to the circumstances under which your connection with the Southern Presidency came to an end. Believe me, gentlemen, that if, with any decent regard to the obligations of the commandment which says, "Thou shalt not steal," I could get you back again, you would soon be reunited with your old friends.

"As to the railway, although a line is now going to be opened to the sea through the Goanese territory, you must remember the saying, "That which is deferred is not lost." I think it is quite possible that, in the fulness of time, some of you, who are here present, may see the schemes of 1862 revived and carried into effect.

"I see you are just going to have your Municipal Elections. I trust that they will be in all respects successful. Certainly a new system could not be inaugurated under better auspices, for your present Governor, Lord Reay, is not only one of the most highly-trained political students who ever came to India, but he is showing, and will show himself one of the most conscientious and painstaking Governors to whose care was ever confided the destinies of any portion of Her Majesty's Indian subjects."

41. From Karwar, we steamed down to the mouth of the Kundapur River, but no telegraph comes within many miles of the northernmost of our stations on the Western Coast. My arrival was, therefore, unexpected, and the intelligence of the most sagacious inhabitant of the town on the northern bank of its *embouchure* was not sufficient to pilot my boat among the shallows, which intervened between it and the house of the Head Assistant, who, however, as it turned out, was absent.

42. The scenery in the neighbourhood is very attractive, and very similar to that of the Cochin backwaters.

43. From the Kundapur River we passed to Beypur, where I inspected the commencement of the new bridge, by which the railway will pass to Calicut, and thence went on to Madras, receiving at Pothanur a telegram from the Viceroy, in which he informed me that our troops would have the principal share in the Burmese expedition; and added that he felt sure he could rely on the co-operation of this Government. I telegraphed immediately "most certainly".

44. While passing through the Coimbatore district on the 23rd, I saw both Mr. Leman and Colonel Blair. The season prospects had become excellent; indeed I never observed so much land under cultivation along the railway, and Colonel Blair's anticipation as to the decline of highway robbery alluded to near the beginning of this paper, had become true.

45. Not less agreeable was the account that Mr. McWatters was able to give me of things in Salem. Showery weather had continued ever since I had passed that place in September, and agricultural operations were going on admirably.

Madras,
October 30th, 1885.

M E Grant Duff

Confidential (59)
1886

6

Public Deptt.

720 Mis
5 April 1886

GO 5 April/86 No 720 Mis

Recorded with reference to notes in the file

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).

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

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.

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.

Accused officer a party to decision of his own case.

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.

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.

Personal feeling or revenge on Petitioner's part repudiated.

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.

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."

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

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 :—

(*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 Service 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

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

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.

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.

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

65. The Government go on to say:—

"*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. Srinivasamurti 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.

"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.)

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.

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.

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 thus 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 of the matter and discrediting Petitioner's case.

15. Petitioner appeals to his ~~high~~ 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.

[Enclosure I.]

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers:—

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

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

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

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

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

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

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

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

These charges are—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(True Extract.)

W. WILSON,
Acting Chief Secretary.

[Enclosure II.]

MEMORANDUM

FOR

H. E. The Right Honorable The Governor.

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC DEPARTMENT, 27*th October* 1885.

No. 2502.

From

THE CHIEF SECRETARY TO GOVERNMENT,

To

C. S. CROLE, ESQ., C.S.,

Collector of Madura.

SIR,

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

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

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

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

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

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

You are to prove—

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

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

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*.'

*B. Seenavasa Murti Ayyangar.

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.

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

* Exhibit VII.

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

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

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

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

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

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

† Bd.'s Procs., No. 6914/5-9-82 Mis.

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

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

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

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

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

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

* 31st December 1884.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The italics are mine.

There can be equally small hesitation in pronouncing on the essentially personal prejudice exhibited. 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.*)

5th January 1884.

From

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

To

P. KOTEISAMI TEVAR,
The Palace, Ramnad.

4,840 sq. yards = 1 acre.

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

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

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

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

(Signed) J. F. SULLIVAN.

EXHIBIT II.

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

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

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

EXHIBIT III.

Valuation of the Richings Estate situated at Ootacamund.

A

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

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

B

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

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

C

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

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

D

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

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

E

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

F

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

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

G

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

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

H

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

			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			
						16,753	0	0
	To realize in 1890—							
	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
		Cr...	...	...	...	36,997	0	0
91	Up-keep of the Estate		9,950	0	0			
	Approximate interest on above		400	0	0			
						10,350	0	0
	To realize in 1891—							
	103,500 lbs. of Bark at 8 As. per lb.		51,750	0	0			
	2,000 lbs. of Tea at 1 Re. per lb.		2,000	0	0			
						53,750	0	0
		Cr...	...	...	...	43,400	0	0

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

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

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

OOTACAMUND,
22nd January 1884.

(Signed) H. VAL. RYAN.

EXHIBIT IV.

RICHINGS LODGE,
24th *January* 1884.

MY DEAR KOTEISAMI,

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

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

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

Hoping you are well,

Yours very sincerely,

(Signed) JOHN F. SULLIVAN.

EXHIBIT V.

MADURA,
2nd February 1884.

MY DEAR SIR,

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

Yours very sincerely,

(Signed) P. KOTEISAMI TEVAR.

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

With many salams,

I am,

Yours very sincerely,

(Signed) P. KOTEISAMI TEVAR.

EXHIBIT VI.

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

MY DEAR KOTEISAMI,

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

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

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

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

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

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

EXHIBIT VII.

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

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

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

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

(*b*) Maximum.

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

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

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

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

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

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

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

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

Rs. 1,25,000

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

(Signed) J. F. SULLIVAN.

RICHINGS LODGE, LOVEDALE,
OOTACAMUND,
January 1884.

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

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

EXHIBIT VIII.

MY DEAR CROLE,

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

Yours sincerely,
(Signed) FORSTER WEBSTER.

29*th August* 1885.

EXHIBIT IX.

AMMANAYAKANUR, 31*st August* 1885.

MY DEAR WEBSTER,

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

* * * * * * *

Yours sincerely,

(Signed) C. S. CROLE.

AFFIDAVITS.

A

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

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

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

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

(Signed) P. KOTEISAMI TEVAR.

Given before me this 4th November 1885.

(Signed) C. S. CROLE.

B

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

(Signed) T. RAJARAM ROW.

MADURA, 31*st October* 1885.

C

MADURA, 9*th November* 1885.

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

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

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

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

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

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

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

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

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

D

R. Ramasubbayyar.

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

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.

(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, *9th December* 1885, *No.* 3320.

CONFIDENTIAL.

Proceedings of the Board of Revenue.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT C.

MADURA COLLECTOR'S OFFICE,
17th December 1885.

FROM

To THE COLLECTOR OF MADURA,

THE SECRETARY TO THE BOARD OF REVENUE,

SIR, *MADRAS.*

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,
28th February 1885.

MY DEAR WEBSTER,

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

Yours sincerely,

(Signed) C. S. CROLE.

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

B

KODAIKANAL,
26th September 1885.

MY DEAR WEBSTER,

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

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

Please acknowledge receipt, and address "Madura."

Yours sincerely,

(Signed) C. S. CROLE.

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

C

ULWAH,
7th October 1885.

DEAR CROLE,

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

Yours sincerely,

(Signed) FORSTER WEBSTER.

C. S. CROLE, Esq., Madura.

D

MADURA,
22*nd October* 1885.

MY DEAR WILSON,

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

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

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

Yours sincerely,

(Signed) C. S. CROLE.

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

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Paras I & II.

The Chief Secretary told Mr. Crole in the most positive manner that any observations which he had to make with regard to the subjects treated in his Memorial must be made Officially and on Mr. Coles own responsibility - Knowing Mr. Crole, he was on his guard from the first against the very procedure which Mr. Crole has now adopted i.e. of trying to make him a partner with Mr. Crole in his attack upon a member

A

of the York against whom Mr. Croke had an obvious grudge.

As soon as Mr. Croke's memorial addressed to the Governor was received he was informed by the Chief Secretary that it would be treated officially as he had all along said it would. At the same time Mr. Croke's attention was called to the improper form of his communication

"I am directed to say that although your letter to me, dated the 26th September, enclosing a Memorandum for the information of the Right Honorable the Governor

Dated Ulwah, 7 Oct. 1845

2

is an unusual & 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."

With regard to the latter part of para 2, it is to be observed that the Memo was received by H.E. on his way to Simla, and was brought before the Council on 27th Oct 1886 so that Mr. Crole had the fullest time to remonstrate against a document which he considered to be private being used officially. That however would not suit his purpose, his object throughout having been to injure Mr. Sullivan without incurring any risk himself.

Para 3

This has been already answered and it is only necessary also to point out that Mr. Crole must have

Para 4

have been perfectly aware that the Chief Secretary took from the first the only line consistent with his duty which was to say - I am not here to listen to gossip; if you have anything to say against any of my superiors put it in writing and send it up in an official shape.

The Madras Govt. had of course full power to inquire into the doings of Mr. Gibbs who was one of their own officers, but it would not have been possible for the Madras Govt. to inquire into the proceedings of an integral part of itself. The Madras Govt. could neither acquit Mr. Sullivan, nor find him guilty - that belonged to

to superior authority, either to the Secretary of State or to the Government of India As has been mentioned in the despatch, they have asked the Govt. of India, at the suggestion of Mr. Sullivan himself, to inquire into the whole of his relations to the property known as the Rielings Estate, all the information with regard to which has reached the Government having been already placed in the hands both of the Secretary of State and the Government of India.

Mr. Sullivan was not judge in his own case, took no part in the

Para 5.

condemnations of Mr. Crole, and the whole matter has not been and could not be disposed of, but was immediately reported to the Secretary of State for his disposal. The Madras Govt. could only deal with Mr. Crole's share in the transactions.

Para 6.

This statement is entirely disbelieved by the Madras Government & the Secy of State will, after reading the documents, form his own judgment thereupon. Mr. Crole's hostility to Mr. Sullivan is a matter of notoriety and extends to the smallest things: attention is called to a letter from Mr. Arbuthnot which forms an

prepared

note

an inclosure to this -

There is not the slightest foundation for the statement here made - all was ancillary to the attack made on the Hon'ble Sullivan -

all matters relating to the holding of lands by officials have been repeatedly the subject of communication between the Govt of Madras and the Govt of India and Secretary of State - The Govt of Madras has furnished to these authorities every tittle of information which has reached them, and while disapproving of any the slightest infringement of the rules laid down for the regulation of the

Paras 7 and 8.

Para 10.

5

Extract from letter from the Govt of India, Home Dept. ♁ 15 Oct 1885. No 1717.

"H.E. in Council cannot but think that though Captain Campbell's statements may be much exaggerated, the admitted facts suffice to show that there has been a tendency on the part of some Govt officers ++ to purchase areas of land largely in excess of those which can be said to be legitimately required for purposes of "buildings for residence and their usual appurtenances" & that these areas have as a matter of fact, been utilized in certain cases for purposes other than those permissible under the standing orders of Govt."

Para 13.

Extract para 3 of Despatch from the Secy of State to the Govt of India, dated 21st January 1886, No 3 Revenue.

"Under these circumstances, and on the assumption that the Govt of Madras have not furnished to your Excellency any further explanations which may have thrown a different light upon the subject, I am not disposed to differ from the view your Excellency has taken of the particular transactions referred to in that letter."

The Govt of Madras

Para 14.

Quote this in margin in small print

the connection between its servants and land - believes that the accusations brought by Mr Cole against the Civil Service are very much exaggerated, excepting the language used with regard to these irregularities by the Secy of State & Govt of India as follows.

It is not within the knowledge of the Madras Govt that these statements are true. The view held by that Government is the one that finds expression in the Minute by H.E. the Governor dated 22d January 1886

The case of Mr Garstin's connection with a Land Comp'y was disposed of by order dated 14 October 1885, No 2437 Rev.

Para

as to the rest of the para this matter is now before the Courts of Law. It has come out quite clearly that it was no Dacoity, but a carefully planned personal outrage. For this outrage a number of persons, one of whom is the Zamindar of whom Mr. Crole speaks, have been committed for trial by the District Magistrate. The case of the Zamindar was brought before the Sessions Judge with a view to have him let out on bail. The Sessions Judge has thought so badly of the case as to refuse bail.

The case is believed by the Police to be a dacoity case

Some of the witnesses believed that the Zamindar and his people had been instigated to attack Mr. Garstin by Mr. Crole. Mr. Crole having read the evidence asked the Government to allow him to contradict this statement by a letter to the newspapers. The Government replied that Mr. Crole's obvious course was to appear at the approaching trial & tender his evidence. The Government has as yet formed no opinion whatever as to the guilt or innocence of any of the accused persons.

Para 15. This para is wholly without foundation. Mr. Garstin holds a diametrically opposite opinion and believes that

that Mr. Crole was himself
at the bottom of the attack
A good deal of light will may
be thrown on this subject relation
between Mr. Crole and the
and many others
Zamindar by an inquiry
which has been instituted,
when completed
the result of which will be
immediately communicated
to the Secretary of State
when completed.

This is a non-sequiter. Para 16

Mr. Garstin was attacked
one of the most
on a much frequented road
in the Presidency
along which he or any one
else might have been travelling
for a hundred purposes.
to take
in the part of the Superintendent
Such an inquiry has Para 17.
of course been a necessity
been
from the time that the
accusations were made.

Para 18.

The Chief Secretary who
has been absent from India
from soon after the time when
Mr. Crole's memorandum was
received till the 16th March
gives the most positive
denial to this statement.

Para 19.

The Madras Government
has merely disposed of that
portion of the case with
which it not only could
deal but was obliged to
deal, it being for that Govt.
to decide, subject to appeal
upon the conduct of its
own subordinates.

Para 20.

The Government has not
and could not have acquitted
or condemned
Mr. Sullivan.

Paras 23 to 26.

These paras are sufficiently answered by what

has been already stated above.

Para 27.

It is quite true that Mr. Crole was asked what information he could give about the antecedents of Captain E. A. Campbell when that gentleman lived in the Madura District. He did not give any information beyond sending *proprio motu* the letters from Mr. Crole which appears in the papers and which was no answer whatever to the question put by the Madras Government.

Para 28.

What occurred was this – Mr. Crole anxious at once to attack Mr. Sullivan Gazetteer and to avoid the responsibility of doing so came

8

came to the Chief Secretary and tried to renew his conversation; meeting with the same reply: at length when he persisted in taking up his time, the Chief Secretary told him that he was an Excessively busy man & could spare no further time. Mr Crole then asked if he might come again the next day the Chief Secretary said certainly but after reaching the Govt Office it struck him that he had given enough of his time to Mr Crole & he accordingly wrote his letter quoted in his margin

My dear Crole
It struck me after we parted this morning that it is the latter if you returned to Madura tomorrow as you had intended. I think we have said all we had to say to each other. Bon voyage.
Yrs sincerely
Hutchinson
29th Augt 1885.

This has been already replied to. The only interest of Capt.n Campbell's letter was showing the animus by which that gentleman was actuated - It was, as already pointed out, no answer to the question asked by the Government.

Para 29.

Mr. Crole did not limit himself to sending on information which he had received: he made an attack actuated by the perfectly groundless idea that he had in Mr. Sullivan an enemy who stood in the way of his career - an entirely different matter.

Para 30.

The Govt never consulted Mr

Para 32.

Mr. Handley upon the duties of a Collector - they specially avoided consulting a member of the Civil Service who might be biassed. Mr. Handley was informed of all relevant facts and was simply asked whether on the evidence on which Mr. Crole stated that he had acted he, Mr. Crole, was justified in making the statements he did - It was a pure question of the legal view of evidence that was put before Mr. Handley.

Para 33.

This is again a direct misstatement of fact. The Chief Secretary gave no such advice, but as has been stated above quite otherwise. Mr. Handley

Para 34.

Nothing was admitted

prepared

by the Government for nothing was known except what is to be found in the minute of the Hon: Mr Sullivan.

It may again be remarked as pointed out above that everything relating to Mr Sullivan's relation to land is before his natural judges the Govt of India & Soft State

The Govt has not treated the case as complete.

These paras clearly raise a false issue - see para 16 of H.E's minute dated 21st January 1886.

These matters are sub judice

This was really the gist of the whole matter.

Mr.

The orders quoted were issued with reference to correspondence which had passed with the Govt relating to the charges brought by Mr Crole.

Paras 35 and 36

Para 39.

Paras 40, 41 & 42

Paras 44, 45, 46, 47, 48, 49, 50, 51, 52.

Paras 65, 66.

Para 16 of H.E the Governor's Minute, dated 22nd January 1886.

"Erroneous views of Mr Sullivan's connexion with the Richings Estate might well have reached Mr Crole, through the Zemindar and his Vakeel; and he would have done quite right in calling the attention of Govt to such rumours, with a view to the truth of the facts being published; but I can see nothing in this whole Memorandum but a malignant attempt to revenge himself upon Mr Sullivan for a purely imaginary wrong."

Mr Crole, a Collector employed under the Madras Government, accused a member of that Govt of having abused his position as a member of the Madras Govt, by denouncing Mr Crole in his administration of the Madura District -

The Madras Government as has been pointed out could not acquit or condemn Mr Sullivan. It could, aided by a good legal opinion, form a judgment as to whether the evidence before Mr Crole was or was not sufficient to entitle him to think that Mr Sullivan had been engaged in a nefarious attempt to cheat. As to that matter, however, there might of course be

be a difference of opinion between different men examining into the same set of facts - as to this allegation however the Madura Govt & their Chief Secretary & the Madras Government alone could in the nature of things know anything, therefore they alone could know the relations of the Govt to Mr Crole & the statement that Mr Sullivan either obstructed or even if he wished to do it could have obstructed Mr Crole in the management of the District of Madura is a pure illusion -

Mr Crole's management of the Madura District and the

Mr

the very considerable friction which went on there between him and other officials was a subject of frequent annoyance to Govt and Mr Crole was simply kept in the Madura District for the reasons given in His minute of January 22nd, but while he was kept there he was supported by Government on every occasion and was told by H.E that he had his entire confidence: if he had forfeited that entire confidence it would have been H.E's duty to propose his immediate removal.

Not the slightest difference was made in the attitude of Govt to Mr Crole until long

after

after his charges had been made against Mr. Sullivan, but before the Government had come to any final determination as to what should be done in connection therewith, the Board of Revenue asked that Mr. Crole should be removed from the Madura district. Quote the proceedings 9 Dec 1880, No 3320

(See below)

It is very possible that Mr. Crole would have excised the para in question on second thoughts, that passage was nevertheless the key to the whole paper.

Para 69.

It is quite true that A.E. looked upon Mr. Crole as an officer who although he had many and grave faults was possessed of good abilities and he would not have hesitated to promote him to certain offices when his turn came.

12

Para 70.

This para is a product of the same illusion - Mr. Sullivan was not in charge of the L.F. or Municipal papers: they were in the charge of the Hon Mr. Master. The only imaginable foundation for Mr. Crole's statements must be that Mr. Sullivan considered that a connection of his, Mr. Harrington, had been harshly used by Mr. Crole, but in the dispute with Mr. Harrington, not Mr. Harrington, but Mr. Crole was supported by Govt.

This is the matter to which

which Mr. Crole alluded in an interview with H.E.

Mr. Crole could have received no orders except from a Member of Govt or the Chief Secretary and he received none from any of these authorities.

Para 72

Para 73.

No complaint of any kind ever reached the Chief Secretary - Mr. Crole may have shown ill temper about Mr. Sullivan, but has never at any time till now reduced his complaints to writing. This is a complete answer to para 74. The moment Mr. Crole put anything in writing all due attention was given to it and the gist of his

complaint now is that his Memorandum was treated with serious attention - he could not expect H.E. to treat an acrimonious attack on the Senior Civil Member of Council as a friendly trifle.

Para 75.

This simply means that for several months previous to the time when he was reported to Government by the Board of Revenue for misconduct no complaints against him came before the Government.

Para 77.

No information about these persons is before Govt., but something may very likely come to their knowledge during the inquiry about to be held and if so, it will

will be laid before the
Secretary of State.

Para 79.

It is absolutely false
that Mr. Crole ever "officially
reported" anything to the
Chief Secretary. He talked
vague gossip and was
told again and again by
the Chief Secretary that if
he had anything to say
he must reduce it to
writing in the ordinary
official form and this
he never did till he
submitted the Memorandum
to the Governor which he
was immediately told
would be treated officially,
a course against which
he had not a word to say.

and could have had,
not

E.F.W.
25/3/86.

Mr Crole

Public DEPARTMENT.

No. of 188

To

The Right Honorable

The Secretary of State for India.

ecc
30/3

MY LORD,

Adverting to our despatch of No 16 Feby 1886 No 3 Public

We have the honour to transmit for the orders of your Lordship in Council a memorial from Mr C. S. Crole appealing against our order of 4 Feb. 1886, No 240 Public, suspending that officer for a year for having preferred certain charges against the Hon Mr Sullivan, Senior Member of Council.

Note I have suggested a slight addition to the Note with reference to paragraph 34 of the memorial

2. As the petition contains a very large number of statements the truth of which is in no way admitted by this Govt, we have thought it best to have a confidential note prepared

prepared in which these statements are replied to para by para. Your Lordship will observe that a large number of statements contained in the petition relate to interviews which took place between Mr. Cole and the Chief Secretary who was absent from India while Mr. Cole's case was before Government. As therefore the Chief Secretary was the only person who could state the facts relating to his interviews with Mr. Cole, this note has been initialled by him, but it represents in every particular the views of the

this Government upon the matter in hand and should be read as a part of this despatch.

3. As we have already informed your Lordship by telegraph, we have asked the Government of India to inquire into the precise relations of Mr. Sullivan to the Richings Estate. Your Lordship is in possession of Mr. Sullivan's latest memorandum with respect to that estate, together with a minute by H.E. & the Hon: Mr. Master; no further information has reached the Government, but the report of the officer to be sent down by the Govt. of India will

will be communicated to
your Lordship in due
course. E.F.W.
30/3

7

FORT ST. GEORGE,

(188) DEPARTMENT.

Letter to the Right Honorable
the Secretary of State for India,
Dated
No. of 188 .

The Note to be
printed on separate
paper, [illegible]
margin GG
30/3

S of State.

2 As the letter contains a very large
no. of statements the truth of
which is in no way admitted by the
Govt. we have thought it best to
have a confidential note prepared
in which these statements are
replied to Para by Para.
Your Lordship will observe that a
large no of statements contained
in the letter relate to interviews
wh. took place between Mr Crole
& Mr C. Sec[retar]y who was absent
from India while Mr Crole's case
was before Govt. as therefore the
C.S. was the only person who c[oul]d
state the facts relating to his
interviews with Mr Crole his note

V/ has been initialed by him. but it represents in every particular his views of the Govt upon the matter in hand & sh'd be read as a part of the despatch.

As ~~to the ? of the~~ we have already informed yr Lordship by Tel: we have asked the G. of I to enquire into the mercantile relations of Mr S. ~~who~~ to the Kirlemis estate yr Lordship is in possession of Mr L's latest memo with respect to that ~~transaction~~ estate together with a minute by H.E. & other docu:

Quote date of despatch forwarding

Mr Worsley no ~~further~~ subsequent information has reached the Govt but the report of the officer to be sent down by the G. of I will be ~~soon~~ communicated to yr Lordship in due course

FW
28/3

Paras I & II

The C.S. told Mr Crole in the most pos: manner that any observations which he had to make with regard to the subjects treated in his mem: must be made officially & on Mr Crole's own responsibility. Knowing Mr Crole he was on his guard from the very first against the very procedure which Mr C. has now adopted i.e of trying ~~to~~ make him a partner with Mr C in his attack upon a member of the Govt: against whom Mr Crole had an obvious grudge —

As soon as Mr C's mem addressed to the Govt was recd he was informed by the C.S. that it w'd be treated officially as he had all along said it would. ~~Here follows copy of the letter.~~ at the same time Mr C's attention was called to the improper form of his commn.

[Here enter letter]

2 With regard to latter part of para 2
it is to be observed that the Memo
was recd by H.E. on his way to Simla and
was laid before the Council on its date.
So that Mr C. had the fullest time to
remonstrate against a document wh:
he considered to be private being used
officially. That however wd not have
suited his purpose his object
throughout having been to injure
Mr Sullivan without incurring any
risk himself.

Para 3. This has been already
answered & it is ~~also~~ only
necessary also to point out that
Mr C. must have been perfectly
aware that his Chief Secretary
took from the first the only line
consistent with his duty which
was to say - I am not here to listen
to gossip if you have anything
to say against any of my superiors
put it in writing & send it up
in an official shape.

Para 4 The M. Govt had of course full power
to inquire into the doings of Mr Grubble who
was one of their own officers. But it
wd not have been possible for the
M. G. to inquire into the proceedings

of an

3/ of an integral part of itself
the M.G. could neither acquit Mr Sullivan
nor find him guilty. that belonged to
superior authority either to the S of State
or to the G of I. as has been mentioned
in the desp. they have asked the G of I,
at the suggestion of Mr S. himself, to
inquire into the whole of his relations &
the property known as the R Estate
all the information with regard to which
~~which~~ has reached the Govt. having been
already placed in the hands both of
the S of S & G of I.

Para 5: Mr Sullivan was not judge in his own
case, took no part in the condemnation
of Mr Cole & the whole matter has not
been & could not be disposed of but was
immediately reported to the S of S. for his
disposal — the M.G. could only deal
with Mr Cole's share in the transaction

Para 6 — This statement is entirely disbelieved
by the M.G. & the S of S who, after reading
the documents, formed his own judgt.
thereupon — Mr Cole's hostility to Mr
Sullivan is a matter of notoriety &
extends to the smallest things: attention
is called to a letter from Mr Arbuthnot
which forms an enclosure to the

4/ Paras 7 & 8. There is not the slightest foundation for the statement here made as was ancillary to the attack made on the Hon. M. S.

Para 10 [Note enquire about S. Arcot.]

all matters relating to the holding of lands by officials have been repeatedly the subject of communication between the Govt. of Madras & the Govt. of India and S of State — the G. of M. has furnished to these authorities every little of information which has reached them & while disapproving of any, the slightest infringement of the rules laid down for the regulation of the connection between its servants & land — believes that the accusations brought by Mr Crole against the C.S. are very much exaggerated accepting the language used with regard to these irregularities by the S of S. & G of I.

[Here quote what they have said]

+ +

Para 13 — It is not within the knowl: of the M. Govt. that these statements are true. The view held by that Govt. is the one which finds expression in the minute by H E the G of

+

Para 14

P

The case of Mr Sarstin's connection with a land Co was disposed of by order of / as to the rest of this para. This matter is now before the Ts of Bom.

It has come out quite clearly that it was no dacoity but a carefully planned personal outrage. for this outrage a No of persons on whom is the Zamindar of whom Mr Coyle speaks have been committed for trial by the Dt Magte — The case of the Zamindar was 1st before the S. Judge when a plea to have him let out on bail. The S Judge thought so badly of the case as to refuse bail.

Some of the witnesses believed that the Zamindar and his people had been instigated to attack Mr S. by Mr C. — Mr C. having read the evidence asked the Govt to allow him to contradict this statement by a letter to the newspapers the Govt replied that Mr Coyle's observations would appear at the approaching Court when he could tender his evidence. The Govt has not formed no opinion whatever as to the guilt or innocence of any of the accused persons.

Checked by
Checked
S.S.

Para 15. This para is wholly without foundation Mr Sarstin holds a diametrically opposite opinion & believes that Mr Coyle has himself at the bottom of the attack

6 a good deal of light will be thrown on the relation between Mr Poole & the Zamindar by an enquiry wh. has been instituted the result of which will be immediately comm^td to yr Lordship when completed —

Para 16 This is a non-sequitur. Mr Forster was attacked on a much frequented road ~~who~~ along wh: he or any one else might have been travelling for a hundred purposes.

Para 17 Such an enquiry has of course been a necessity from the time that the accusations were made.

Para 18 Mr C.S. who has been absent from ~~[illegible]~~ India from soon after the time when Mr C.'s memo was rec^d till the 16 March gives the most positive denial to this statement

Para 19 - The M.G. has merely disposed of that portion of the case with wh: it not only c^d deal but was obliged to deal, leaving for that Govt. to decide, subject to appeal, upon the conduct of its own subordinates.

Para 20 The Govt. has not & c^d not have acquitted Mr. S.

23 to 26 Paras

7. These para. s are sufficiently answered by what has been already stated above

5

Para 27 — It is quite true that Mr Grole(?) was asked what information he c^d give about the antecedents of Cap^t. E A Campbell when that gentleman was(?) in the Mad: Dt. — He did not give any information beyond sending ~~on~~ his *proprio motu* the letter from Mr C, which appears in the papers. & which ~~had nothing~~ *to do with the facts* which ~~do~~ was no answer whatever to the question put by the M. Gov^t.

28 — What occurred was this: Mr Grole(?) anxious at once to attack Mr S & to avoid the responsibility of doing so. came to the C. S and tried to renew his conversation: meeting with the same reply: at length when he ~~insisted~~ ~~he~~ persisted in taking up his time the C.S. told him that he was an exceeding busy man & that he had nothing.

[Wish complete this]

The end is not true

8.

Para 29 — This has been already replied to — The only interest of Capt. C's letter was showing the animus by which that gentleman was actuated: it was as already pointed out no answer to the question asked by the Govt.

Para 30 — ~~Mr C would have been quite in order if~~: Mr C. did not limit himself to sending on information which he had received: he made an attack actuated by the perfectly groundless idea that he had in Mr S. an enemy who stood in the way of his career — an entirely different matter.

Para 32 — The Govt. never consulted Mr Handley upon the duties of a Collector, they specially avoided consulting a member of the C.S. who might be biased. Mr H was informed of all relevant facts and was simply asked whether on the evidence on which Mr C stated that he had acted, he Mr C in making the statements which he did. It was a pure question of the legal view of evidence that was put before Mr

^ x H. quoted para 16 H.E.'s minute of 22.1.86

Para 33 — This is again a direct misstatement of fact. The CS gave no such advice. but as has been stated quite otherwise

Para 34 — Nothing was admitted by Govt. for nothing was known except what is to be found in documents of the Hon. Mr Sullivan

Paras 35 & 36 — It may again be remarked as pointed out about that Everything relating to Mr Sullivan's relation to Court is kept his natural pledges to Govt. of India.

Para 39 — Govt. has not treated his case. complete.

Para 40. 41. 42. — These paras clearly raise a false issue see para 16 of HE's note 22/1/86

Paras 44. 45. 46. 47 / 48. 49. 50. 51. 52 — These matters are sub judice

10

Paras 65 66

This was really the gist of the whole matter. Mr. Cole, a collector employed under the M. Govt. accused a member of that Govt. of having [here enter Cole's words page 11 - para 65 of his memorial.]

The M. Govt as has been handled out C°- not acquit or condemn the S.

If C°, aided by a good legal opinion from a judge as to whether the evidence before Mr Cole was or was not sufficient to entitle to think that Mr. S. had been engaged in a nefarious attempt to cheat

As to that matter, however, there might perhaps be a difference of opinion between different men examining into the same set of facts. - as to this allegation however the M. Govt. & the M. Govt. alone C° in the nature of things know anything :! they alone C° know what proceedings the relations of the Govt. & Mr Cole & the statement that Mr S. either obstructed or even if he wished to do it, C° have obstructed Govt. C. in the management of the Dry Madras

& their chief Secty

is a pure illusion

11/ Mr C's management of the M. Dt. & the very considerable friction which went on there between him and other officials was a subject of frequent annoyance to Govt. & Mr C. was simply kept in the M Dt for the reasons given in H E's minute of Jany 22d –

but while he was kept there he was supported by Govt. on every occasion and was ~~told~~ told by H.E. that he had his entire ~~full~~ confidence. if he had forfeited that entire confidence it wd have been H E's duty to propose his immediate removal –

~~But, in spite of all~~

Not the slightest difference was made in the attitude of Govt. to Mr C. until long after his charges had been made against Mr S. but before the G. had come to any final determination as to what should be done in connection there with the Bd of Rev: asked that Mr Crole shd be removed from the M. Dt.

[See below]

It is very possible that Mr Crole wd have excused the para in question on account thoughts that passage was nevertheless the key to the whole paper

Para 69 It is quite true that H.E looked upon Mr Crole as an officer who altho' he had many & extremely grave faults was possessed of good abilities & he wd not have hesitated to promote him to certain offices ~~in the~~ when his turn came

12

Para 70 — This para is a product of the same illusion Mr Scull: was not in charge of the L. F or M. papers they were in the charge of the Hon Mr. M. The only imaginable foundation for Mr C's statements must be that Mr S. considered that a connection of his Mr Hampton had been harshly used by Mr C but in the dispute with Mr H not Mr H but Mr Cole was supported by Govt.

Para 71. — This is the matter to which Mr C alluded in a interview with H.E. ~~[illegible]~~

72 — Mr C could have received no orders except from a member of Govt. or the C.S. & he received none from any ~~[illegible]~~ of these authorities

73 — No complaint of any kind ever reached the C.S. — Mr Cole may have shown ill temper about Mr S but has never at any time till now reduced his complaints to writing. This is a complete answer to para 74. The moment Mr C. put any thing in writing all due attention was given to it

13

and the gist of his complaint was is that his memorandum was treated with serious attention. he C not expect H.E to treat an acrimonious attack on the senior Civil Mr: of Council as a friendly trifle.

Para 75 — This simply means that for several months previous to the time when he was reported to Govt by the B of R for misconduct no complaints against him came before the Govt.

Para 77 — No information about these persons is before Govt but something may very likely come to the knowledge during the inquiry about to be held & if so it will be laid before the S of S.

Para 79 — Look up Crole's history.

It is absolutely false that Mr Crole ever "officially reported" anything to the C.S. he talked vague gossip and was told again & again by the C.S. that if he had anything to say he must reduce it to writing in his ordinary official form & this he never did till he submitted the memo to the Govt.

14/ which he was immediately told to the related officials & a course against which he had not a word to say.

Say: we enquired at ... both ... across

Para 77

Para 79

Look up Coole's history.

It is absolutely false that Mr Coole was "officially reported" ...

CONFIDENTIAL.

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

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

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

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

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

"stated nothing which his duty did not demand."

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

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

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

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

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

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

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

Para. 19.—The Government disposed of the matters in question after the most careful consideration, and after giving Mr. Crole the fullest opportunity of substantiating the charges he had made. As he failed to do so, the necessity for inquiry disappeared.

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

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

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

Para. 31.—*Vide supra* para. 6.

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

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

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

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

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

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

Para. 40.—(*a*) *Facts.* Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

W. WILSON.

12*th March* 1886.

Notes by Ch.
on Mr. Crole's
Memorial to the Secy
of State

Dated Ulwah, 7th October 1885.

NOTE.

Paras. 1 and 2.—The Chief Secretary told Mr. Crole in the most positive manner that any observations which he had to make with regard to the subjects treated in his memorial must be made officially and on Mr. Crole's own responsibility. Knowing Mr. Crole, he was on his guard from the first against the very procedure which Mr. Crole has now adopted, *i.e.*, of trying to make him a partner with Mr. Crole in his attack upon a member of the Government against whom Mr. Crole had an obvious grudge.

As soon as Mr. Crole's ~~memorial~~ memorandum addressed to the Governor was received, he was informed by the Chief Secretary that it would be treated officially, as the Chief Secretary had all along said it would. At the same time, Mr. Crole's attention was called to the improper form of his communication:—

"I am directed to say that, although your demi-official 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 anything 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."

With regard to the latter part of para. 2, it is to be observed that the *memorandum* was received by His Excellency on his way to Simla, and was brought before the Council on 27th October 1886, so that Mr. Crole had the fullest time to remonstrate against a document, which he considered to be private, being used officially. That however would not suit his purpose, his object throughout having been to injure Mr. Sullivan without incurring any risk himself, and he did not, as a matter of fact, make the slightest objection to the official use of the document. His present objection is a mere after-thought.

Para. 3.—This has been already answered, and it is only necessary to

point out that Mr. Crole must have been perfectly aware that the Chief Secretary took from the first the only line consistent with his duty which was to say,—I am not here to listen to gossip; if you have anything to say against any of my superiors, put it in writing, and send it up in an official shape.

Para. 4.—The Madras Government had, of course, full power to inquire into the doings of Mr. Gribble, who was one of ~~their~~ own officers, but it would not have been possible for the Madras Government to inquire into the proceedings of an integral part of itself. The Madras Government could neither acquit Mr. Sullivan, nor find him guilty,—that belonged to superior authority, either to the Secretary of State or to the Government of India. As has been mentioned in the despatch, which goes with this, they have asked the Government of India, at the suggestion of Mr. Sullivan himself, to inquire into the whole of his relations to the property known as the Richings estate, all the information with regard to which has reached the Government having been already placed in the hands both of the Secretary of State and the Government of India.

Para. 5.—Mr. Sullivan was not judge in his own case, took no part in the condemnations of Mr. Crole, and the whole matter has not been, and could not be, disposed of, but was immediately reported to the Secretary of State for his disposal. The Madras Government could only deal with Mr. Crole's share in the transaction.

Para. 6.—This statement is entirely disbelieved by the Madras Government, and the Secretary of State will, after reading the documents, form his own judgment thereupon. Mr. Crole's hostility to Mr. Sullivan is a matter of notoriety, and extends to the smallest things; attention is called to a letter* from Mr. Arbuthnott, which forms an enclosure to this Note.

Paras. 7 and 8.—There is not the slightest foundation for the statement here made. All was ancillary to the attack made on the Hon'ble Mr. Sullivan.

Para. 10.—All matters relating to the holding of lands by officials have been repeatedly the subject of communication between the Government of Madras and

* Dated 4th January 1886, to Colonel Guthrie.

the Government of India and Secretary of State. The Government of Madras has furnished to these authorities every tittle of information which has reached them, and while disapproving of any, the slightest infringement of the rules laid down for the regulation of the connection between its servants and land, believes that the accusations brought by Mr. Crole against the Civil Service are wildly exaggerated. The language used with regard to these irregularities by the Secretary of State and Government of India is as follows:—

Extract from letter from the Government of India, Home Department, dated 15th October 1885, No. 1717.

"His Excellency in Council cannot but think that though Captain Campbell's statements may be much exaggerated, the admitted facts suffice to shew that there has been a tendency on the part of some Government officers * * to purchase areas of land largely in excess of those which can be said to be legitimately required for purposes of 'buildings for residence and their usual appurtenances,' and that these areas have, as a matter of fact, been utilised in certain cases for purposes other than those permissible under the Standing Orders of Government."

Extract para. 3 of Despatch from the Secretary of State, to the Government of India, dated 21st January 1886, No. 3, Revenue.

"Under these circumstances, and on the assumption that the Government of Madras have not furnished to your Excellency any further explanations which may have thrown a different light upon the subject, I am not disposed to differ from the view your Excellency has taken of the particular transactions referred to in that letter."

Para. 13.—It is not within the knowledge of the Madras Government that these statements are true. The view held by that Government is the one that finds expression in the Minute by His Excellency the Governor, dated 22nd January 1886.

G.O., dated 14th October 1885, No. 2437, Public.

Para. 14.—The case of Mr. Garstin's connection with a Land Company was disposed of in October last. As to the rest of the para. this matter is now before the Courts of Law. The case is believed by the police to be no dacoity but a carefully planned personal outrage. For this outrage a number of persons, one of whom is the zemindar of whom Mr. Crole speaks so highly, have been committed for trial by the District Magistrate. ~~The case of the zemindar was brought before the Sessions Judge, with a view to have~~

~~him let out on bail. The Sessions Judge has declined to accept~~ bail. Some of the witnesses believed that the zemindar and his people had been instigated to attack Mr. Garstin by Mr. Crole. Mr. Crole having read the evidence, asked the Government to allow him to contradict this statement by a letter to the newspapers. The Government replied that Mr. Crole's obvious course was to appear at the approaching trial and tender his evidence. The Government has as yet found no opinion whatever as to the guilt or innocence of any of the accused persons.

Para. 15.—This para. is wholly without foundation. Mr. Garstin holds a diametrically opposite opinion, and believes that Mr. Crole was himself at the bottom of the attack. ~~A good deal of light may be thrown on this subject and many others by an inquiry which has been instituted, the result of which will, when completed, be immediately communicated to the Secretary of State.~~

[The High Court has called up the case which is to be tried in Madras towards the end of April — the feeling against the Zemindar in his own District having been represented to the High Court to be very strong indeed.]

Para. 16.—This is a *non sequitur*. Mr. Garstin was attacked on one of the most frequented roads in the Presidency along which he or any one else might have been travelling for a hundred purposes.

Para. 17.—Such an inquiry on the part of the proper authorities has, of course, been a necessity from the time that the accusations were made.

Para. 18.—The Chief Secretary, who has been absent from India from soon after the time when Mr. Crole's memorandum was received till the 16th March, gives the most positive denial to this statement.

Para. 19.—The Madras Government has merely disposed of that portion of the case with which it not only could deal, but was obliged to deal, it being for that Government to decide, subject to appeal, upon the conduct of its own subordinates.

Para. 20.—The Government has not, and could not have, acquitted or condemned Mr. Sullivan.

Paras. 23 to 26.—These paras. are sufficiently answered by what has been already stated above.

Para. 27.—It is quite true that Mr. Crole was asked what information he could give about the antecedents of Captain E. A. Campbell when that gentleman lived in the Madura district. He did not give any information beyond

sending *proprio motu* the letter from Mr. Crole, which appears in the papers, and which was no answer whatever to the question put by the Madras Government.

Para. 28.—An entire mis-statement. What occurred was this: Mr. Crole anxious at once to attack Mr. Sullivan, and to avoid the responsibility of doing so, came to the Chief Secretary and tried to renew his previous conversations, meeting with the old reply: at length when he persisted in taking up his time, the Chief Secretary told him that he was an exceedingly busy man, and could spare no further time. Mr. Crole then asked if he might come again the next day; the Chief Secretary said certainly, but after reaching the Government Office, it struck him that he had given enough of his time to Mr. Crole, and he accordingly wrote the letter quoted in the margin.

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 had to say to each other. Bon voyage.

Yours sincerely,
Forster Webster.

29th August 1885.

Para. 29.—This has been already replied to. The only interest of Captain Campbell's letter was as showing the animus by which that gentleman was actuated. It was, as already pointed out, no answer to the question asked by the Government.

Para. 30.—Mr. Crole did not limit himself to sending on information which he had received; he made an attack, actuated by the perfectly groundless idea that he had in Mr. Sullivan an enemy who stood in the way of his career,—an entirely different matter.

Para. 32.—The Government never consulted Mr. Handley upon the duties of a Collector. They specially avoided consulting a Member of the Civil Service who might be biassed. Mr. Handley was informed of all relevant facts, and was simply asked whether on the evidence on which Mr. Crole stated that he had acted, he (Mr. Crole) was justified in making the statements he did. It was a ~~pure~~ [a judicial] question ~~of~~ [as to] the ~~legal~~ view ~~of~~ [the] evidence that was put before Mr. Handley.

Para. 33.—This is again a direct mis-statement of fact. The Chief Secretary gave no such advice, but as has been stated above quite other advice.

Para. 34.—Nothing was admitted by the Government, for nothing was known except what is to be found in the ~~Minute~~ [Memorandum] of the Hon'ble Mr. Sullivan.

The orders quoted were issued with reference to correspondence with the

Government of India altogether distinct from that relating to the charges inaugurated by Mr. Crole.

Paras. 35 and 36.—It may again be remarked, as pointed out above, that everything relating to Mr. Sullivan's relation to land is before his natural judges, the Government of India and Secretary of State.

Para. 39.—The Government has not treated the case as complete.

Paras 40, 41 and 42.—These paras. clearly raise a false issue,—see para. 16 of His Excellency's Minute dated 21st January 1886.

Paras. 44, 45, 46, 47, 48, 49, 50, 51, 52.—These matters are *sub judice*.

Paras. 65 and 66.—This was really the gist of the whole matter. Mr. Crole, a Collector employed under the Madras Government, accused a Member of that Government of having abused his position as a Member of the Madras Government by denouncing Mr. Crole in his administration of the Madura district. The Madras Government as has been pointed out could not acquit or condemn Mr. Sullivan. It could, aided by a good ~~legal~~ opinion, form a judgment as to whether the evidence before Mr. Crole was or was not sufficient to entitle him to think that Mr. Sullivan had been engaged in a nefarious attempt to cheat. *As to that matter, however, there might, of course, be a difference of opinion between different men examining into the same set of facts. As to this allegation, however, the Madras Government and their Chief Secretary ~~and the Madras Government~~ alone could, in the nature of things, know anything; therefore they alone could know the relations of the Government to Mr. Crole, and the statement that Mr. Sullivan either obstructed or, even if he wished to do it, could have obstructed Mr. Crole in the management of the district of Madura is a pure illusion.*

Mr. Crole's management of the Madura district and the very considerable friction which went on there between him and other officials was a subject of frequent annoyance to Government, and Mr. Crole was simply kept in the Madura district for the reasons given in His Excellency's Minute*; but while he was kept there, he was supported by Government on every occasion, and was told by His Excellency that he had his entire confidence; if he had forfeited that entire confidence, it would have been His Excellency's duty to "propose" his immediate removal.

Para. 16 of His Excellency the Governor's Minute, dated 22nd January 1886:

"Erroneous views of Mr. Sullivan's connexion with the Richings Estate might well have reached Mr. Crole, through the zemindar and his vakeel; and he would have done quite right in calling the attention of Government to such rumours, with a view to the truth of the facts being published; but I can see nothing in this whole memorandum but a malignant attempt to revenge himself upon Mr. Sullivan for a purely imaginary wrong."

* Dated 22nd January 1886.

Board's Proceedings, 9th December 1885, No. 3320.

Not the slightest difference was made in the attitude of Government to Mr. Crole until long after his charges had been made against Mr. Sullivan; but before the Government had come to any final determination as to what should be done in connection ~~therewith~~ with, the Board of Revenue asked that Mr. Crole should be removed from the Madura district.

It is very possible that Mr. Crole would have excised the para. in question on second thoughts,—that passage was nevertheless the key to the whole paper.

Para. 69.—It is quite true that His Excellency looked upon Mr. Crole as an officer who, although he had many and grave faults, was possessed of good abilities, and he would not have hesitated to promote him to certain offices when his turn came.

Para. 70.—This para. is a product of the same illusion. Mr. Sullivan was not in charge of the Local Fund or Municipal papers; they were in the charge of the Hon'ble Mr. Master. The only imaginable foundation for Mr. Crole's statements must be that Mr. Sullivan considered that a connection of his, Mr. Harrington, had been harshly used by Mr. Crole; but in the dispute with Mr. Harrington, not Mr. Harrington, but Mr. Crole was supported by Government.

This is the matter to which Mr. Crole alluded in an interview with His Excellency.

Para. 72.—Mr. Crole could have received no orders except from a Member of Government, or the Chief Secretary, and he received none from any of these authorities.

Para. 73.—No complaint of any kind ever reached the Chief Secretary. Mr. Crole may have shown ill-temper about Mr. Sullivan, but has never at any time till now reduced his complaints to writing. This is a complete answer to para. 74. The moment Mr. Crole put anything in writing, all due attention was given to it, and the gist of his complaint now is that his memorandum was treated with serious attention; he could not expect His Excellency to treat an acrimonious attack on the Senior Civil Member of Council as a friendly trifle.

Para. 75.—This simply means that for several months previous to the time when he was reported to Government by the Board of Revenue for misconduct, no complaints against him came before the Government.

Para. 77.—No information about these persons is before Government, but something may very likely come to their knowledge during the inquiry about to be held, and if so, it will be laid before the Secretary of State.

Para. 79.—It is absolutely false that Mr. Crole ever "officially reported" anything to the Chief Secretary. He talked vague gossip, and was told again and again by the Chief Secretary that if he had anything to say he must reduce it to writing in the ordinary official form, and this he never did till he submitted the memorandum to the Governor, which he was immediately told would be treated officially,—a course against which he had not, and could not have had, a word to say.

E. F. W.

Chief Secretary.

25*th March* 1886.

with 3 enclos.

Despatched with covering letter to G. I. No. 776 ... 12/4/86 on 15/4/86

7TH APRIL 1886, No. 8, PUBLIC.

Correct as quickly as possible and shew FW 3/4/86

Shew revised proofs [illegible] of both note & despatch

PUBLIC DEPARTMENT.

LETTER—TO

THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA.

MY LORD,

Adverting to our despatch of the 16th February 1886, No. 3, Public, we have the honor to transmit, for the orders of your Lordship in Council, a Memorial from Mr. C. S. Crole, appealing against our order, dated 4th February 1886, No. 240, Public, suspending that officer for a year for having preferred certain charges against the Hon'ble Mr. Sullivan, Senior Member of Council.

2. As the petition contains a very large number of statements, the truth of which is in no way admitted by this Government, we have thought it best to have a confidential note prepared, in which these statements are replied to paragraph by paragraph. Your Lordship will observe that a large number of statements contained in the petition relate to interviews which took place between Mr. Crole and the Chief Secretary, who was absent from India while Mr. Crole's case was before Government. As, therefore, the Chief Secretary was the only person who could state the facts relating to his interviews with Mr. Crole, this note has been initialled by him, but it represents in every particular the views of this Government upon the matter in hand, and should be read as a part of this despatch.

3. As we have already informed your Lordship by telegraph, we have asked the Government of India to inquire into the precise relations of Mr. Sullivan to the Richings Estate. Your Lordship is in possession of Mr. Sullivan's latest memorandum with respect to that estate, together with a Minute by His Excellency and the Hon'ble Mr. Master; no further information has reached the Government, but the report of the officer to be sent down by the Government of India will be communicated to your Lordship in due course.

Despatch to the Secretary of State, No. 3, dated 16th February 1886.

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

I suppose we should add that Mr S— has with our permission not signed this despatch or taken any part in the disposal of the business [illegible] the words used in former despatch. FW

FORT ST. GEORGE,
7 April 1886.

Exd. F. R. Bantleman.

Correct as
quickly as
possible and
shew F.W
3/4/86

1814

Cmfd. 65 of 1886

FORT SAINT GEORGE.

PUBLIC (1886) *DEPARTMENT.*

(Copy).

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

Dated 7th April,
No. 8 of 1886.

Circulated
Hon. Mr Moslin
Hon Mr Sullivan
The Right Hon. The Governor
F.W
1/4/86

Transmitting, for orders, a Memorial from Mr. C. S. Crole, of the Madras Civil Service, appealing against the order of this Government suspending him for a year.

2/4

Camp Periyakolam.
1st January.

My dear Colonel.

On Wednesday the 16th ult I went to see Mr. Cole by appointment & in the course of conversation he expressed himself as very much dissatisfied with Sullivan and said that he had been speaking of a certain complaint which Mr. Cole was concerned & Sullivan had given out that Mr. Cs witnesses had taken the weaker side - I replied that if Sullivan had done so it was very injudicious and the matter there after a few more remarks dropped - Before

'then' I said 'I am to tell him that he is not to go'
"yes" said Mr. Cole and added 'and besides there has
been that dacoity" Sullivan had previously reported in
his diary that he had been to the scene of the dacoity and had
left for Ramnad en route for Madura. He arrived at
Madura either on the 19th or 20th morning when I told
him what Mr. Cole had said about his speaking
to his Hd. Ck and that he had left orders that he was
not to go to Madras. Sullivan denied ever having
spoken on the subject to a Hd. Ck or indeed to any
native and said he did not wish to go to Madras
and asked if he might go to Trichy or Negapatam

going a ... to mention that I was
not going away at Xmas & asked Mr Castle
if he had any objection to Sullivan going to
Madras to wh he replied not in the least
I don't care where he goes.
On Friday the 18th evening I was at the
Madura railway station where I saw Mr Castle
on his way to Madras, and spoke ~~two or three~~
words to him and was going away when
he called me back and said "Sullivan can't
go to Madras tell him he is not to go" I
was rather surprised and said why to wh
he replied "oh he will get talking of
things of which he knows [redacted] nothing"

I thought there was no objection to and
that Mr. Cole only objected to his going to
Madras for the reason he gave me when
I first spoke to him and therefore told
Sullivan he might go. The dacoity seemed
to me an after thought or Mr. Cole's part.
Sullivan was he knew coming into Madura for
60 miles of the scene of the crime and might
as well be at Trichinopoly as far as the dacoity
was concerned.

I am enquiring here into Mr. Gaster's dacoity.
In this case Mr. G lost no property and unfortunately
neither he nor the two natives with him can

identify any of the robbers.
From what I have learnt I think that
plunder was not the object of this case
but that the intention was to deprive both
Mr. G. The general impression is
that the Bodymaikanur Zemindar is
at the bottom of the case.

Yr. very sincerely
E. Robertson.

Corresp. 1886

CURRENT NO. 1386

[?]

Public (1886) Department.

726 Mis
5-4-86

From

C. S. Crole Esq

It is curious that Mr Crole does not see that his speaking of the "attacks" of the Board of Revenue betrays his hatred of its Control, which led him recently to insult that authority. No. MD

Dated 31st March } 1886.
Received 1st April }

Enclosures

SUBJECT.

Requesting permission to withdraw his letter of 27 March protesting against Mr Thomas' apptt to Madura to inquire into his adn. of that District.

Order 5th April 1886, No. 726 Mis

Recorded

[illegible]