Coonfdl

PUB (1885) Dcpr

Gov 822

Dated 2. 4. 1885

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—again G.O., dated 29th November 1884, No. 2570, Miscellaneous.

READ—also the following papers:—

From H. G. TURNER, Esq., Collector of Vizagapatam, to the Chief Secretary to Government, dated Vizianagram, 22nd December 1884, No. 1510.

I have the honor to report on the question put to me in G.O., 29th November 1884, No. 2570, Miscellaneous, Public Department.

2. I forwarded copies of the letter from the Secretary to the Chief Commissioner, British Burmah, to the Port Officers of Vizagapatam and Bimlipatam (the two ports in this district likely to be connected with the shipping of girls to British Burmah), and requested them to inform me if they knew anything of the subject.

3. I have the honor to enclose copies of their replies, from which it will be seen that there is no reason to suppose that there is a regular traffic of the kind under discussion between the ports of this district and the Burmah ports.

ENCLOSURES.

From W. A. JARVIS, Esq., Port Officer, Vizagapatam, to the Collector of Vizagapatam, dated 13th December 1884, No. 156-C.

I have the honor to acknowledge the receipt of your letter, No. 1468 (confidential), dated 12th instant, giving cover to a letter from the Secretary to the Chief Commissioner of British Burmah, No. 327—136-N., (confidential), dated Rangoon, 11th September 1884, to the Secretary to the Government of India, on the subject of traffic in girls between Madras Ports and that province, and herewith returned.

2. In reply, I might state that no such traffic has ever come under my notice, or been brought to my notice at this port; and only on one occasion have I had occasion to suspect any such thing, that was about two years since, when a native man came to my office one morning when coolies were being embarked on board a Rangoon steamer, and complained that his daughter had left his house, and he was afraid she was being taken to Rangoon by some man, for what purpose he did not say. I told him to lay a complaint at the Police station, and, in the mean time, if he could point out the daughter to me, I would prevent her embarkation.

3. No complaints have ever come under my notice of girls having actually been shipped off to Rangoon for immoral purposes, neither am I aware that such is the case.

4. The coolies embarking for Rangoon from this port come under my personal observation a good deal, and I have very rarely noticed girls of tender ages embarking at all; whilst the proportion of female passengers to males is at all times very small indeed from this port, invariably comprising women of mature ages, and not at all the class of women which would be likely to enlist in any such purposes.

5. Had such a state of things existed at this port, I think it must have come under my notice, and I am inclined to think with the Chief Commissioner, in paragraph 4 of his letter, that the magnitude of the evil has been over-estimated.

From ROBERT MINTO, Esq., Port Officer in charge of Sea Customs, Bimlipatam, to the Collector of Vizagapatam, dated 17th December 1884, No. 5.

I have the honor to acknowledge receipt of your confidential letter, No. 1468, dated 12th current, together with a copy of confidential correspondence, No. 327—136-N., from the Secretary to the Chief Commissioner, British Burmah, to the Secretary to the Government of India, having reference to the traffic in girls for immoral purposes between the Madras Presidency and Rangoon. In reply to which, I respectfully beg to inform you that *one* only such case has been reported to me during the eight years I have been in charge of this office. That was some four years ago. A young girl of about twelve years of age was induced to promise to go to Rangoon, and she had a quantity of jewellery given to her at the time. There were a man and a woman engaged in this case. The friends of the girl complained to me, and I prevented her from going upon that occasion. The man and woman both went away very quickly, but first taking the jewellery from the girl in question. The entire family of this girl have since left this town, and I have been unable to gather any information with reference to the antecedence or otherwise of this unworthy pair.

From W. S. FOSTER, Esq., Collector of the Godávari District, to the Chief Secretary to Government, dated Ellore, 21st January 1885, No. 1-A.

I have the honor to acknowledge the receipt of the Proceedings of Government, Public Department, Mis. No. 2570, dated 29th November 1884.

2. I have caused inquiries to be made into the traffic in girls, which is said to go on between Madras and Rangoon by the Port Officer, Cocanada. Almost all the females who embarked at the port of Cocanada in the last month had relations in Rangoon, and were going to join them, or were going under the protection of some man. The proportion of female to male passengers is also small, and the Port Officer, therefore, thinks that the practice of enticing away girls for immoral purposes is not carried on to a large extent at present.

3. In the last month six young women went over by the *Himalaya* under the protection of one man. The Port Officer says that their demeanour was such as induced him to think that they were rather of the enticer class than of the enticed.

4. The general belief is that many women go to Rangoon and Moulmein for prostitution. They are taken by men with whom they have formed immoral intimacy while here. When the men return to India, if disputes arise between the parties, and one deserts the other, the women remain in Rangoon to lead the life of a prostitute. In all these cases, it is believed that the women go of their own free will.

5. It is said that men sometimes take over a woman, himself intending to hand her over to another man, when they arrive at Rangoon, on receiving money from him; but the women do not leave here against their will; perhaps they do not know the intentions of the man who is taking them over, and perhaps they have no objection to the arrangement. I do not think many women are taken over by men with this intention, though the men may find out at Rangoon that it is a profitable thing to do. I have never heard of a case of a woman being taken against her will.

6. Inquiries already made do not prove that girls are enticed away by false promises. No complaints regarding their fate are ever heard.

From W. A. HAPPELL, Esq., Collector of the Kistna District, to the Chief Secretary to Government, dated Dachepalle, 27th February 1885, No. 11.

With reference to order of Government, No. 2570, Miscellaneous, dated 29th November 1884, I have the honor to report that no returns can be secured showing the number of female passengers leaving Masulipatam for Rangoon and Moulmein.

2. I however gather from oral testimony that not more than three or four females left the port within the last two years with the avowed object of living by prostitution. The number tallies with that mentioned in the Statement A accompanying the Chief Commissioner's letter.

3. There is no reason to believe that women intended for prostitution have been taken from this district to Burmah under cover of accompanying relations; but it is believed that many who accompany their husbands and other relations subsequently lead immoral lives. Women who leave their husbands for other men very often go to Rangoon. I have not heard of any one making a trade of supplying or seducing women away for immoral purposes.

From J. G. HORSFALL, Esq., Collector of Ganjam, to the Chief Secretary to Government, dated Varnasi, 14th March 1885, No. 396.

In reply to the order of Government of the 29th November 1884, No. 2570, Miscellaneous (confidential), I have the honor to report that native girls do occasionally embark from ports in this district for Rangoon avowedly for the purposes of prostitution. I have not been able to learn, however, that any girls have been enticed away under false pretences, nor has any complaint of such being the case come to my notice.

2. The dancing girl or prostitute does not conceal her caste and calling, and it is only with regard to others that there can be any question. It appears to me that the simplest plan to check any such practice, if it exists, would be, to direct all native females embarking from the Madras side for Burmah to register their age, caste and means of livelihood at the office of the port of embarkation.

ORDER—dated 2nd April 1885, No. 822, Public.

With their endorsement, dated the 22nd October 1884, the Government of India communicated a copy of a letter from the Chief Commissioner of British Burmah, relative to alleged traffic in girls for immoral purposes said to exist between Madras and Rangoon, which was particularly adverted to by Colonel Fischer in his report on his visit to the Straits Settlements in connection with Indian emigration.

2. It appeared from the report of the Chief Commissioner that there was no ground for supposing that Rangoon is a mart for native girls, and that the magnitude of the evil had been over-estimated. It was suggested, however, that inquiries should be made at the ports of embarkation on the Madras coast as to whether girls are enticed away by false promises, and whether complaints regarding their fate are ever heard.

3. The reports from the Collectors of Godávari, Ganjam, Vizagapatam, and Kistna recorded above show that the practice does not prevail. Instances have, however, come to the knowledge of the authorities of women embarking for Rangoon avowedly for purposes of prostitution; but there is not the smallest reason to doubt that these women go voluntarily, and that no case has been known of a woman having been forced to go against her will or enticed away under false pretences.

(True Extract.)

E. F. WEBSTER,
Chief Secretary.

No. 822-A, Public.

Copy to the Government of India, Revenue and Agricultural Department.

E. F. WEBSTER,
Chief Secretary.

Govt. of {1885} Madras.

PUBLIC.

Issued.

Recd. Encl.

G.O., 2nd April 1885, No. 822.

APRIL.

Traffic in Girls

for immoral purposes between Madras and Rangoon.

Confidential

No. 1510

Visagapatam Collector's Camp Viziangram 22nd December 1884.

From

H. G. Turner Esquire
Collector of Visagapatam.

To

The Honorable E. F. Webster,
Chief Secretary to Government.
Fort St. George.

Sir,

I have the honor to report on the question put to me in G.O. 29th November 1884 No. 2570 Miscellaneous, Public Department

2. I forwarded copies of the letter from the Secretary to the Chief Commissioner, British Burmah, to the Port Officers of Visagapatam and Bimlipatam (the two ports in this district likely to be connected with the shipping of girls to British Burmah) and requested them to inform me if they knew anything of the subject.

3. I have the honor to enclose copies of their replies, from which it will be seen that there is no reason to suppose that there is a regular traffic of the kind under discussion between the ports

of

this District and the Burmah ports.

I have the honor to be,
Sir,
Your Most obedt. Servant

H. J. Turner

Ag. Collector.

F.R.

(Confidential)

Cir. 4717

1884.

Public Department.

From

The Collector of
Vizagapatam

To The Chief Secretary to Government
Fort St. George.

Dated 22nd December
Received 24 — } 1884

No 1570.
Enclosures - Two.

Submitting copies of letters from the Port Officer of Vizagapatam and Bimlipatam, and stating that there is no reason to suppose that there is a regular traffic in girls for immoral purposes between this District and British Burmah -

Confidential.

No 156 Co.

Port Office.
Vizagapatam.
December 13th, 1884.

From

The Port Officer,
Vizagapatam.

To

H. G. Turner Esquire C.S.
Collector, Vizagapatam.

Sir,

I have the honor to acknowledge the receipt of your letter et° 1468 (Confidential) dated 12th instant, giving cover to a letter from the Secretary to the Chief Commissioner of British Burmah, et° 327-136 A. (Confidential), dated Rangoon 11th September 1884, to the Secretary to the Government of India, on the Subject of traffic in girls between Madras Ports and that province, and herewith returned.

2. In reply, I might state that no such traffic has ever come under my notice or been brought to my notice at this port; and only on one occasion have I had occasion to suspect any such thing; that was about two years since, when a native man came to my office one morning when coolies were being embarked on board a Rangoon Steamer, and complained that his daughter had left his house and he was afraid she was being taken to Rangoon by

by some man; for what purpose he did not say; I told him to lay a Complaint at the Police Station; and in the meantime if he could point out the daughter to me I would prevent her embarkation.

3. No complaints have ever come under my notice of girls having actually been shipped off to Rangoon for immoral purposes, neither am I aware that such is the case.

4. The Coolies embarking for Rangoon from this port come under my personal observation a good deal, and I have very rarely noticed girls of tender ages embarking at all; whilst the proportion of female passengers to males is at all times very small indeed from this port, invariably comprising women of mature ages, and not at all the class of women which would be likely to enlist in any such purposes.

5. Had such a state of things existed at this port, I think it must have come under my notice and I am inclined to think with the Chief Commissioner in para 4 of his letter that the magnitude of the evil has been overestimated.

I have the honor to be,
Sir,
Your most obedient
(Sd) W. A. Jarvis
Port Officer.

(True Copy.)

W. J. T[illegible]
Collector & Ex officio Port Officer

&c.

1884.

Public Department.

Enclosure to No. 1

In a letter from the Collector of Visagapatam to the Chief Secretary to Government dated 22nd December 1884 No.

Copy of letter from the Port Officer, Visagapatam.

Confidential.

Bimlipatam.
Sea Custom House,
17th December 1884.

No. 5.

From

The Port Officer in charge of Sea Customs
Bimlipatam.

To

H. G. Turner Esquire,
District Collector.
Visagapatam.

Sir,

I have the honor to acknowledge receipt of your Confidential letter No. 1468 dated 12th current, together with a copy of Confidential correspondence No. 327-136 N from the Secretary to the Chief Commissioner, British Burmah, to the Secretary to the Government of India, having reference to the traffic in girls for immoral purposes between the Madras Presidency and Rangoon: in reply to which, I respectfully beg to inform you that one only such case has been reported to me during the eight years I have been in charge of this Office. That was some four years ago. A young girl of about 12 years of age was induced to promise to go to Rangoon, and she had a quantity of jewellery given to her at the time. There were a man and a woman engaged in this case. The friends of the girl complained

to

to me, and I prevented her from going upon that occasion. The man and woman both went away very quickly, but first taking the jewellery from the girl in Question. The entire family of this girl have since left this town, and I have been unable to gather any information with reference to the antecedence or otherwise of this unworthy pair.

I have the honor to be,
Sir
Your most obedt Servt
(Sd) Robt. Munro
Port Officer in charge of
Sea Customs.

(True Copy)

H. G. Turner

Ag. Collector - Vizagapatam.

Enc

B

1884.

Public Department.

Enclosure No. 2.

In a letter from the Collector of Visagapatam to the Chief Secretary to Government dated 22nd December 1884 etc.

Copy of letter from the Post Officer Bimlipatam.

Confidential.

A No. 1

Godavari District
Collector's office
Camp Ellore 21st January
1885

From

W. S. Forster Esquire
Collector
Godavari District.

To

The Honorable E. F. Webster
Chief Secretary
to Government
Madras.

Sir,

I have the honour to acknowledge the receipt of the Proceedings of Government Public Department No. 2570 Miscellaneous dated 29th November 1884.

2. I have caused enquiries to be made into the traffic in girls which is said to go on between Madras and Rangoon by the Post officer Cocanada. Almost all the females who embarked at

4

the post of Cocanada in the last month had relations in Rangoon and were going to join them or were going under the protection of some man. The proportion of female to male passengers is also small and the Post Officer therefore thinks that the practice of enticing away girls for immoral purposes is not carried on to a large extent at present.

3. In the last month 6 young women went over by the Himalaya under the protection of one man. The Port officer says that their demeanour was such as induced him to think that they were rather of the enticer class than of the enticed.

4. The general belief is that many

many women go to Rangoon as concubines for prostitution. They are taken by men with whom they have formed immoral intimacy while here. When the men return to India if disputes arise between the parties and one deserts the other the women remain in Rangoon to lead the life of a prostitute. In all these cases it is believed that the women go of their own free will.

5. It is said that men sometimes take over a woman, himself intending to hand her over to another man, when they arrive at Rangoon, on receiving money from him: but the women do not leave here against their will: perhaps they do not know

the

intentions of the man who is
taking them over, and perhaps
they have no objection to the ar-
rangement. I do not think
many women are taken over
by men with this intention: though
the men may find out at Rangoon
that it is a profitable thing to
do. I have never heard of a
case of a woman being taken
against her will.

6. Enquiries already made
do not prove that girls are
enticed away by false pro-
-mises. No complaints regarding
their fate are ever heard of.

I have the honour to be,

Sir,

Your most obedient Servt

W S Foster

Collector

1885.

Public Department.

From

The Collector
Godavari District

To

The Chief Secretary
to Government
Madras.

Dated 21st
Despatched 22nd } January 1885
Received 27

Enclosures none.

A No. 1

Subject.

Reporting on the traffic in girls for immoral purposes which is said to goon between Cocanada and Rangoon.

Extra No: 11.

6

Elistura District Collectorate
Office, Camp Dachepalle
27th February 1885

From,

W. A. Happell Esquire,
Collector of Elistura.

To,

The Chief Secretary,
to Government,
Public Department,
Fort St. George.
Madras.

Sir,

With preference to order of Government No: 2570 Miscellaneous dated 29th November 1884, I have the honor to report, that returns can be secured showing the number of female passengers leaving Masulipatam for Rangoon and Moulmein.

2. I however gather from oral

testimony that not more than 3 or 4 females left the port within the last two years with the avowed object of living by prostitution. The number tallies with that mentioned in the statement A. accompanying the Chief Commissioner's letter.

3. There is no reason to believe that women intended for prostitution have been taken from this District to Burmah under cover of accompanying relations, but it is believed that many who accompany their husbands and other relations subsequently lead immoral lives. Women who leave

their husbands for other men very often go to Rangoon. I have not heard of any one making a trade of supplying or seducing women away for immoral purposes.

I have the honor to be,
Sir,
Your most obedient servant,
Walhabell
Collector

No. 915

Public

From,

The Collector,

Kistna District,

To,

The Chief Secretary

to Government,

Public Department,

Fort St. George.

Madras.

Dated 27th February 1885.

Received 4/3

Extract No. 11.

Reporting on the traffic in girls for immoral purposes.

No 396 8

Confidential

From

J. G. Horsfall Esquire

Collector of Ganjam

To

The Chief Secretary to Government

Public Department

Fort Saint George

Dated Camp Vamasi 14th March 1885

Sir.

In reply to the order of Government of the 29th November 1884 No 2570 Miscellaneous (Confidential) I have the honor to report that native girls do occasionally embark from ports in this District for Rangoon avowedly for the purposes of prostitution. I have not been able to learn however that any girls have been enticed away under false pretences nor has any Complaint of such being the case come to my notice.

2. The dancing girl or prostitute does not conceal her caste and calling and it is only with regard to others that there can be any question. It appears to me

me that the simplest plan, to check any such practice if it exists, would be, to direct all native females embarking from the Madras side, for Burmah to register their age, caste and means of livlihood at the Office of the port of embarkation.

I have the honor to be
Sir
Your most obedient Servant

J. G. Stanfall
Collector of Ganjam

Confidential

GANJAM DISTRICT.

CURRENT No. 1270

Public (1885) DEPARTMENT.

From THE Collector of

~~of~~ Ganjam.

To THE Chief Secretary to
Govt. Pub. Deptt
Fort St. George

Dated 14th } March 1885.
Received 21 }
No. 396 Encls.—

Subject.

Reporting on the
traffic of Hindu
girls for immoral
purposes

442/R1/74

C.F. 73.

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

6922 9 2 4 85

DEPARTMENT,

Paper taken out of the Records from the charge of the Referencer.

Press / Miscellaneous / Routine No.____, dated_____ 19 .

te taken out.	For what purpose. Department.	C. No.	Year.	Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
4/43	CRB Dept Corr					
8/87	29653				12/8/87	
30 9/69	3002/SS/69					
	for R.A. ref CRB					
	Restore				3-10-69	
6 5/76	4148/RH/76					
	Retain PS				19/5/76	

[5] **Papers to be read in Proceedings :—**

Again G.O., dated 9th Sept 1885, No. 333 Mis.

Current No. of 188 , dated 20th Sept 1885 from The Surg Genl with the Govt of Madras

Submitting a letter dated 16th Sept 1885 from Surg C.J. Thomas appealing against the Order of Govt as read above and asking for a Reconsideration of his case.

Current No. of 188 , dated from

Order. Not adopted 24/3

Before passing final orders on Surg Thomas' letter, &c. the Governor in Council desires to receive further information in regard to some matters alluded to in the correspondence.

2. Dr Lowell is, therefore, requested to state

(1) Whether he ordered the operation or any other sanctioned by the Hospital & if not Dr Thomas's plea that Dr Thomas was aware of his visit to the Hospital earlier than 7.00 P.M. & that the Station Staff

3. If no message was sent to Dr Thomas it seems clear that somebody failed in the discharge of his duty & the Govt desire to know who is to blame. In connection with this matter they desire the report what the rules & practice of the Hospital are in regard to the occurrence of the Resident Medical Officer; who is responsible, during such absence, for the receipt & treatment of urgent cases; and what are the duties of such person with regard to the summoning of the Resident Medical Officer.

I have drawn a distinction between Dr Lowell (para 3) & the Surgeon Genl (para 6) - 1883

I have invested this with reference to this letter. The gist of the case will, I think, be found to lie in the answers given to these questions. 1883.

4. There seems, also, to be some doubt as to whether Mrs. Chidley did herself see personally to the arrangement of the room required for the patient.

5. The Surg.-Genl., in communicating if he thinks fit, with the Senior Medical Officer, General Hospital will report on the matters noticed in the foregoing paragraphs.

(from orders) WW 2.3.85

[5] **Papers to be read in Proceedings :—**

Again G.O., dated 9th Feby 1885, No. 333, Misc.

Current No. of 188 , dated from

Current No. of 1885, dated 20th Feby 1885 from the Offg. Surg. Genl. with the Govt. of Madras submitting a letter dated 16th Feby 1885 from Surg. G. A. Thomas appealing against the order of Govt. noted above and asking for a reconsideration of his case.

Order.

H.E. The Governor in Council has given his most earnest consideration to Surg. Thomas' further Petition and has re-perused the opinion of the Senior Medical Officer, General Hospital, in regard to Surg. Thomas' neglect of duty, but regrets that he can find no sufficient reason for modifying the decision already arrived at.

2. When however, the Govt. learn that Dr. Thomas has realized the gravity of his misconduct they will again take his case into consideration with a view to employing him in some State in the Mofussil where by careful attention to his duties he may regain the ground he has now lost.

3. The Govt. desire that the Secy

Medical Officer, General Hospl
will report generally on the working
of the Hospital & state whether
he is satisfied with the conduct
of the Matron Superintendent
& other subordinates of the
Institution in the case now
under notice and whether he
desires to bring the conduct
of any of them & notice
for reference or blame.
He will report specially on the
question whether the Matron
gave her personal attention
& the proper preparation of the
room for the ~~sick~~ expected patient.

WS
4.3.

(from orders
in Council
on proceedings
of C.S.)

Dr. Thomas
Appeal

Revised Draft
Order

Not issued yet - ordered
to lie over pending receipt of
Dr. Cornish's remarks.

573

Office of Surgeon-General
with the Government of Madras,
Madras, ~~Feb~~ Mar 3 1884.

My dear Webster.

If no final decision has
been passed in regard
to Surgn Thomas' appeal
& pending his relegation
to the uncovenanted list
I should wish to be
permitted to make a
few remarks on the
case as it seems
me from a perusal

P.O. No 94

From D^r Cornish

No.

Dated 3^d March/85

Received 3^d do

Enclosures

SUBJECT.

His remarks on D^r Thomas' case.

For Reply attached

6th March 1885.

My dear Cornish,

Adverting to your note of the 3d inst. I write to tell you that the Govt. will be prepared to consider any remarks you wish to make on Dr. Thomas' case.

Believe me
Yrs very sincerely.
S.H. Foster Webster

Memorandum

CHIEF SECRETARY
11 MAR 85
GOVERNMENT OF MADRAS

The papers in connection with the charge made by acting Surgeon General M.C. Fennell against Surgeon G. J. Thomas Resident medical officer of the General Hospital, "of gross neglect of duty" have come under my notice, since my return to duty, and I have solicited the sanction of Government to be permitted to offer a few remarks on the subject, before Dr. Thomas' case is finally disposed of, on the grounds (1) that the disciplinary arrangements of an important public institution, are involved and (2) that the charge has arisen out of the fact of the acting Surgeon General requiring hospital aid for an immediate relative.

2- Surgeon Thomas in his letters of 9th January and 16th February 1885 has distinctly denied the imputation of "gross neglect of duty", and in the latter communication has requested that the order passed by Government on his case, (as he believes under misapprehension of the facts) be

cancelled.

A skilful but unsuccessful attempt to screen Dr Thomas by special pleading of the writer of the Madras Mail

Dr Keen
Jundalsen
Mr Steward
Nam Ambar.
MMD
Madras 18th/85

cancelled, or that the charge preferred against him by the head of his own department may be investigated by a Military tribunal.

3- The order of Government disposing of the case directs Dr. Thomas' removal from his appointment and transfer to the unemployed list.

In my opinion before carrying this order into effect, it would be well to comply with Dr. Thomas' request if the Government are satisfied that there is sufficient evidence before them to support the charge advanced by Dr. Furnell "of gross neglect of duty".

The charge is one cognisable by Military courts to which Dr. Thomas is amenable, and it would seem to be unadvisable for Government to take so serious a charge as proved, without giving the officer concerned the opportunity of justifying himself before a Military tribunal. If he is guilty, a military court can award a fitting punishment, if not guilty, the finding of the court to that effect will be the most satisfactory way

of

Memorandum.

The papers in connection with the charge made by Acting Surgeon General W.C. Furnell against Surgeon G.T. Thomas, Resident Medical officer of the General Hospital "of gross neglect of duty" have come under my notice, since my return to duty, and I have solicited the sanction of Government to be permitted to offer a few remarks on the subject, before Dr. Thomas' case is finally disposed of, on the grounds (1) that the disciplinary arrangements of an important public institution, are involved, and (2) that the charge has arisen out of the fact of the Acting Surgeon General requiring hospital aid for an immediate relative.

2 — Surgeon Thomas in his letters of 9th January and 16th February 1885 has distinctly denied the imputation of "gross neglect of duty", and in the latter communication has requested that the order passed by Government on his case, (as he believes under misapprehension of the facts) be cancelled, or that the charge preferred against him

by

by the head of his own department may be investigated by a Military tribunal.

3. The order of Government disposing of the case directs Dr. Thomas' removal from his appointment and transfer to the unemployed list.

In my opinion before carrying this order into effect it would be well to comply with Dr. Thomas' request if the Government are satisfied that there is sufficient evidence before them to support the charge advanced by Dr. Furnell "of gross neglect of duty". The charge is one cognisable by Military Courts to which Dr. Thomas is amenable, and it would seem to be unadvisable for Government to take so serious a charge as proved, without giving the officer concerned the opportunity of justifying himself before a Military tribunal. If he is guilty, a Military Court can award a fitting punishment, if not guilty, the finding of the Court to that effect will be the most satisfactory way of

of clearing the officer's character from imputations which must always operate to his disadvantage in his professional career.

4 – So far as I can gather from the facts stated in the papers submitted to Government, I would record my opinion that no "gross neglect" of duty or even "culpable neglect" has been proved against Surgeon Thomas, while some important extenuating circumstances in connection with his conduct have not been represented as they should have been.

5 – The facts seem to be briefly these – On the evening of 3d January about 6–40 P.M. Acting Surgeon General M. C. Furnell drove to the General Hospital, and saw the apothecary on duty informing him that he wanted a room made ready for a gentleman expected to arrive by the 7–30 train, and that a dhooly with medicines and stimulants was required to be sent to the station to meet the train. Dr. Furnell stated his intention of remaining at the station to meet the train. The apothecary sent Dr. Furnell's message to the Matron Superintendent by one

of

of the nurses, and the matron at once had a room made ready for the reception of the patient.

6– But the apothecary on duty instead of writing urgently to the Resident Surgeon Dr. Thomas to inform him of the Surgeon General's visit and request, took no steps whatever to acquaint Dr. Thomas with what had happened.

Even when at 7-5 P.M he received a special message from Dr. Fennell, to summon Dr. Kerss the Senior Physician, it never seems to have occurred to him to send a similar message to the Resident Medical Officer, who from first to last never received any communication from the apothecary regarding the unfortunate case of the late Captain Hamilton.

7– The rules of the Hospital are explicit enough on the subject of subordinates on duty summoning the Resident Medical Officer in cases of emergency.

Civil Apothecary Jesudasen who was merely doing duty, and had no permanent connection with the Hospital, probably was ignorant of the General Hospital rules, hence his

his neglect to send for Dr. Thomas, immediately on Dr. Fennell's order being communicated to him. He excuses himself by saying he had no time, but the summons should have been sent to Dr. Thomas' house, immediately on receipt of Surgeon General Fennell's orders. If subordinate officials are permitted to take upon themselves the responsibility of withholding important information from their immediate superiors, there must be an end to all discipline.

8– In the year 1882 a case occurred in which an unfortunate gentleman in a high fever was kept waiting in the General Hospital for nearly an hour without receiving any help, because the apothecary on duty declined to admit him, without payment of hospital charges for ten days in advance. On that occasion I had to impress on the hospital authorities the duty of immediate and prompt attention to the admission of patients, and if any of the proper hospital staff had been on duty, as they should have been, I feel certain that Dr. Thomas would have received an immediate

notice

notice of Surgeon General Sunnells visit and its purport.

9- By a mere chance Dr Thomas came to the General Hospital on the night of the 3d of January, arriving a few minutes before 8 o'clock, being engaged to dine with the Matron Superintendent. On arrival he heard for the first time from Mrs Anderson that Dr Sunnell had requested a room to be made ready for a patient expected by the evening train, and while talking with Mrs Anderson he saw nurse Ambrose who was in charge of the room so prepared and enquired of her if the patient had arrived. Being informed that he had not, Dr Thomas, by his own account, directed the nurse to inform him when the patient came and sat down to dinner.

10- There is some discrepancy in the evidence as to the time intervening before Dr Thomas was summoned to see the patient. Probably from 15 to 20 minutes elapsed, when nurse Ambrose bethought herself of the instructions given by Dr Thomas to call him. This delay on the part of the nurse is entirely inexcusable, for both the Resident medical officer and Matron might and should have

have been summoned to so serious a case, within half a minute of time, for as Dr Sunnell states they were dining "within earshot" of the room to which Captain Hamilton had been brought.

11- When Dr Thomas received the message from nurse Ambrose, it is not disputed that he immediately left the dinner table and repaired to the patient for whom he had been sent.

12- Dr Thomas seems to think that his appearance in evening dress was annoying to Surgeon General Sunnell, but this of course is absurd. Being summoned from a dinner table, he very properly attended promptly without regard to costume. Nor was there in my view any impropriety in his dining with Mrs Anderson. At all the civil Hospitals with which I was acquainted as a student, the Matron Superintendent habitually dined with the Resident Medical staff. The present matron Superintendent, as well as former ones have been guests at my own table. Surgeon Thomas urges that this was the first and only occasion in which he had been a guest of Mrs Anderson and that he had been invited to have a good view of the fireworks in the people's park from the hospital roof.

I

I attach, myself, no importance to the circumstance and should not have alluded to it here, had not Dr Farnell's notice of the fact in his memorandum been underlined in a manner to imply an unusual or improper proceeding on Dr Thomas' part.

13. One of Dr Farnell's complaints is, that there was no broth or food ready. It is much to be regretted that it did not occur to Dr Farnell to make requisition for any thing of this nature, when he ordered a dhooly and medicines to be sent to the station. It is not the practice to keep food of this sort ready made in any hospital for people who may never come in, but if any warning had been given, the Steward's Department would have double= less had everything in readiness. The unfortunate circumstance in this case is, that no one had any idea of the nature of the case expected to arrive. If Dr Farnell had known his relative to be suffering from cholera, he would of course have given the necessary orders, and proper arrangements would have been made for the reception of the case in the infectious ward instead of in a room in the main building where it is never the

the custom to treat cholera cases.

14. It should be clearly understood that the ordering of food is not in the department of the Matron = Superintendent, who seems to have been blamed for having nothing ready. Dr Farnell who had more knowledge of the supposed nature of the case than any of the Hospital staff could have had, made no requisition for the preparation of broth or beef tea, and this would seem to indicate that he did not at the time attach much importance to these things being ready in the ward.

15. Nevertheless, there should have been no delay in complying with immediate requisitions for nourishment either by day or night. The General Hospital is provided with a steward and two assistants. The steward is a resident officer, occupying the room almost next door to that in which the patient was treated, and is responsible for all the internal economy of the Hospital. Some years ago when a new steward was appointed I insisted on his residing in the Hospital, so that there might be no difficulty by day or night in the immediate provision of

necessities

necessities for the use of the sick.

When Dr. Funnell was Senior Medical Officer the steward was non resident, and a practice grew up of making the third steward reside at night in the Hospital which arrangement appears to have been discontinued during Dr. Funnell's tenure of office. At that time, the Steward's arrangements as regards night duties were certainly not on a proper footing, but since the steward has been a resident officer, I do not recollect any complaints of inefficiency of night service on the part of Stewards. On the 3d of January, the steward was absent from Hospital at 6-40 P.M. when the acting Surgeon General arrived. He ought not to have left without placing one of his assistants in charge, or leaving word where he might be found, and it was clearly the duty of the apothecary on duty to have summoned the steward, as well as the Matron and Resident Medical Officer, the moment he received intimation from Surgeon General Funnell that a serious case of illness in a European officer would be admitted on arrival of

the

the evening train. The Steward states that he left a man in charge of the stores, but this seems to be doubtful as the apothecary states he took brandy from the operating room where a supply is always kept.

16. Acting Surgeon General Funnell in his memo No. 182 of 15th January enquired of the Senior Medical Officer whether "the present arrangements of the steward department, for emergent night cases are satisfactory".

Dr. Kerss' reply to this question is given below, letter No. 20 - 4th January

"The present arrangements of the "steward's department (which the "Surgeon General evidently considers "needs improvement) may be made "to work more satisfactorily by detailing "one of the three stewards to be always "present at night."

I have to ask the special attention of Government to the misleading character of this reply. Dr. Kerss conceal from the Surgeon General, the fact that since Dr. Funnell was Medical Officer of the Hospital, the chief Steward had been made a resident Officer, and that he always slept in the hospital for the express

purpose

purpose of attending to emergent cases occurring in the night. Under this arrangement it was clearly the duty of the steward to have arranged for his duties being conducted by a member of the staff during his absence in the evening, in question, or at other times when he was the sole officer of the department available for duty. The break down in this case occurred not for want of provision for the necessities of the Hospital, but from imperfect discipline in the steward's department, whereby the Hospital was left for some hours without any one in authority to prepare and supply the food and drink, required in emergent cases. The steward is a well paid officer, and although he is entitled to his periods of absence for exercise and recreation, he is properly held responsible for the duties of his depart= = ment being performed during such periods of absence. He has two assistants provided for him and under present arrangements they are not required to sleep in the Hospital, but one should certainly be present during the absence of the steward, who ordinarily takes the night duty.

In

In justice to the steward's depart= = ment it should be stated that the ordinary work of the day, and provision for the night, had been completed; and that no notice was given by the apothecary on duty, as should have been done, of the probable arrival of a serious case of illness.

17. In regard to the conduct of Dr Thomas I am clearly of opinion that he should have proceeded to the ward made ready for the patient, on being apprised of the facts by Mrs Anderson and have seen with his own eyes, that everything was ready, and have obtained from the apothecary on duty an account, at first hand, of the message left by Dr Funnell, reproving him at the same time for his negligence in omitting to transmit Dr Funnell's message to himself. It was a serious error of judgment on Surgeon Thomas' part that he did not do so, considering that he was in the hospital building, and could have ascertained all the facts within two minutes, but an error of this kind can scarcely be construed as "a gross neglect of duty," and the punishment described in the Government order which virtually closes the door to professional advancement of a promising young

the behaviour of

young officer, seems to me to be somewhat disproportioned to the offence. If it could be shown that Surgeon Thomas had neglected to attend to an emergent summons, or had delayed in attending after receiving due notice, I should have formed a very different opinion, but as a matter of fact he received no notice whatever from the person who was bound to send it, and only learnt the fact in casual conversation with the Matron Superintendent, and immediately he received a summons from the nurse whom he ordered to call him on arrival of the patient, he promptly proceeded to see the patient. On the evidence as it stands I doubt if any military tribunal could find a verdict of "Guilty" on the charge. If Surgeon Thomas had been dining out at a distance as might readily have happened, it is clear that he would have received no intimation of what was going on, and that he could not in that case be held responsible for the neglect of the apothecary to convey to him Surgeon General Gunnell's message.

18. Surgeon Thomas was chosen by me to fill the office of Resident Medical Officer, on the distinct ground of his ability as a medical officer, and his complete mastery of native languages which enabled him to converse at first hand with the numerous native in and out patients attending that institution. Very few officers of any department have taken such honorary distinctions in linguistic tests as Surgeon Thomas, (vide Army List). I have had no complaints made to me of any neglect of duty on his part, and I believed he was excellently well suited for the office to which he was appointed.

19. Regarding the question of Dr. Thomas' removal from his appointment, I offer no opinion; but if that removal is carried out I think it should be done in such a way as to leave no stigma on his character such as transfer to the unemployed list would involve. His Excellency the Commander in Chief has recently refused to receive for military duty Medical Officers who may be removed from Civil employment for incapacity or neglect, and it is only fair therefore

to

to Officers who may be charged with such offences that they should have an opportunity of clearing themselves before the Military Courts to which they are amenable.

20. The conduct of the apothecary shows great negligence and ignorance of discipline. The man himself was sent to do duty at the Hospital because he had been found unfitted for independent employment under local authorities, in the hope that under discipline and direction he might improve and become a competent officer. It was an error of judgment on the part of the Senior Medical Officer, in detailing "doing duty" subordinates of this description to take the place of the regular members of the Hospital Staff. Civil Apothecary Jesudasen is not a Military Subordinate, or I should have directed him to be placed in arrest, and tried for want of attention to Hospital rules, in neglecting to inform his immediate superior of the arrival of an emergent case of illness. His conduct seems to me to require some notice from Government

Government. I observe that Dr. Furnell in his complaint takes no notice of the indiscipline of the man, or of the nurse Mrs Ambrose, the latter of whom had a distinct order to call the Resident Surgeon on arrival of the patient; and failed to obey it, until much valuable time had past. She appears also to have neglected to apprise the Matron Superintendent of the patient's arrival. The only excuse for these two persons in their neglect of rules and orders is that they may have lost their heads, in the presence of the Head of the Medical Department with a patient under such distressing circumstances. Dr Furnell shows that they were active and busy in doing such things as the circumstances of the patient needed, and that their errors arose from want of thought rather than want of heart. In Hospitals, as in battle fields, coolness and calm judgment are essential to those who have responsible duties, and in these respects both the apothecary and nurse fell lamentably short of

what

what might have been expected
of them.

W Mc Cormick
Surgeon General
with the Govt of Madras

Fort St George
11 March '85

No: 141.

Forwarded to the Chief Secy to Govt
with reference to his D.O of the 6th
March 1885.

W McCormick
Surgn

1885

Public Department

Encl. 1035

From

The Surgeon General

with Govt

Fort St George
Dated 11 March
Reed. 1885

No. 141

CHIEF SECRETARY
11 MAR 85
GOVERNMENT OF INDIA

Submits remarks
in the Case of
Surgeon G. J. Thomas

Circulate
11/3/85

Lt. Col. Duffin

e 11/3

Public DEPARTMENT.

No. 1035.

From

Surgeon General W. R. Cornish 7 Res, C. B.
dated 11 March 1885, No 141. Sub-
mitting his remarks on the
case of Dr. Thomas.

FOR ORDERS.

I agree with my Hon'ble Colleague in thinking that the order may be modified to the extent of permitting Dr Thomas' re-employment if he wishes.

I think it should be distinctly laid down that when a resident surgeon is absent from duty he should leave at the Hospital

Mr Cornish acknowledges (paragraph 17) that Dr Thomas committed "a serious error of judgment". The phrase which he quotes as being not quite appropriate — "gross neglect of duty" — does not find a place in G.G. Feb 85 No 333 though it may be implied in the censure conveyed in that order.

I can find no sufficient reason for cancelling that order in toto. Besides the "error of judgment" there is the chaos at the Hospital

as to which Dr Thomas must share responsibility. The neglect of rules on all hands may lessen the blame attaching to Dr Thomas personally but I think his removal is desirable, but the order might not unreasonably be modified and employment elsewhere be provided at once with reference to Mr Cornish's testimony to Dr Thomas's general efficiency. Removal from office will be a sufficient punishment.

There is no call for a military Court of enquiry.

I have already noted on the Apothecary's neglect of duty in not summoning or communicating with the Resident Surgeon. The rules are clear. He ought have sent word. This fundament, it is said, was probably ignorant of the rule being merely a dong-duty lodge or waiting room - not at his house a written notice of where he is to be found - Then is I believe an Assistant physician attached the hospital - Why could it not be arranged that one of the medical men should always be at the hospital

H.H.

14/3

Dr Thomas

man. This statement indicates how slack must be the discipline at the Hospital when a man could be put on important duty, while ignorant of one of the fundamental rules of the institution.

It is shewn that the non provision of Broth &c was not the fault of the Matron Superintendent. But the delay in procuring it was certainly owing to the absence of the Steward Officer official in the Steward's department where is a further instance of the want of discipline in the Hospital.

Both the Apothecary & the Chief Steward deserve censure for neglect of duty.

Mr Cornish implies that Dr Keeso's statement about the Steward's department is misleading. He also speaks of the error of judgment on the part of the Senior medical officer (Dr Keeso?)

as detailing doings
duty subordinates.
Clearly the working
of the Hospital is not
creditable to its Head
or to the Resident Sur-
geon who has charge
of the actual daily
details & this must
be resisted at once &
a remedy applied.

CCC
12/3

Dr Thomas's case

FOR ORDERS.

C11-3 Rep. 19.3

Dr Thomas

As I understand his case, Dr
Thomas is at the moment suspended
from active employment under Gr.
order. and another officer has
taken his place: but no appeal in
Consequence of D. J. expressed
a proper sense of his misconduct
& wh: he has been guilty his
suspension is not to be long &
that a convenient opportunity
be taken to employ him some where
else

I cannot say that his perusal
of Dr Cornish's defence of his
brother (for it is undoubtedly his
whole from a to z) has in
any way altered my view - call
it a certain Error of judgt or call
it anything you please. a young
Officer of great promise has
shown particularly at least this Dr Thomas

whether the behaviour of

Mr Woolfrance not rec° all that
case wh: he sh° have rec° at his
first hospital.— A serious error?
first followed by
first ~~omitting~~ in so deplorable
want of
a failure of efficiency in his work?
In first hospital sh° be severely
visited upon someone. am I not
him right in thinking that his
apothecary Saunderson & his steward
post
who was not at his place are both
subalterns doing duty
subalterns serving under Dr Thomas
as Col: of this Regt — I do not say
that full justice will be done until
that full picture
Mr Saunderson receives some blame
tho' it sh° be mingled with praise & it
is quite possible his steward may
deserve severe punishment but
to a proper moral effect be produced
by proceeding against his ~~misconduct~~
~~doctrines~~ findings of them no one has ever
heard a letter Dr D. T. because
protected by D. Cornish, Off. Instr
lightly

C.H.S Rep 193

I cannot think so — It must be
remembered that every his care of
Capt Hamilton was me calculated
to put his people at this hospital.
Wavering
completely on their mettle!! of his
fact after Sat Ag. steps first coming
himself to the hospital and taking
the deepest personal interest in his
care was not enough to retain them
& action what sh° have been
the state of things of this most sick
had been some unknown
person who had not an influential
unfortunate people
such persons That the first
Hospital is mainly designed — the
remarks of Dr Cornish may be a
sufficient ground for inquiring
into the whole management of
the first Hospital but perhaps
not? with what he decided
when & by whose authority
& Dr Keers is no secret, how far

Vide behaviour of

4 the Pres[y]: last time it
nothing whatever on his remarks
to lead me to think that the
have been at all too severe
on Dr. Thomas. and trust in his
merits who. we have at present
to consider — I wd leave him
unemployed, if necessary for
twenty yrs until he acknowledge
his misconduct in his most
distinct and unequivocal
manner.

As for closing his door of professional
advancement to "this promising
young officer" I shd like to know
of he is to be so described, what
an unpromising young officer
may be like — My only doubt
is whether in giving him a
back-door of escape we are not
acting too goodnaturedly

40719 dis 24/3/85

C11.3 Ref 19.3

43

Public Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read letter from Ag: Surgeon General Furnell, dated 20th Feby: 1885.
Enclosure from Dr. Thomas, dated 16th Feby: 1885.
Memorandum from Surgeon General Cornish dated 11th March 1885

G. O. dated 24th March '85, No. 719 (Mil:)

His Excellency the Governor in Council has given his most careful attention to the papers read above, and regrets that he can find in them no sufficient reason for altering in any respect the orders which have already been passed in this case.

2. It is, in the opinion of His Excellency in Council, altogether unnecessary to discuss the point raised by Surgeon General Cornish whether the behaviour of

of Surgeon Thomas would be more accurately described by the words "a serious error of judgment" than by the Expression "a gross neglect of duty" but it may be remarked in passing that the latter phrase does not find a place in the order of Government of the 9th February last № 333. – Putting this point on one side as being quite immaterial, the Government observe that the Surgeon General has himself recorded the opinion that Dr. Thomas committed serious errors in not proceeding to the ward made ready for the patient, in omitting to see with his own eyes that everything was ready

ready, and in neglecting to obtain from the apothecary on duty an account at first hand of the message left by Dr. Turnell – The Surgeon General thus admits that, in part at least, through the neglect of Dr. Thomas a young Officer of great merit did not receive all that care which he should have received at the General Hospital. It is the plain duty of the Government to give notice to all Concerned that such errors must not take place, and it would be in vain

remain to hope that any
Salutary result could
be produced if an officer
in Dr. Thomas's position
is allowed to escape
without a most serious
warning.

3. The orders already
passed removing Surgeon
Thomas from the post
of Resident Medical
Officer to the invalid depot
list will accordingly
remain in force, but, as
Soon as the Government
receive an Expression
of Surgeon Thomas's
Sense of the serious errors
& omissions which

C11.3 Ref 19.3

have been brought home
to him, and of his deep
regret for the same, a
Convenient opportunity
will be taken of employing
him in some up-country
Station where it is to be
hoped he will so conduct
his public duties as to
regain the ground he
has lost

(True Extract)

(Signed) E. F. Webster
Chief Secretary

Despatched to the Surgeon General
with the Government on the 24th
of Dec 1859

4 Ker Pres Sy: last line ii

Read. letter from Ag. Surgn Genl
Fennell 0/20th Feby. 1885.
enclosing fm Dr. Thomas 0/16th Feby 1885
Memorandum from Surgeon Genl
Cornish 0/11th March 1885

G.O. draft dated 25 March 1885 No 719

His Excy the Gr. in Council
has given his most careful
attention to the papers read
above and regrets that he
can find in them no
sufficient reason for altering
in any respect the orders which
have already been passed
in this case.
It is, in the opinion of H.E. in
Council, altogether unnecessary
to discuss the point raised
by Surgeon Genl Cornish
whether the behaviour of
Surgeon Thomas would be more
accurately described by the
words "a serious error of
judgt" than by the expression
"a gross neglect of duty"
but it may be remarked in
passing that ~~the Surgeon~~
~~Genl is mistaken in supposing~~
~~that~~ the latter phrase ~~is~~
does not find
a place in the ~~Queens~~ Regs

— Putting this point on one side as being quite immaterial, the Government observe that the Surgeon Genl has himself recorded the opinion that Dr Thomas committed serious errors in not proceeding to the ward made ready for the patient, in omitting to see with his own eyes that everything was ready, and in neglecting to obtain from the apothecary on duty an account at first hand of the message left by Dr Farnell — The Surgeon Genl then admits that, in part at least, through the neglect of Dr Thomas a young officer of great merit did not receive all that care which he should have received at the General Hospital. It is the plain duty of this Government to visit so deplorable a result upon the officer in charge of the General Hospital who is personally responsible for the maintenance of discipline therein and for complete efficiency of work performed in that

take care that
give notice to all concerned that such errors must not in future be of little avail to screen them from blame as may be necessary hereafter to do if the same

is allowed to escape with

3 —— The orders already passed removing Surgeon Thomas from the post of Resident Medl officer to the unemployed list will accordingly remain in force. but as soon as the Government receive further an expression of Surgeon Thomas's sense of the serious errors and omissions which have been brought home to him will be taken a convenient opportunity of employing him in some up-country station where it is to be hoped he will conduct his public duties so as to merit the approbation of his superiors

E.J.W
20/3/85.

The Surgeon General with the Govt

Public Office

Y.80 873 Encl 3 10/74/85

719 (Civil)
24 Mar 1885.

PRESENTED BY GOVT ORDER

CORFIELD

Dr Cornish

Surgeon Thomas.

Case of

Draft G.O.

Hon the Minister
Hon the Solicitor General
The Right Hon the Governor.

E.J.W
20/3/85

Seen by the Ast
23/3/85

Work performed in that office is allowed to escape notice too often

hospital to enable Dr Tech Dr Thomas of his visit

(2) whether he is in a position to state that Dr Thomas was aware of his visit to the Hospital earlier than 7.50 when the matron told him

(3) If no message was sent to Dr Thomas it seems clear that some body has failed in the discharge of his duty & his first desire is to know who is to blame.

(4) There seems some doubt whether Mrs Anderson did honestly see personally to the arrangement of the room required for the patient. & Dr Tunnah might be directed to enquire whether this was the case & to report the result

F.W
25/2/85

No harm in asking this
I believe the file already contains sufficient information on these points

Mather

FOR ORDERS.

Yes but why was Dr Thomas always un-prosecuted?

General Hospital

Dr Thomas -

Case of

Circulated
E.J.W
25/2/85

Yes

1 Hon the Minister
2 Hon the Solicitor
3 The Right Hon the
The Governor

Yes this can be done but in how short a time must be written all this down to the Chairman. If Dr Thomas was not at the hospital

Public Dept

No. 873 Encl in 3/1044/85

719 (Encl)
26 Mar 1885

COMPILED

Dr Cornish

Surgeon Thomas

Case of

Draft G.O.

Hon the Minister
Hon Mr Sullivan
The Right Hon the Governor.

E.F.W.
20/3/85

9/4 3-85

Seen by the Ld
23/3/

work performed in that hospital is allowed to escape us. Ton

DEPARTMENT.

No.

From Ag: Surgeon Genl Fennell
enclosing 4 plans in case
Dr Thomas.

FOR ORDERS.

I submit that the Surgeon Genl version of Dr Thomas' behaviour on this occasion is not strictly accurate inasmuch as he over & over again implies that Dr Thomas had early intimation of Dr Fennell's visit to the Hospital. The truth being that Dr Thomas was out when Dr Fennell visited the hospital and was not told that a patient was expected till 7.50 P.M..
Then in para 3 of his letter of the 20th Jany Dr Fennell writes "here ample notice was given but the

ordered as recommended
3/3/85

that a G.O. be now prepared as his lines in his present note enclosed and that his ? be not again referred to Dr Fennell or Dr Cornish

F.W.F.
3/3/85

Resident Medt Officer
& the matron are dining
upstairs." Again in para
9 of paper marked A.
Dr Fennell writes that he
expressed his astonishment
that after his notice he
had given Sp patients
dangerously ill xx the
house surgeon was not
present." Further, in his
recent letter forwarding
Dr Thomas' appeal Dr
Fennell says "What is
chiefly complained of
in Dr Thomas' case is
that with the same
information [that is I
presume the information
that Sr Col: C.J. Smith had
given to Dr Fennell] he
made no corresponding
preparation——
What really happened
is briefly this:— Dr Fennell
was told by Col Smith
that Capt Hamilton was
very ill & coming to London
by the Evening train:
What the nature of the illness
was was not known—
a Brougham was ordered to
be ready at the Station

to receive the patient
but nobody sent a
message to Dr Thomas,
who was not then in the
hospital, warning him
of the expected case. The
result being that he
knew nothing of all that
had taken place till he
went upstairs to dinner
at 7.50 P.M.— It was his
duty then at once to have
been on the alert, but
whatever failure he may
have been guilty of in
this respect his conduct
would perhaps not have
been so severely censured
had not Dr Fennell led by
understand that Dr
Thomas had received
very early intimation
of Dr Fennells' visit & the
purpose of it——
I venture to suggest that
before this case is finally
disposed of Dr Fennell
should be directed to say
(1) whether he ordered
his Capt Hamilton or any
other functionary of the

Was the Fennells duty?
Either Dr Thomas should have been
on the spot or some responsible
person - One of the nurses & some
student - It must be enough

hospital to make both tch
Dr Thomas of his visit
(2) whether he is in a
position to state that
Dr Thomas was aware of
his visit to his hospital
and earlier than 7.50
when his instruction told
him
(3) If no message was
sent to Dr Thomas it
seems clear that some
body has failed in the
discharge of his duty &
his first desire is to know
who is to be blame.
(4) There seems some
doubt whether Mrs
Anderson did hereby
see personally to the
arrangement of the
room required for the
patient. & Dr Tunnell
might be directed to
enquire whether this was
his case & to report the
result

F.W.S
25/2/85

No harm in asking this
I believe the file already
contains sufficient information on these points
Mr Thomas

FOR ORDERS.

Yes but why was
Dr Thomas away
un-apprised?

General Hospital

Dr Thomas—
Case of

Circulated
E.F.S.
25/2/85

Yes

1 Mrs Mr Martin
2 Hon Mr Sullivan
3 The Right Hon'ble
The Governor

Yes this can be
done but in how
many a state an hospital
must be when all this damned
to the Cockwork of Dr
Thomas was put on the
the hospital was

True copy

General Hospital
Madras
16. February. 1885

From Surgeon G. T. Thomas
Resident medical officer

To The Secretary
to the Surgeon General
with the Government of Madras
Fort St George.

Sir

I have the honour to acknowledge receipt of G.O No 333 of 9th inst, placing me on the unemployed list of reasons which appear to me to be based upon a misapprehension of the true state of the case, I beg therefore to submit a further explanation.

2. I am reluctantly compelled to draw pointed attention to certain omissions made by Dr Tunnell as the state of things described in the G.O. was due to these omissions and not to any negligence on my part. & The telegram announcing the coming of the patient & the nature of his disease should have been handed to the apothecary with orders to send for me; B. in the absence of the House Surgeon Dr Tunnell himself, as a physician might have suggested to the Apothecary that the special requisites and comforts usual in the treatment of a case of Cholera, should be

prepared, he did not do so, he did not tell any one a case of Cholera was expected, and no special requisitions were made by him as one would infer from the G.O.

3. The conclusions arrived at in the G.O. are (a). That Dr Furnell gave two hours notice of the expected arrival of a sick officer. (b.) That notwithstanding I had "timely notice," and was therefore well aware that a case of dangerous illness was about to be brought to the Hospital, I was not present to receive the patient on arrival. (c) That I had failed to complete efficient preparations in accordance with the requirements of the Eg Surgeon General (d). That my explanation of the 9th inst shows that I am very far indeed from regarding in its proper light any failure in the above respects, and that I do not understand what is required of a resident medical officer in charge of a Hospital.

4 Had my conduct been of this nature I should confess myself at fault: The gravamen of the charges as formulated against me by Government lies in conclusion (c). This conclusion rests on the erroneous but natural assumption that Dr Furnell had not omitted to make [illegible] Hospital [illegible]

such a case would demand, and that I was apprised of such requisition but neglected to comply with it.

5 My defence to the charges in detail is— (a). That notice was admittedly given to the Apothecary in my absence. Hearing that I was out Dr Furnell should have directed that a messenger be sent for me, or have left a note to be taken to me informing me of Capt Hamilton's expected arrival and condition. He did neither. Had he done either I should have been in readiness to receive the patient for I never go out of my house without leaving word where I may be found if required. Had I received either message or note on my return to my house I should have personally seen that all necessary preparations were made (for a case of Cholera), and I should have gone to the Railway station myself.

(6) B. The only notice I received was at 7.50. that a European patient was expected by the train, that Dr Furnell had ordered a room, and that a Dhooly & Bandy had gone to the station, this notice was from Mrs Anderson who also told me she had personally seen that the room was ready as rooms usually are for expected arrivals.

she does not say this in her statement to

No one knew the nature of the case, although it is invariably the custom for persons seeking admission to inform us of the nature of the disease or accident. I instructed Nurse Ambrose to inform me of the patients arrival. I respectfully ask what more could have been expected of me under the circumstances.

(7) (C). From the wording of the G.O. it would appear that Government are under the belief that Dr. Furnell told the Apothecary the nature of the case, and that he also made all necessary or special requisitions. Dr. Furnell informed us one of the nature of the case, he made no special requisitions beyond those already stated by me above. What special preparations then would he have me make.

(8). It would also appear from the G.O. that having had timely notice of a dangerous case of Cholera I neglected all preparations, and that therefore I am unfit to hold the position I was in at the General Hospital.

This conclusion can be disproved by three simple facts that 1st I practically received no notice at all. 2nd that the instant I [illegible] of the patients arrival

No: the order expressly says "a dangerous case" pilmer

I hastened to attend upon him. 3rd That arrived at the patients bedside I did all in my power to render assistance.

9 I beg that it will be understood that I now confine myself to a defence of my own conduct.

From personal interest in the patient Dr. Furnell was naturally anxious and excited, and this has led him to characterize my appearing in Evening Dress as he has done. The fact that I did not even wait to change my dress coat shows that I hastened to the patient without a moments delay.

10 In conclusion I have the honour to request that Government will be pleased to reconsider my explanation of the 9th January by the light of this letter, and that the G.O. No 333 of 9th inst be cancelled, or if not that my case may be investigated by a Court of Enquiry, and that pending such reconsideration or reference to a Court of Enquiry my removal to the Unemployed list shall not be gazetted.

I have the honour to be
Sir
Your most obedient Servant
G. T. Thomas
Surgeon
Resident Medical Officer.

True copy

1885

From. Surgeon J. T. Thomas
Resident Medical Officer
General Hospital.

To. The Secretary
to the Surgeon General
with the Government of Madras

Dated. 16. February. 1885

Recd:

Subject. Request that Government will be pleased to reconsider G.O No 333 of 9th Feby 1885 placing him on the unemployed list, or grant a court of Inquiry on the further explanation now afforded

General Hospital
Madras, 16th February/85

22

To

The Hon'ble F. Webster
Chief Secretary
to the Government of Madras.

Dear Sir,

I beg to hand you herewith copy of a letter I have just addressed to the Secretary, Surgeon General, with the Government of Madras, with reference to G.O. No 333 of 9th February 1885.

2. I will mention one or two points to which I have not particularly referred in my defence.

(a) Had the patient been taken straight to the contagious Ward for Europeans, the difficulty of getting a dhooly upstairs, one of Dr. Turnell's complaints, would not have occurred.

(b) The apothecary on duty between 6 and 8 p.m, did not as he was bound to do by the rules of the hospital, try to inform me in any way of what was going on. Even after the patient's arrival he did not send to call me, because, as he says, his time was so taken up in attending to Dr. Turnell's

numerous

numerous directions.

(c) When I was casually informed that a patient (whose name and malady were unknown) was expected, Mrs. Anderson had personally visited the ward and seen that all was ready in the usual way.

(d) As nurse Ambrose knew where I was and I had told her to call me, I began my dinner knowing that I was available at a moments' notice, and that everything usually got ready had been got ready.

(e) Patients for whom we receive notice to prepare do not always arrive, for instance on receently as the 3rd instant Dr Shaw sent for a dhooly at 7/30 p.m, describing as is almost invariably done the nature of the accident a friend of his had sustained: everything was of course prepared but the dhooly returned at 10.45, empty. Is it expected that I should wait about the hospital the whole of that time, or that I should tell the Apothecary to inform me immediately of the patients arrival?

(f) According to Hospital Rule 3. Chapter III, page 15, one of the duties of an Assistant Apothecary is, "to attend to all cases of accident brought

brought to the hospital, reporting the same to and seeking if necessary the assistance of the Resident Medical Officer," and other rules show that a considerable amount of confidence is placed in the apothecaries. I cannot always be on the spot.

The simple truth is that Dr. Furnell being naturally very anxious about the patient was excited, he omitted to give necessary information, he was irritated at my costume, and at my dining with Mrs Anderson and he has magnified the unfortunate incident! As a fact, within half an hour of the trains arrival, the patient was removed from the train to the Hospital, put to bed, and hot milk, hot water bottles, and hot sand procured, this does not show a state of unpreparedness although no notice had been given of such requirements.

I feel convinced that I should be honourably acquitted of the charges of negligence and ignorance of my duties by any Court of Enquiry. I have not thought it necessary to burden my defence by the foregoing and many other arguments.

Those I have adduced read in conjunction with my defence and previous explanation will I trust serve to avert the grave scandal that

that would be occasioned by gazetting my punishment for the baseless pretences alleged for placing me on the unemployed list.

I am
Dear Sir
Yours Faithfully
G. T. Thomas
Surgeon

I would respectfully suggest that pending any further communication from the Surgeon General on Dr Thomas's letter of 16th inst copy of which is now forwarded the order placing Dr T. on the unemployed list not be gazetted.

I see no objection to a Court of Inquiry as Dr T. asks provided that the matter can lie over till Dr Funnell's report.

Meanwhile it will be ascertained whether a Military Court of Inquiry can take cognizance of alleged failure of duty in a Civil Hospital

Circulated for orders
E.T.W. 16/2/85

I cannot understand how a Court of Inquiry can be the proper tribunal, but let precedents & regulations be examined.

Suspend the gazetting till further order.

Dr T. does not in any way alter my opinion as to his unfitness for his present duties.

The first advised by the Surgeon Genl is the proper Court of Inquiry in a civil matter, I should think not

brought to the hospital, reporting the same to, and seeking if necessary the assistance of the Resident Medical Officer," and other rules shew that a considerable amount of confidence is placed in the apothecaries. I cannot always be on the spot.

The simple truth is that Dr Funnell being naturally very anxious about the patient was excited, he omitted to give necessary information, he was irritated at my costume, and at my dining with Mrs Anderson, and he has magnified the unfortunate incident. As a fact within half an hour of the trains arrival, the patient was removed from the train to the Hospital, put to bed, and hot milk, hot water bottles and hot sand procured, this does not show a state of unpreparedness although no notice had been given of such requirements.

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should be honorably acquitted of the charges of negligence and ignorance of my duties by any Court of Enquiry. I have not thought it necessary to burden my defence by the foregoing and many other arguments.

These I have adduced read in conjunction with my defence and previous explanation, will I trust serve to avert the grave scandal that would be occasioned by gazetting my punishment for the baseless reasons alleged for placing me on the unemployed list.

I am,
Dear Sir,
Yours faithfully,
(Signed) G. T. Thomas.
Surgeon.

19th Feb. 1885.

My dear Furnell,

Dr. Thomas has sent me a copy of his letter to you of the 16th inst. communicating on the order of Govt. recently passed on his case. The Govt. await your remarks thereon.

Yr. very truly.

Sd/ Forster Webster.

I write this not with the object of pressing you in any way; but simply for your information.

D.O. to W. Turnell.

D/19th Feb. 1885.

My dear Webb

Dr. Thomas ...
before me when you
arrived and I was ...
my notes. If ...
book is not to Ex. ...
think is very unjust ...
him. Sending a copy ...
as if he suspected us of ...
intending to foil him fair ...
play: If ...
fair play. Yours ...
M.C. Lumsden

CHIEF SECRETARY
19 FEB 85
GOVERNMENT OF MAS

25

Office of Surgeon General
with the Govt. of Madras.
Fort St George 20th February 85.

No. 94

From

M. Lo. Turnell Esqr. M.D., F.R.C.S.
Ag Surgeon General
with the Govt. of Madras

To

The Chief Secretary
to Government
Public Department.

Sir,

I have the honor to forward an appeal from Surgeon J. Thomas Resident Medical Officer General Hospital against G.O. No. 332 of 9th instant.

The appeal in question seems to me to throw no new light on the question. Statements A and B in para 2 suggest, as in Dr. Thomas' former letter, that the initiative in cases of emergency rests not with the Resident Medical Officer but people outside. It is correctly

stated

stated in Dr. Thomas' former letter dated January 9 "no one knew the nature of the case;" but in this letter Dr. Thomas takes it for granted that Dr. Turnell was in possession of a telegram stating that the case was one of "cholera". The real truth is that Dr. Turnell, when he called at the General Hospital, was in possession of no telegram, simply an oral communication from Colonel C.J. Smith that a telegram was somewhere about the town in search of him - stating that Captain Hamilton was very ill and coming up by train. On this information a room was asked for and a Woolley with the usual Medicines for emergent cases ordered over to the station - What is chiefly complained of in Dr. Thomas' case is that with the same information he made no corresponding preparation in the Hospital. He admits having heard about the patients probable arrival at 7.50, say, 15 minutes before

x copy attached M.L.-d

before Captain Hamilton was admitted, and yet he never visited the room or made any enquiries or gave any orders for restoratives to be prepared. He wanted to be called. In this letter he says "I instructed Nurse Ambrose to inform me of the patients' arrival" - in his previous letter of January 9, he writes "I asked her if the patient had arrived she said "no" - I naturally then waited to be informed of the arrival of the patient" which I believe truthfully represents the case. Nurse Ambrose was fully employed with the patient from the moment of his entry till his death.

There is one statement I find in my memo to General Hospital - which is not strictly correct - the opening para states:-

"On the evening of Saturday about 6 P.M acting Surgeon General Turnell received a telegram &c"

this as stated above is not

Strictly

strictly correct and is a slip of the pen - I really found the telegram at my house on return about Midnight, when all was over. I acted on Colonel J. Smith's information; but it does not, it seems to me, affects the question in the least, for the memo which contains that remark only reached the General Hospital three or four days after the occurrence had taken place, and yet Dr. Thomas based his defence on the non-receipt of this telegram, stating the patient was suffering from cholera. This point I think is fully disposed of in Dr. Keep's letter of January 17 where it is stated.

"Surgeon Thomas on his hearing for the first time from the Matron Superintendent at 7-50 P.M that a Dhooly with Medicines, ice &c had been sent for a patient expected by train in a few minutes should have lost

lost no time in arranging for his reception into hospital. It should have occurred to him that the case was a serious one, for, were it not so the Surgeon General would not have ordered medicines to accompany the Dhooly to the Railway Station. He ought to have been present to receive the patient and to give the requisite help without delay. In waiting to be called, after having had ample notice of the expected arrival of what should have appeared to him a case of very serious illness, he laid himself open to blame for neglect of duty.

This is the opinion of Govt. and I think so too; instead of this he sat down to dinner.
M.L. Smith

"The instructions given by the Surgeon General that Medicines, Brandy, ice &c should accompany the Dhooly to the station ought at once to have suggested to the Resident Medical Officer and Matron Superintendent, the necessity for having ready nourishment and other requisites sought for generally

generally in serious cases of illness."

I have the honor to be
Sir
Your most Obed.t Servant

M. C. Furnell

Ag Surgeon General
with the Govt of Madras.

(T. 123)

28 L. T. I.

Ordinary Madras Railway Licensed Telegraphs.

Local No.

To (Station.) Madras

From (Station.) Arkonam

No.	Words.	Time tendered for transmission Railway time. Day.	Hour.	Minute.
585	17	3rd	E	A

Official Instructions.

To (Person.)
Dr Furnell

From (Person.)
Mary Hamilton

1 Bob	2 very	3 ill
4 son	5 come	6 or
7 send	8 a	9 doctor
10 to	11 train	12
13	14	15
16	17	18
19	20	21
22	23	24
25	26	27
28	29	30
31	32	33
34	35	36
37	38	39
40	41	42
43	44	45
46	47	48
49	50 (Signed) Jas. Andrews S.M.	51

Received From
A Hrs, Mts. on the
By

Sent To Madras
At 5 Hrs. 16 Mts. on the 3-1-85.
By

Date

65,000—28-8-84.

Signaller in Charge.

General Hospital
Madras
16. February. 1885

From Surgeon G. T. Thomas
Resident Medical officer

To The Secretary to the Surgeon General
with the Government of Madras
Fort St George.

OFFICE OF SURGEON GENERAL
16 FEB
WITH GOVT: OF MADRAS.

Sir

I have the honour to acknowledge receipt of G.O. No 333 of 9th inst placing me on the unemployed list for reasons which appear to me to be based upon a misapprehension of the true state of the case, I beg therefore to submit a further explanation.

2) I am reluctantly compelled to draw pointed attention to certain omissions made by Dr Farnell, as the state of things described in the G.O was due to these omissions and not any neglect on my part. (a) The telegram announcing the coming of the patient, and the nature of his disease should have been handed to the Apothecary with orders to send for me, (B) in the absence of the House Surgeon Dr Farnell himself as a Physician might have suggested to the Apothecary, that the special requirements & comforts used in the treatment of a case of Cholera should be pre-
-pared; he did not do so, he did not tell any one that a case of Cholera was expected, and

no

no special requisitions were made by him as one would infer from the G.O.

(3) The conclusion arrived at in the G.O. are (a) that Dr Fennell gave two hours notice of the expected arrival of a sick officer.

(b) That notwithstanding that I had "timely notice", and was therefore well aware that a case of dangerous illness was about to be brought to the hospital, I was not present to receive the patient on arrival.

(c) That I had failed to complete efficient preparations in accordance with the requirements of the Dy Surgeon General

(d) That my explanation of the 9th January shows that I am far indeed from regarding in its proper light my failure in the above respects, and that I did not understand what was required of a Resident Medical officer in charge of a hospital. Had my conduct been of this nature I should confess myself at fault. The gravamen of the charges as formulated against me by Government lies in conclusion, C. This conclusion rests on the erroneous but natural assumption that Dr Fennell had not omitted to make a requisition for the special preparations such a case would demand, and that I was apprised of such requisitions but neglected

to comply with it

4) My defence to the charges in detail is, (a) the notice was admittedly given to the Apothecary in my absence. Hearing that I was out Dr Fennell should have directed that a messenger be sent for me or have left a note to be taken to me, informing me of Captain Hamiltons expected arrival and condition. He did neither. Had he done either, I should have been in readiness to receive the patient, for I never go out of my house without leaving word where I may be found if required. Had I received either message or note on my return to my house, I should have personally seen that all necessary preparations were made for a case of Cholera, and I should have gone to the Railway station myself.

5) The only notice I received was at 7:50 pm that a European patient was expected by the train, that Dr Fennell had ordered a room, and that a Shroby & brandy had gone to the station, this notice was from Mrs Anderson who also told me that she had personally seen that the room was ready as rooms usually are for expected arrivals.

6) No one knew the nature of the case although it is invariably the custome for

persons seeking admission to inform us of the nature of the disease or accident. I instructed Nurse Ambrose to inform me of the patients arrival. I respectfully ask what more could have been expected of me under the circumstances.

V. From the wording of the G.O. it would appear that Government are under the belief that Dr Fennell told the apothecary of the nature of the case, and that he also made all the necessary or special requisitions.

Dr Fennell informed no one of the nature of the case, he made no special requisitions beyond those already stated by me above. What special preparations then would he have me make?

8. It would also appear from the G.O that having had timely notice of a dangerous case of Cholera I neglected all preparations and that therefore I am unfit to hold the position I was in at the General Hospital. This conclusion can be disproved by the simple facts that, 1st I practically received no notice at all. 2nd That the instant I received information of the patients arrival I hastened to attend upon him. 3rdly That arrived at the patients bedside I did all in my power to render assistance. If I beg that it will be understood that I now confine myself to a defence of my own conduct.

31

From personal interest in the patient Dr Fennell was naturally anxious and excited and this has led him to characterize my appearing in evening dress as he has done. The fact that I did not even wait to change my dress coat shows that I hastened to the patient without a moments delay.

W) In conclusion I have the honour to request that Government will be pleased to reconsider my explanation of the 9th January by the light of this letter and that the G.O. No 333 of 9th inst be cancelled, or if not that my case may be investigated by a Court of Enquiry and that pending such reconsideration or reference to a court of Inquiry my removal to the unemployed list shall not be gazetted.

I have the honour to be
Sir
Your most obedient Servant
G. T. Thorpe
Surgeon
Resident Medical Officer

1885

No 820 1885. Mr

From Surgeon G. T. Thomas
Resident Med. officer
General Hospital

To The Secretary
to the Surgeon General
with the Government of Madras,
Fort St George

Dated. 16. February. 1885.

Received.

Subject = Requests that
Government will be pleased
to reconsider G.O. No 333. of
9. February 1885 placing
him on the unemployed
list, or grant him Court of
Inquiry on the further
Explanation now afforded

Public (1885) Department

From

Cnc. 763 A

The Ag Surgeon Genl
with the Govt of Madras
For Lt Gl George

No 94

Dated 20th
Recd 4th
} February 1885

No

Subject

Submitting
appeal from Surgeon
G. J. Thomas Resident
Med. officer General
Hospital, with remarks

5

No. 215

From

Chief Secretary to Government,
Fort Saint George,

To

THE SECRETARY TO THE GOVERNMENT
OF INDIA,
HOME DEPARTMENT.

Dated 27 January 1885.

Public Department } SIR,

Referring to your letter No. 93 1386 dated 6th Sept. 1884, I am desired to submit for the consideration of H.E. the Governor General in Council the names of the following three gentlemen who have been nominated by H.E. the Governor in Council as well qualified to be appointed members of the Madras Civil Service

I Varadha Rão T.
II Rajagopala Chari P.
III Subba Rão T.

2. Of these Varadha Rão is now 21 years of age and was educated at the Presidency College and took his B.A. at the University in Mathematics and Natural Philosophy in 1883 and his M.A. degree in the same class-and was also

In addition to Tamil and Telugu he has some knowledge of Sanskrit and French. He is the son of the Honble T. Rama Rao, a Member of the Legislative Council of Madras and the descendant of a family distinguished under the Nawabs of the Carnatic. He has been already twice nominated for an appointment in the Statutory Civil Service.

3. M. Rajagopala Chari is the son of P. Virandha Chari, a Deputy Collector, who has been in the public service since 1855. He belongs to a respectable family with property in the Chingleput District.

This gentleman, who is now 22 years of age, was also educated at the Presidency college and took his first Degree in the Madras University in 1882 in Oriental Philosophy and Sociology, and his B.L. Degree in 1884 in the second class.

4. M. Lubba Rao is an Inamdar with property in the Godavari District. He is 27 years of age and took his B.A. Degree in the first class in the Madras University in 1876 in Mathematics Natural Philosophy and his B.L. Degree in the second class in 1879.

5. With reference to the request that information might be given as to the mode in which the selections have been made I am directed to enclose a copy of G.O. No. dated which explains this matter in detail. We and for the further information of the Government of India I am desired to enclose a copy of the scheme of each examination together with copies of the question papers set thereat.

R.O.B.
8th 1885

Omit
Words
Cant Report
all with
Enquiry to Him
Mark

Public (1885) Department

Regr. No.

HOME 187 . DEPT.

[ ]

From Government of

Fort St. George.

Dated 187 . *No.*

Enclosures.

R. *spare copies.*

D. No. **Progs.**

L. No. **No.**

TH JANUARY 1885, No. , PUBLIC.

Dep. with 5 encl. & Letter Encls. 29/1/1885

CONFIDENTIAL.

Draft.

PUBLIC DEPARTMENT.

LETTER from—

THE CHIEF SECRETARY TO THE GOVERNMENT OF FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT.

SIR,

Referring to your letter, No. 33-1386, dated 5th September 1884, I am desired to submit, for the consideration of His Excellency the Governor-General in Council, the names of the following three gentlemen who have been nominated by His Excellency the Governor in Council as well qualified to be appointed members of the Madras Civil Service :—

I—Varadha Ráo, T.
II—Rajagopala Chari, P.
III—Subba Ráo. T.

2. Mr. Varadha Ráo is now twenty-one years of age, and was educated at the Presidency College and took his B.A. degree at the Madras University in Mathematics and Natural Philosophy in 1881, and his B.L. degree in the 1st Class,—a rare distinction,—in 1883. In addition to Tamil and Telugu, he has some knowledge of Sanskrit and French. He is the son of the Hon'ble T. Rama Ráo (a Member of the Legislative Council of Madras), and the descendant of a family distinguished under the Nawabs of the Carnatic. He has been already twice nominated for an appointment in the Statutory Civil Service.

3. Mr. Rajagopala Chari is the son of P. Varadha Chari, a Deputy Collector, who has been in the public service since 1855. He belongs to a respectable family with property in the Chingleput District. This gentleman, ~~who is~~ now twenty-two years of age, was also educated at the Presidency College, and took his M.A. degree in the Madras University in 1882 in Mental Philosophy and Sociology, and his B.L. degree in 1884 in the 2nd Class.

4. Mr. Subba Ráo is an Inamdar with property in the Godávari District. He is twenty-seven years of age and took his B.A. degree in the 1st Class in the Madras University in 1876 in Mathematics and Natural Philosophy and his B.L. degree in the 2nd Class in 1879.

5. With reference to the request that information might be given as to the mode in which the selections have been made, I am directed to enclose a copy of G.O., No. , dated which explains this matter in detail.

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

E. F. WEBSTER,
Chief Secretary.

FORT ST. GEORGE,
January 1885.

Exd. F. R. Bantleman.

2 copies to Sec
Statis. 30/1/85

1885.

PUBLIC DEPARTMENT.

[ ]

From the Government of
Fort St. George.

Issued

Recd. *Encl.*

Letter, 1885,
No.

Draft circulated for approval.

Hon'ble Muslin.
Hon'ble Sullivan
The Chief Secretary
with the Right Hon'ble Governor
Fw
24/1/85

Passed by the Govt 22-1-85 F.W.

27 TH JANUARY 1885, No. 215, PUBLIC.

CONFIDENTIAL.

PUBLIC DEPARTMENT.

LETTER from—

THE CHIEF SECRETARY TO THE GOVERNMENT OF FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

Referring to your letter, No. 33-1386, dated 5th September 1884, I am desired to submit, for the consideration of His Excellency the Governor-General in Council, the names of the following three gentlemen who have been nominated by His Excellency the Governor in Council as well qualified to be appointed members of the Madras Civil Service :—

1. Varadha Ráo, T.
2. Rájagopála Chári, P.
3. Subba Ráo, T.

2. Mr. Varadha Ráo is now twenty-one years of age; he was educated at the Presidency College and took his B.A. degree at the Madras University in Mathematics and Natural Philosophy in 1881, and his B.L. degree in the 1st Class,—a rare distinction,—in 1883. In addition to Tamil and Telugu, he has some knowledge of Sanskrit and French. He is the son of the Hon'ble T. Rama Ráo (a Member of the Legislative Council of Madras), and the descendant of a family distinguished under the Nawabs of the Carnatic. He has been already twice nominated for an appointment in the Statutory Civil Service.

3. Mr. Rájagopála Chári is the son of P. Varadha Chári, a Deputy Collector, who has been in the public service since 1855. He belongs to a respectable family with property in the Chingleput District. This gentleman, now twenty-two years of age, was also educated at the Presidency College, and took his M.A. degree in the Madras University in 1882 in Mental Philosophy and Sociology, and his B.L. degree in 1884 in the 2nd Class.

4. Mr. Subba Ráo is an Inamdar with property in the Godávari District. He is twenty-seven years of age and took his B.A. degree in the 1st Class in the Madras University in 1876 in Mathematics and Natural Philosophy and his B.L. degree in the 2nd Class in 1879.

5. With reference to the request that information might be given as to the mode in which the selections have been made, I am directed to enclose a copy of G.O., No. 214, dated 27 January 1885 which explains this matter in detail.

FORT ST. GEORGE,
27 *January* 1885.

Exd. F. R. Bantleman.

1885.

PUBLIC DEPARTMENT.

[ ]

From the Government of
Fort St. George.

Issued

Recd. *Encl.*

Letter, 1885,
No. .

[*Despatch.*]

Back Paper, No. of 188 .

Further Paper, No. of 188 .

Read again Order of Government, dated
188 No. Miscellaneous.

Enclosures.

Current No

Statement with ditto.

Order, &c. of Government—A.

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

Order
Letter 20-
Collection

N.B.—
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

[1]

PRESS.

Letter Public DEPARTMENT.
~~G.O.~~ DATED 27 January 1885
No. 245.

First copy sent to Press. 2/11

Returned for signature.

Despatched in print.

[Despatch Abstract.]

Statutory Civil Service. Nominating modified three candidates on being well qualified to be for appointment as members of the ——

Encl.

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[Despatch Abstract.]

Statutory Civil Service
Commutation

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

Read—the following papers :—

Proceedings of the Board of Revenue, dated 14th October 1884, Mis. No. 9697 :—

Read—the following letter from H. G. TURNER, Esq., Acting Collector of Vizagapatam, to the Secretary to the Board of Revenue, dated 3rd September 1884, No. 970 :—

In acknowledging the receipt of Board's Proceedings, dated 11th August 1884, No. 2767, I have the honor to reply to the last three lines of the 8th paragraph of Mr. Mackenzie's letter, and to report fully on the questions of the 9th paragraph, which relate to the North Travancore Land Planting and Agricultural Society, so far as they concern myself, and the past acts and future objects of the Company.

2. When the above Company was first started, I did take an unofficial and an honorary part in its management, but I relinquished this position in 1881, since which time I have now and then offered my advice as to the conduct of the business. I would add that, up to 1881, I was not aware that there was any objection to an honorary connection with the management of a public Association. The rules on the subject were not brought prominently to our notice until the end of that year (G.O., 1st December 1881, No. 1357, Revenue).

3. I have acquired land under Article 81 of the Articles of Association of the above Company. I continue to hold some of it in partnership with my brother (who is not a public servant), and he has disposed of some of it by sale on our joint account.

4. One of the objects of the Company is, as it is set forth in the Memorandum of Association, to sell land; but whether the proceeds of such sale can be properly classed as a profit within the meaning of section 83 has not yet been determined. For reasons given further on, no public servant who has bought shares in the Company conjectured for a moment that the speculation involved in transactions of this nature would fall within the prohibited circle of habitual speculation.

5. With regard to the full information required by the Government of India on the nature and extent of the grant referred to in clause (*a*), paragraph 3 of the Memorandum, I have the honor to forward, herewith, a copy of a translation of the concession referred to.

6. The extent of the grant has been variously estimated. It was an uninhabited desolate tract of mountainous country, and it forms part of the Anamallai Hills of Southern India. If mountains and rocks, swamp, plateau, and forest be all reckoned, it may probably aggregate 100,000 acres. Its general aspect is very much like a deer forest in the Highlands.

7. No grants or purchases have been acquired since the incorporation of the Company, and hitherto the property has been dealt with as follows :—

(*a*) About 800 acres have been opened in Cinchona (*C. officinalis*), Tea and Coffee, principally in the former;

(*b*) About 3,000 acres have been alienated to share-holders under Article 81 of the Articles of Association, and to others by sale. The proceeds of these sales have been devoted to the operations under (*a*) and (*c*);

(*c*) The property has been roaded and bridged to a certain extent, and bridle-paths have been constructed connecting it with the plains.

8. With regard to the question of land-holding in Travancore, and to the acquisition of shares in a Company which has, for one of its objects, the resale of land, I beg to be allowed to submit that these transactions are commercial investments untainted by any suspicion of habitual speculation; and that being of this nature, they are perfectly legitimate, and violate in no respect the rules laid down for our guidance by the Government of India in their Proceedings of the 13th February 1874, which are reprinted at page 41 of the Madras Civil Service Manual.

9. As this view does not seem to have been adopted by the Government of India in Mr. Mackenzie's recent letter on the subject, I must ask the indulgence of the Board, while I endeavour to show them my reasons for arriving at this conclusion. And, first, I would touch briefly on the statement in Mr. Mackenzie's letter (paragraph 2) that Government servants in India are required—

(1)—to abstain from speculative investments—

In the Proceedings I have quoted above, the Government of India did not define the stage, at which the holding of land or shares becomes speculative. In one sense, every investment in a running concern is speculative. The concern may prosper or it may languish or even fail, whether it be Government paper, or shares in the Bank of Madras, or shares in the Oriental Bank. What the Government did veto was habitual speculation by officials, or, as Mr. Lyall put it in his letter, 10th April 1873, No. 1495, (Manual, page 46), "habitually buying and selling securities of a value notoriously fluctuating."

If the Government prohibit us from investments which have the least odour of speculation about them, it is really difficult to see what investment remains open to us. Is, for instance, the purchase of shares in a newly-opened railway Share List to be condemned because it is a new company, and therefore mere matter of speculation than taking shares in a Working Company?

Is it against rules for a father to lend money to his son to open a tea estate on the understanding that he is to repay him with interest if the enterprise is successful? No, I do not think that the Government ever intended to go as far as this. No fixed rule of conduct was really needed, the test being whether the investment, if otherwise unobjectionable, interested the Government servant privately in affairs with which his public duty is concerned.

10. I now beg to pass to Nos. (3) and (4) of the existing rules as they are described in Mr. Mackenzie's letter.

(3) and (4)—Not to acquire or hold land except for building purposes for residence.

The right to hold land in India was conceded to every subject of Her Majesty by Act IV. of 1837; but in the interests of the Administration, Sir Charles Wood, in his despatch of the 10th August 1861, decided that certain public servants should not hold land in their own Presidency for purposes of cultivation, because (1) their attention might be diverted from public to private business to the detriment of public business; (2) they might use (or be suspected of using) their official influence unduly for their own benefit and to the disadvantage of others in the management of their estates. Whether land could be held for commercial speculation was a different question (Proceedings of Government of India, dated 13th February 1874, paragraph 4).

Apart from purposes of cultivation, the holding of land either as a commercial speculation or for other purposes is recognised in several places in the Proceedings I am quoting from. In the first place, the Proceedings were intended to remove doubts and inconsistencies (paragraph 4), and to bring the rules back into direct correspondence with their original objects and motives. The reasons for the prohibition are then stated, and insistence is made on the definition of land-holding as meaning only the acquisition of land intended for cultivation. As to land held for commercial speculation, this, they said, was a different question. In paragraph 6, this species of land-holding is probably included in investments other than those in land for the profits of cultivation; and it is more distinctly recognised in paragraph

7, where they say, "We can frame a precise rule, demarcating the limits within which land should or should not be held by public servants . . . yet we do not propose to go further and to attempt any definition of the stage at which the holding of land becomes speculative." "While," they go on to say, "land-holding and other investments are, *under certain conditions*, forbidden to public servants as a necessary precaution against evils . . . habitual speculation by officials is held by us to be an evil in itself."

I think I have quoted enough to show that land-holding by public servants, such as I am, is not prohibited where it is not held for cultivation, but as an investment, where there are no evils such as the evils attending on cultivation to guard against, where there is no suspicion of undue influence being exercised, where there is no reason to suppose that habitual speculation is being indulged in. *A fortiori*, it is permissible where the investment is in shares in a company that has acquired such lands and sells them not as an habitual speculation, but to raise money to prosecute its planting operations.

11. In these days, as the Government of India doubtless reflected, the holding of land as a "commercial speculation" carries no magic with it. The bare possession of unoccupied acres of waste land cannot possibly interfere with the public duties of an officer, provided he did not acquire them from, and will not sell them to, any one with whom he is officially connected.

The purchase and sale of such land or of shares in a Company, dealing with such land and the profit of cultivating it, is in no way different from the purchase and sale of diamonds or of shares in a Railway Company. The restriction is this, that the transaction is not to take place with any one, over whom we exercise (or may be suspected of exercising) official influence.

Besides this, and in immediate connection with it, is the proviso that the civil servant who owns the property, whether in lands or in diamonds or in shares, shall not hamper himself "to the detriment of public business" with the private business connected with their sale, nor shall he operate with the land or the diamonds or the shares in an habitually speculative manner.

12. This is, I submit, what the Government of India have conveyed to us in their rules for our guidance. I respectfully request that I may be informed whether my interpretation of those rules is in accordance with that held by the Board, and if not, on what point they consider that I have misinterpreted them.

Enclosure No. 1.

Agreement executed on the 11th July 1877 (29th Mithunam 1052) by Punhattil Kayikal Kela Varma Vuluja Raja, aged 47, in Punhattila Vaka Kondu Pravarti Minachael Taluk, to Mr. John Daniel Munro, aged 43, a Christian Coffee Planter at Perumeta in Peruvamtanam Mure Kanhirapala Pravarti Chenganasheri Taluk.

As you have made an application for the grant of the property called Kannan Tevan Auchanatu Mala, belonging to us, at Punhattilla Vaka in Kondu Pravarti Minachael Taluk, for coffee cultivation, all the hills and jungles on the said property within the following boundaries, with the exception of such parts as are used by the tenants for agriculture, public utility, water-supply, and other purposes, are conveyed to you under this agreement in consideration of Rs. 5,000 received.

The boundaries of the property are:—Chirnarulpatin, Tandokara, Kumarikallu, Kattumala, Talayar Tandokara, Vinayakanati Tandokara Alanchined Pullanur Tanna Karinikulam, Tevikulam Metu, Munnatuma, Munnatuma Anakulam and Chumar-ulpathi. You shall clear and remove the jungles and reclaim the waste lands within the said boundaries, and cultivate them with coffee up to the year 1058, and from the year 1059 pay our rent-collector a yearly rent at the rate of 3,000 British rupees and obtain receipts.

2. You or your people shall deliver to our rent-collector the Ivory, Cardamoms, Wax, Frankincense and other similar forest articles which may be obtained by them or you on these lands, and shall receive the usual allowances. If elephants be got on these lands, you shall also deliver them to us, and shall receive the usual rewards.

3. The roads, rivers, and water-courses, if there be any on these lands, shall continue to exist as heretofore.

4. Whenever you think to give up the lands of your own accord, you shall relinquish your claims to houses, improvements, &c., effected thereon, and to the sum of Rs. 5,000 advanced to us, and shall surrender the property to us.

5. If you fail to comply with the terms of this agreement by refusing to pay the sum of Rs. 3,000 annually as agreed upon, or by violating any other conditions specified herein, you shall, without claiming the value of improvements effected on these lands, or the return of the rupees received by us, surrender the lands to us.

This agreement has been executed in presence of witnesses.

(1) Kullampalli Illatu Hariswaran Damodaran Nampuderi at Kummanur Kara Kitangu Pravarti Kottayam Taluk.

(2) Tiruthyal Illatu Tuppan Nampohi Nampuderi at Maritan Kara in the said Pravarti.

(A true Translation as near as may be from the Malayalam language.)

MADRAS,
27th May 1878.

Malayalam Translator to the Government of Madras.

Resolution—dated 14th October 1884, Mis. No. 9697.

Submitted for the orders of Government.

(True Copies and Extract.)

(Signed) E. GIBSON,
Secretary.

To the Chief Secretary to Government, Public Department,
with letter and enclosure in original, to be returned.
Copy to the Collector of Vizagapatam.

Proceedings of the Board of Revenue, dated 8th October 1884, Mis. No. 9549.

Read—the following letter from H. A. SIM, Esq., M.C.S., Kurnool, to the Secretary to the Board of Revenue, dated 2nd October 1884.

In answer to Board's Proceedings, No. 2767, dated 11th Aug. 1884 (received by me on my return from leave), I have the honor to inform you that I have taken no part in the management of the Aneimudi Planting Company, nor have I attended any meeting, or, so far as I can recollect, registered any vote in connection with it.

Resolution—dated 8th October 1884, Mis. No. 9549.

Submitted to Government, with reference to G.O., No. 1722, of 4th August 1884.

(A true Copy and Extract.)

(Signed) E. GIBSON,
Secretary.

To the Chief Secretary to Government, Public Department.
Copy to the Collector of Kurnool.

From H. E. STOKES, Esq., M.C.S., to the Chief Secretary to Government, dated Ootacamund, 9th October 1884.

I have the honor to reply to G.O., 23rd September 1884, No. 2085, Public.

2. I had nothing to do with promoting the North Travancore Company, but obtained shares, on application, some time after the Company was started. In regard to management, I attended one meeting, which I left as soon as the meeting was constituted. I have, however, given proxies, I think, twice; and the Secretary has, for some time, held a general power from me to exercise my vote. I believe, however, that it is now invalid owing to a recent change of Secretaries.

3. I was one of the signatories of the original Memorandum of Association of the Talliar Planting Company. I attended one annual meeting. My share in the management has been the same as described by Mr. Sturrock.

4. I did not sign the Memorandum of Association of the Aneimudi Planting Company, but before it was formed I had signified my willingness to take shares, which I did immediately. I have never attended a meeting, and, if I recollect right, it has not been the practice in this Company to circulate papers for votes of members.

5. I have already reported that I hold twenty-five shares in the Talliar Company, and that my claims to bonus land on my shares in the Travancore Company have been assigned to the Talliar Company. In consideration of them, the latter Company has obtained from the Travancore Company a part of its block of land at bonus price.

From J. H. GARSTIN, Esq., to the Chief Secretary to Government, Ootacamund, dated Adyar, Madras, 12th October 1884.

I have the honor to acknowledge receipt of G.O., No. 2085, of 23rd September 1884, Public Department, in which I am directed to get rid of the land I hold in North Travancore at once. For some months past,—in fact almost as soon as I found that the Madras Government did not consider my holding the land was permissible under the rules,—I have done my best to get rid of it, by advertising it for sale in the London and Indian papers, but without success. I am, indeed, at the present moment in correspondence with a gentleman relative to its purchase, but, in case the negotiation should fail, I have had a deed of trust drawn up, by my Solicitors, transferring the property to trustees for the benefit of my wife and children; but, before executing the deed, I should be glad to know whether the Government would be satisfied with such a transfer as disconnecting me from the land. If they will accept such a transfer, I will have the deed executed if I fail to sell the land; but if not, then I do not see how I can at once carry out the orders of Government, unless the Government themselves purchase the land, or permit me to sell it to the Travancore Government, or to any neighbouring Zemindar, who may be disposed to buy it.

2. The purchase of land by native officials (even in districts in which they may be serving) in the names of their sons or other relatives is permissible; I therefore cannot suppose that the Government would object to the transfer I propose, merely because I am an English official. So far as the possession of this land (which I purchased for my eldest son, in case he should fail to enter the public service by competition) affects my discharge of my public duties, it might just as well be in China or America.

From L. A. CAMPBELL, Esq., District Judge of Nellore, to the Chief Secretary to Government, Fort St. George, dated 16th October 1884.

I have the honor to acknowledge receipt of G.O., 23rd September 1884, No. 2085, Public, and to reply thereto.

2. The only planting company with which I am connected is the Ootacamund Cinchona Planting Association.

Since this Association came into working order the management has vested entirely in non-official share-holders.

3. I receive the plan of operations for each year as arranged by the Managing and Consulting Members, by whom I am informed what calls I shall have to pay; and I attend the annual meeting if held while I am on the Hills during the recess of this Court.

From H. W. BLISS, Esq., Commissioner of Salt and Abkári Revenue, to the Chief Secretary to Government, Public Department, dated Rajahmundry, 18th October 1884, No. 8863.

With reference to paragraph 3 of G.O., 23rd September 1884, No. 2085, Public, I have the honor to state that I had nothing to do with getting up the Aneimudi Planting Company, but that, having been asked to take shares, and having agreed to do so and being in Madras, I was consulted as to the terms of the Memorandum of Association on which the Company was registered, and was subsequently one of the signatories to it.

2. As regards the subsequent management of the Company I have taken no part whatever in it, unless the doing of any of the following acts can be considered to be taking a part in the management:—

(i) Voting for the election of the Directors;
(ii) Voting as to the admission of new members, which I may observe has hitherto invariably been a purely formal proceeding;
(iii) Voting as to the issue of new shares;
(iv) Approving the annual programme of the operations of the Company.

3. Such votes as the above have sometimes been given at meetings of the members of the Company; sometimes, and more generally, on papers sent in circulation.

4. I beg to point out that, except the matter of voting for the admission of new members of the Company, all the above matters are of a nature to be submitted for the decision of the members of every description of Joint Stock Company. Unless, therefore, it is intended that Government servants shall be altogether excluded from the right of voting at meetings of companies in which they hold shares, the exercise of the right of voting on such matters would not appear to be against the rules. If, however, it is intended that Government servants are to be altogether prevented from exercising their right of voting at meetings of companies in which they hold shares; for instance, if I hold a Bank of Madras share, and am not to be allowed to vote for the election of the Directors, or Madras Railway shares, and am not to be allowed to vote for or against the undertaking by the Company of the extension of the railway to Calicut, I respectfully submit that I am deprived of the opportunity of protecting my interests in my investments to such an extent that the permission to make them is illusory. Practically, that is, I am forbidden to make any investments in any companies in India. If this is what is intended, I respectfully request that the orders of the Secretary of State may be obtained, for, so far as I can remember (being on circuit I have no papers to refer to), so great a restriction goes far beyond all the instructions on this subject which have hitherto emanated from him.

5. I venture in this connection respectfully to point out that the Government of India appear to me to be in error in stating that the management of the Talliar Company (the constitution of which and of the Aneimudi Company is almost identical) is virtually in the hands of the members, so that the rules have been clearly violated in letter as well as in spirit. No doubt in saying so they had in mind the provisions that the members have to be consulted in all important matters, and have to approve the annual programme of operations. But the members' decision is merely a general one,—that so and so is to be done. It in no way binds the Consulting and Managing Directors as to the manner of doing the work which is determined on or as to the agency to be employed in doing it. This is a vital point, I consider. The object of the rule that Government servants may hold shares in companies but may not take any part in their management is clear. It is that their time, which belongs to Government, may not be taken up by other employment, and that all contact with purchasers and vendors, contractors and work people,—with all sorts and conditions of people likely to be influenced by official rank and position,—may be avoided. I respectfully submit that these objects are completely secured by the articles of the Talliar and Aneimudi Companies, the practical working of which I cannot but think that the Government of India have misapprehended. No man can be accurately said to be engaged in

the management of a business when he is ignorant of the very names of every servant and contractor employed in it, and of the traders from whom purchases of materials, &c., are made and to whom the produce of the enterprise is consigned But this is my position, at all events, in regard to the Aneimudi Company. Anything farther removed from the management of a company (if one has shares in a company at all) I find it difficult to imagine.

6. Nevertheless, if after this explanation Government still think it necessary that the Articles of Association of the Aneimudi Company should be amended, I shall endeavour (so far as I am concerned) to have their wishes carried out, and, with that object, would respectfully request them to inform me of the nature of the amendments in the Articles of Association which would meet their views. With the exception of the provision as to the admission of new members, which can be erased, I cannot see that any substantial alterations can be made, unless, as I said before, it is desired altogether to prevent Government servants who hold shares in companies from using the votes to which their shares entitled them.

From A. T. ARUNDEL, Esq., M.C.S., to the Chief Secretary to Government, dated Madras, 11th November 1884.

With reference to G.O., No. 2085, Public, dated 23rd September 1884, I have the honor to state that I hold shares in the following companies:—

	Shares.
(1) North Travancore Land Planting, &c., Society ...	5
(2) Talliar Valley Planting Company	25
(3) Aneimudi Planting Company	20

2. The shares in the first of these companies I purchased through its Secretary from a gentleman unconnected with the public service. I was one of the original signatories to the Articles of Association of the other two companies. I have taken no part in the management of any of the companies.

3. With regard to the remarks in paragraphs 4 and 5 of the letter of the Government of India, I beg leave to repudiate entirely the suggested charge of "speculation" and "of having made a trade or business of promoting or launching companies." The cultivation of Cinchona to which the latter two companies have been confined was originated in this Presidency by Government, with a view to stimulate private enterprise, and, from the published accounts, it is well known that the Government plantations have yielded a considerable revenue for many years. So far as it is in any way possible to predict, there is no agricultural enterprise in India less open to the charge of "speculation" than the cultivation of Cinchona.

4. No one can make "a trade or business of promoting or launching companies," unless he intends to make a profit by so doing. There is no ground whatever for such a supposition as regards the original signatories of the two companies whose Articles of Association I signed. Each signatory was and intended to remain a share-holder; no appeal or invitation to take shares was made to the public; and I believe I am correct in saying that no signatory has attempted to make profit by the sale of any of his shares. Moreover, the formation and registration of all these companies was no secret, and at least one gentleman in the civil service obtained the written permission of Government before he signed the Memorandum and Articles of Association of the Company to which he belongs.

5. In paragraph 8 of the Home Secretary's letter, it is stated with regard to the Talliar Valley Planting Company that "the rules have been clearly violated in letter as well as in spirit." I beg leave respectfully to remark that this statement is inaccurate as an inference from what precedes, and that moreover it is not in accordance with fact. It seems true that as the Articles of Association of the Talliar Valley Planting Company are worded the members or share-holders *might* interfere in the management, but, as a matter of fact, they do not. Before answering the present reference I wrote to the Consulting Member to inquire how many matters

had been circulated to the share-holders during the past year. In reply, I was informed that only one circular had issued. This was a proposal to reduce the area to be planted during the year, and it was, of course, agreed to. It cannot seriously be contended that such matters as these are an interference in the management.

6. With reference to paragraph 4 of the Government Order under reply, I may state that at the annual meeting of the Talliar Valley Planting Company in October, it was resolved, in deference to the views expressed by the Government of India and the Government of Madras, to request the Consulting Member to ascertain whether the Articles of Association could be so altered as to exclude the power of interference by share-holders in the management of the Company. I hope this change will shortly be made by assimilating the Articles of the Talliar Valley Planting Company to those of the Aneimudi Planting Company, and that it will remove the objections which have found expression in the letter of the Government of India.

7. Having thus expressed my readiness to comply with the orders of Government, I venture to represent that a policy,—if such there be,—which would restrict or impede the investment of capital in this country by public servants and others, is an anachronism unsuited to the present day, and that, if such should be the case, the views of the Secretary of State might be sought as to the interpretation of his own rules before any additional restraints in this direction are imposed which were not contemplated when the rules were framed. The three companies to which reference has been made in this letter have a total capital of Rs. 7,25,000, almost the whole of which will eventually be distributed in wages, &c., among the labouring classes, and which will, in all probability, give permanent employment to a large number of people in connection with the growth of, and trade in, bark. If the companies had not been formed, the greater part of this capital would have been remitted to England for investment.

8. Referring to paragraph 9 of the Government of India letter, I have already reported to Government that such rights as my shares in the North Travancore Land, &c., Society conferred to acquire forest land, I have transferred to the Talliar Valley Planting Company. I do not hold any land myself, except that in which my house stands at Ootacamund.

From R. S. BENSON, Esq., M.C.S., to the Chief Secretary to Government, dated Ootacamund, 20th November 1884.

I have the honor to reply to G.O., No. 2085, dated 23rd September 1884, regarding my connection with the North Travancore Company (Limited) and the Talliar Valley Company (Limited).

2. I must say that the present papers have taken me entirely by surprise. I have hitherto supposed that in joining the above companies, I was absolutely within both the letter and the spirit of the rules, and that no suspicion to the contrary was, or could be, entertained by Government. I need hardly say that otherwise I should not have thought of joining the companies or of placing myself in a position disapproved of by Government.

3. I have not taken part in the management of either company's affairs further than by occasionally attending (in person or by proxy) at general meetings of the companies, and I have, on one or two occasions, recorded a vote on a matter circulated by the Consulting Member of the Talliar Valley Company. I have ascertained from him that during the year preceding the receipt of the above Government Order *one* such matter only was circulated. It was merely a proposal by him to curtail the planting operations of the year. It cannot seriously be contended that acts such as the above constitute an interference in the management of the companies.

4. The letter from the Secretary to the Government of India, enclosed in the above Government Order, takes special exception to the Articles of the Talliar Valley Company (Limited), and says that "the management is virtually in the hands of the

members," and, therefore, "the rules have been clearly violated in letter as well as in spirit." There is here, I venture respectfully to think, some confusion of ideas. Because the constitution of the Company is such that a civilian member *might* infringe the orders of Government, it is therefore inferred, and broadly stated, that "the rules have been clearly violated in letter as well as in spirit."

5. I submit that the question is whether each civilian has so taken part in the management as to have infringed the spirit of the rules. The Secretary to the Government of India states that the danger against which the prohibition against taking part in the management of a company is aimed is "that of official influence being abused or official trust betrayed." Another reason may be added in the words of paragraph 3 of the Government of India despatch to the Secretary of State, No. 40, dated 16th June 1873, viz., lest the attention of officials "might be diverted from public to private business to the detriment of public business." Judged by this standard and by the whole spirit of the rules and orders of Government, I claim to have acted entirely in accordance with the known and expressed wishes of Government. The Managing and Consulting Members of the Talliar Valley Company (Limited) are non-officials. Its work is carried on in Travancore, and there is no possibility of official influence being abused or of official trust being betrayed. I have stated above how far I have taken part in the management of the Company, and it is obvious that this cannot have occupied my time or my thoughts to the detriment of my public business. Indeed, the present letter has occupied more time in the writing than I have devoted to my interest in the Talliar Valley Company since its formation.

6. The wording of the Article which gives each member an equal share in the management was, I fancy, accidental. The effect has merely been that each share-holder's vote has the same value, no matter what number of shares he may hold, and the management rests with the non-official Consulting and Managing Members. The Consulting Member was, however, asked at the last general meeting of the Company, to propose for the consideration of the share-holders such alterations in the Articles as may remove all objection on the part of Government.

7. As to the investment being speculative I may say that I do not regard it as such in any way. I have never sold a share in either company, nor have I ever heard of a share in the Talliar Valley Company having changed hands. I (and I believe the members generally) hold the shares solely with a view to eventual profits from the cultivation of Cinchona, than which no agricultural enterprise in India is, in my opinion, less open to the charge of being speculative in its character. It is true that I signed the Memorandum of Association of the Talliar Valley Company (Limited), but I submit that this can hardly constitute me a promoter of companies in the sinister sense of the term, and certainly does not involve a breach of either the letter or the spirit of the rules. I have never asked any one to take a share in the Company, nor have I received any remuneration or advantage of any kind as one of the original signatories.

8. In conclusion, and with reference to paragraph 9 of the letter referred to, I have to state that I have not acquired any land in my own proprietary right either from the North Travancore Company or otherwise.

From H. B. GRIGG, Esq., M.C.S., to the Chief Secretary to Government, dated Madras, 2nd December 1884.

With reference to paragraph 3 of G.O., 23rd September 1884, No. 2085, Public, I have the honor to report that I had nothing to do with the starting of the Aneimudi Company beyond agreeing to take shares, approving the Memorandum and Articles, and signing them. Since the Company has been in working I have occasionally given my vote on some general question circulated for opinion by the Directors, and have attended one or two general meetings. I do not know exactly who signed the Memorandum of Association, but believe it was signed by most, if not all, of the gentlemen whose names appear as share-holders in the above

order, by two or three officers in other branches of the public service, and by a similar number of non-officials.

2. As regards the points noted by the Government of India, I beg to state that in taking shares in the several companies concerned, I conceive that I have neither in the letter or the spirit acted contrary to the rules. In subscribing for shares, I had no idea of making a "speculative" investment, nor have these investments interested me "privately in affairs or undertakings with which (my) public duty is connected." I have not taken "part in the management" of any of the companies, nor have I (according to the evident intention of the rule) been employed in "the districts where the operations of any of the companies are carried on."

3. It is true that I was to some extent concerned in the establishment of these companies, *i.e.*, in settling the terms of Association and the scope of the enterprise; but I was not a "promoter" as that expression is usually understood, that is, one who expects or is likely to benefit specially by the launching of a company.

4. The object of limiting the number of share-holders, to which the Government of India refer, was, I believe, especially intended to prevent the companies from becoming "speculative." With the single exception of the North Travancore Company, all, or nearly all, the shares were immediately subscribed for. The Associations afforded to the few who wished it the means of making *bonâ fide* investments in agricultural enterprise; and in availing myself of the liberty which I conceived the rules allowed, I submit that I have in no way laid myself open to the charge "of having made a trade or business of promoting or launching companies." If the intention of the Secretary of State was to prevent officers from making such investments, the rules would, I think, have explicitly prohibited the practice, nor does, I submit, the fact that the company is small affect the question. Moreover, under the rules, I conceive that an officer is as much at liberty to agree to join an Association when formed, as to do so later, so long as he takes no part in the management.

5. As regards the Talliar Company, I venture to think that the provision to which the Government of India object, really gives to the members but little greater power than that possessed by share-holders in ordinary circumstances; and, as a matter of fact, in administration there has been no difference between the practice followed by this and that followed by the other companies. The administration has always been left to the managers, who have only occasionally requested the votes of the other members in circulation. The provision, however, can easily be amended.

6. In regard to paragraph 9 of the Government of India Resolution, I have the honor to state that I have not availed myself of the right to acquire bonus land; but the North Travancore Company, when selling land to the Talliar Company, agreed to reduce the price of the block, on condition that those of its share-holders, who were entitled to bonus forest lands, relinquished their claim to the concession.

7. In conclusion, I beg respectfully to urge that any restriction of the present liberties of the members of the services to interest themselves in enterprises for the development of the resources of the country will tend to check that development by lessening their interest in the country, and by compelling them to send their accumulated capital to other countries, *pro tanto* impoverishing this. I believe the Famine Commission expressed a strong opinion in favor of relaxing the rules relating to land-holding; and I therefore trust that the question may be referred for the orders of the Secretary of State before any change is made in the rules as they now stand.

From J. STURROCK, Esq., Collector of South Canara, to the Chief Secretary to Government, dated Mangalore, 2nd December 1884, No. 2657.

With reference to official memorandum, dated 28th November 1884, No. 2656, asking for an early reply to G.O., dated 23rd September 1884, No. 2085, I have the honor to state that as I had already submitted the information asked for in my letter, dated 24th August 1884, recorded with the Government Order under reference, I thought that no further reply would be expected from me.

2. I have nothing to add to what I have already stated, except that arrangements are now under consideration for an amendment of the terms of the Articles of the Association of the Talliar Company in the manner suggested in paragraph 4 of the order of Government.

From G. STOKES, Esq., M.C.S., to the Chief Secretary to Government, dated Vizagapatam, 8th January 1885.

1. Official Memorandum, No. 37, dated 3rd February 1883.
2. Official Memorandum, No. 2656, Public Department, dated 28th November 1884.
3. Official Memorandum, No. 2660, dated 28th November 1884.
4. Official Memorandum, No. 2830, dated 19th December 1885.

I have the honor to acknowledge the receipt of the communications noted in the margin.

2. In reply to the first, I have the honor to state that I have exercised the right referred to in G.O., dated 3rd February 1883, No. 157, and have acquired 30 acres of land (bonus) in Travancore, which I hold at the moment of writing. This land I have contracted to make over to the Talliar Valley Planting Company, and the necessary deeds are now being prepared and completed. It would have been made over two years ago (in fact, I thought it had been), had I not been absent in England.

3. In reply to the second, I beg to enclose the form given in G.O., dated 22nd February 1884, No. 255, Revenue Department, filled up.

4. In reply to the third, I have been called on to give information on the points noted in the 8th, 9th, and 10th paragraphs of Mr. Mackenzie's letter.

5. In regard to paragraph 8, I have to report that I have taken no part in the management of any Company further than, on some few occasions, to vote at the general meetings of the Companies, or to note an opinion on a paper relating to some point similar to those noted in paragraph 2 of the letter to India, dated 5th April 1884, No. 473, Revenue Department, quoted in the Government Order under reply.

6. In regard to paragraph 9 of the Government of India's letter, my answer is the same as that contained in paragraph 2 of this letter.

7. In regard to paragraph 10, I have to state that I am in no way connected with the Aneimudi Company.

8. In conclusion, I desire to express my regret at the delay which has occurred in replying to the above orders; but owing to my absence on leave and to my having been constantly on the move since my arrival in the country, I have not hitherto been able to obtain access to the papers necessary to enable me to reply earlier.

From H. J. STOKES, Esq., M.C.S., to the Under-Secretary to Government, dated Calicut, 29th January 1885.

With reference to your reminder, dated the 27th instant, calling on me for a statement of lands possessed by me within this Presidency, I have the honor to observe that I sent a reply to the original requisition some months ago to Mr. Rees. I hold 100 acres of land in the estate of the North Travancore Land Planting and Agricultural Society. This land I have never occupied or cultivated; it has never been demarcated; nor have I received the title-deeds of it. I have tried to get rid of it, but unsuccessfully.

ORDER—dated 16th February 1885, No. 409, Public.

The papers read above will be submitted for the consideration of the Government of India, with reference to their Home Secretary's letter, No. 1086, dated 10th July 1884.

2. Mr. Garstin will be informed, with reference to the enquiry contained in his letter of the 12th October last, that the Government approve and sanction the transfer of the land he owns in Travancore to Trustees for the benefit of his wife and children, in the event of the negotiations, now in progress, for its sale proving abortive.

3. With reference to the enquiries of Messrs. Bliss and Arundel relative to the nature of the amendments necessary in the Articles of the Aneimudi and Talliar Valley Companies, these gentlemen will be informed that the Government accept as satisfactory the existing Articles of the Aneimudi Company, with the exception of that relating to the exclusion of out-siders, which they consider should be erased. The revision of the Articles of the Talliar Valley Company so as to assimilate them to the Articles of the Aneimudi Company with the proposed alteration of the clause for the exclusion of out-siders, will be considered sufficient.

4. The Government are of opinion that Mr. Turner's action in connection with the North Travancore Land Planting and Agricultural Society is clearly opposed to the rules with which it was his duty to have been acquainted, whether they were or were not brought to his notice recently and specially.

5. Those officers who still hold land in their own right are required, in accordance with the orders already issued, to divest themselves of the same forthwith, and to report to Government that they have done so.

6. The following letter will be despatched to the Government of India:—

(Here enter 16th February 1885, No. 410.)

(True Extract.)

(Signed) E. F WEBSTER,
Chief Secretary.

To J. H. Garstin, Esq., C.S.I.
„ H. J. Stokes, Esq.
„ H. E. Stokes, Esq.
„ H. W. Bliss, Esq.
„ J. Sturrock, Esq.
„ H. G. Turner, Esq.
„ L. A. Campbell, Esq.
„ H. B. Grigg, Esq.
„ A. T. Arundel, Esq.
„ G. Stokes, Esq.
„ R. S. Benson, Esq.
„ H. A. Sim, Esq.
„ the Revenue Department.
„ the Board of Revenue.

} Order only

Exd. F. R. Bantleman.

Govt. of {1885} Madras.

PUBLIC.

Issued.

Read.

Encl.

G.O., 16th February 1885, No. 409.

FEBRUARY.

Land Companies.

Passing orders on correspondence relating to Civilians holding shares in certain —.

To the Chief Secretary to Government.
Public Department.

Sir.

Referring to Proceedings of the Madras Government Public Dept. dated the 5th December 1884. No. 2607 I have the honour to inform you that the Examination of candidates for the Statutory Civil Service (Madras) was duly held on the 15th to the 20th December last, according to the scheme approved by Government; and with reference to the above Proceedings & subsequent communications from Government, I have to state that the three candidates, whose names are below given in alphabetical order, are alone, in the opinion of the Examiners & myself, deserving of being 'placed' in the first — 3, viz.

Rajagopala chari. P.
Subba Rão. T.
Varada Rão. T.

I may mention that Rajagopala chari wrote decidedly the best essay of all, in the Politico-economic subject: that Subba Rao wrote the best essay on a Literary subject, and that he alone took up, & did a creditable paper in Geology, one of the three special subjects: that in the papers in Law, and the viva-voce in the same subject both Rajagopal & Subba Rao did better than Varada Rao who in 1883

took a first class in Law, while the other two took each a second class only, in 1884 and 1879 respectively.

I may also mention that Rajagopal took his B.A degree in 1880; his M.A. (2nd class) in 1882, and a 2nd class in Law in 1884.

Subba Rao graduated in 1876, and took a 2nd class in Law in 1879.

Varada Rao graduated in 1881, and obtained his 1st class in Law in 1883.

Some very excellent papers were set in the various subjects by the examiners to whom I must express my obligations for their co-operation, & attendance at a final meeting for the comparison of results, and expression of opinion upon the merits of the several candidates. I myself took the viva voce in Law, as Mr. Shephard could not be present.

I regret that there has been delay in submission of this report which would have been sent in on the 21st December last had it not been that Dr. Bradshaw was detained by the floods at Pondicherry. I awaited submission of his results, but he unfortunately accepted

an altogether unauthorized statement in the newspaper to the effect that a candidate had been finally selected. Being informed of his mistake I have this day received his result-statement.

If Government desires I have for record spare copies of the Question-papers copies are available.

I have the honour to be, Sir,

Your most obedient servant

J. J. Brandt.

Madras.
12th January. 1885.

P.S. I would add that Mr. Pinkey C.S., whose services were placed at my disposal by Government, rendered me every assistance in getting the papers printed, & giving out & collecting the papers, & superintending the candidates.

J.B.

Public (1885) Despatch

Con. 129 A.

Submitted with Regret Hon'ble
The Governor
F.W.
12/1/85

CHIEF SECRETARY
12 JAN 85
GOVERNMENT OF MADRAS

Any one of these three young men would be a highly creditable choice but I incline to Varada Rao because he is the son of our Colleague in the Legis= =lative Council Mr. Rama Rao and is accordingly a man of some social position.

Next to him I would put Rajagopalu Chari who is I imagine at least as clever.

Subba Rao is also to be commended but he is I presume a good deal older having graduated in 1876 while Rajagopalu graduated in 1880 and Varada Rao in 1881.

I would then recommend Varada Rao to the Government of India but issue a Government Order in which all the three young men were mentioned as having distinguished themselves greatly, and I would take the earliest opportunity of providing for both the unsuccessful ones.

S.R. 15.1.85 MW Jan 15. 1885

* The Chief Sec^y will kindly speak to me about its form if agreeable

...ew on a future
... in the same
...ner examination
be held another
year. So far as I
can see there will
be no objection to
men who were
successful in the
final Examina-
tion coming up
again. Whatever
might be said
as to the other can-
didates.

C.U.A.
1891

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

Print in full — Letter from the G. of I. Home Dept. No. 338 dated 2nd June 1886
Draft sent for — Draft also letter from Madras Govt. No. 129 A. dated 19 Aug 1886
Copy sent to ...

Draft order.

The Governor General in Council having invited the opinion of the Governor in Council upon the general question of the best mode of improving the working of the existing rules for the admission of Natives of India to the Statutory Civil Service and upon certain specific proposals for that purpose, the matured views of this Government were communicated to the Government of India in the Chief Secretary's letter No. 1332, (Public), dated 18th June 1884.

2. In a letter No. 33/386, dated 5th Sept. 1884, from the Secretary to the Government of India, Home

Department, Public, 14.9. The Governor in Council was informed that there would probably be one appointment to the Statutory Civil Service in Madras for that year and was requested to submit, in due course, the names of three candidates selected for the appointment. It was intimated that as the ~~case~~ revision of the Statutory Rules was still under consideration, the Government might, on the present occasion, select its candidates in any manner that appeared desirable, special regard being paid, (in the case of candidates whose merits and abilities had not been already proved by employment in the public service), to Educational attainments & proficiency; and, in conclusion, it was requested that in submitting the names

Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

of the persons selected, full information might be given as to their qualifications and as to the mode of selection adopted.

3. R. The Governor in Council thereupon resolved, as a temporary measure & pending the final revision of the Rules, that the selection should be made in the following manner. There were to be, in the first place, a preliminary examination of the candidates whose names had already been registered as applicants for admission to the Statutory Civil Service, this examination being of a qualifying character and to be used as a means of eliminating candidates of inferior educational attainments

ve Candidates who passed this preliminary test were then to compete together in an Examination of a very high order, the names of the five gentlemen most highly distinguished in this final Examination were then certified to Government in alphabetical order.

4. The arrangements for both Examinations were made in communication with the Director of Public Instruction, and, in prescribing the preliminary test it was assumed that the general Educational qualifications of the Candidates would approximate the Standard of the Arts degree in the Madras University and that a test in that course was best calculated to gauge the intellectual calibre & mental culture of the Candidates. An Examination framed with this object was held at Madras under the presiding

of Mr. A. J. Arundel C.S. in the middle of November last. Forty seven candidates were eligible for admission of whom fifteen presented themselves for Examination and of these nine were declared by the Examiners to have qualified themselves for admission to the final competition.

5. This competition consisted of an Examination of a very high order in English Language, Literature and History, and in general Jurisprudence, with Indian History as an alternative subject for those Candidates who had not graduated in Law and did not elect to be examined in it. A paper was also set containing searching questions in political and physical geography and each Candidate was allowed to receive extra marks as proficiency in Chemistry, Botany & Geology.

th January 1885, No. , Public.

CONFIDENTIAL. Draft.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

Read—the following papers :—

From A. MACKENZIE, Esq., Secretary to the Government of India, Home Department (Public), to the Chief Se[illegible] the Government of Madras, dated Simla, 5th September 1884, No.

I am directed to intimate, for the information of His Excellency the Governor in Council, that the number of nominations of Natives of India to offices ordinarily held by members of the Covenanted Civil Service to be made in the current year, under the rules published in Notification No. 1534 of the 22nd August 1879, will probably be one for Madras. The Governor-General in Council will be glad to receive, in due course, the names of three selected candidates for the said appointment, arranged in order of merit.

2. The question of improving the working of the Statutory Rules is now under the consideration of the Government of India; but, in view of the opinion generally held by the Local Governments that the present mode of selection is not altogether satisfactory, I am to say that His Excellency in Council will, on this occasion, leave it to the Government of Madras to choose its candidates in any manner that may appear to it desirable, special regard being paid (in the case of candidates whose merits and abilities have not been already proved by employment in the public service), to educational attainments and proficiency. The orders contained in Home Department Resolution No. 59-2324—2330 of 24th December 1879, may be deemed to be in abeyance. It will be open to His Excellency the Governor in Council to select suitable candidates from the Uncovenanted Service or the learned professions; to institute a test of limited competition among nominated candidates; or to follow any other mode of selection that may be thought suitable.

3. In submitting the names of the persons selected full information should be given as to their qualifications and as to the mode of selection adopted.

From Mr. Justice Brandt, dated 12th January 1885. reporting the result of the final examination of candidates for the Statutory Civil Service

Order—dated th January 1885, No. , Public.

The Governor-General in Council having invited the opinion of His Excellency the Governor in Council upon the general question of the best mode of improving the working of the existing rules for the admission of Natives of India to the Statutory Civil Service, and upon certain specific proposals for that purpose, the matured views of this Government were communicated to the Government of India in the Chief Secretary's letter No. 1332 (Public), dated 18th June 1884.

2. In the letter, ~~No. 33-1386, dated 5th September 1884,~~ from the Secretary to the Government of India, Home Department (Public), His Excellency the Governor in Council was informed that there would probably be one appointment

to the Statutory Civil Service in Madras for that year, and was requested to submit, in due course, the names of three candidates selected for the appointment. It was intimated that as the revision of the Statutory Rules was still under consideration, the Government might, on the present occasion, select its candidates in any manner that appeared desirable, special regard being paid (in the case of candidates whose merits and abilities had not been already proved by employment in the public service), to educational attainments and proficiency; and, in conclusion, it was requested that, in submitting the names of the persons selected, full information might be given as to their qualifications and as to the mode of selection adopted.

3. His Excellency the Governor in Council thereupon resolved, as a temporary measure and pending the final revision of the rules, that the selection should be made in the following manner:—There was to be, in the first place, a preliminary examination of the candidates whose names had already been registered as applicants for admission to the Statutory Civil Service, this examination being of a qualifying character, and to be used as a means of eliminating candidates of inferior educational attainments. The candidates who passed this preliminary test were then to compete together in an examination of a very high order; the names of the five gentlemen most highly distinguished in this final examination were to be certified to Government in alphabetical order.

4. The arrangements for both examinations were made in communication with the Director of Public Instruction, and, in prescribing the preliminary test, it was assumed that the general educational qualifications of the candidates would approximate the standard of the Arts Degree in the Madras University, and that a test in that course was best calculated to gauge the intellectual calibre and mental culture of the candidates. An examination framed with this object was held at Madras under the presidency of Mr. A. T. Arundel, C.S., in the middle of November last. Forty-seven candidates were eligible for admission, of whom fifteen presented themselves for examination, and of these nine were declared by the Examiners to have qualified for admission to the final competition.

5. This competition consisted of an examination of a very high order in English Language, Literature and History, and in general Jurisprudence, with Indian History as an alternative subject for those candidates who had not graduated in Law and did not elect to be examined in it. A paper was also set containing searching questions in Political and Physical Geography, and each candidate was allowed to receive extra marks for proficiency in Chemistry, Botany or Geology. The examination was held in Madras on the 15th December under the presidency of the Hon'ble Mr. Justice Brandt, C.S., and he reported that, in the opinion of the Examiners, in which he concurred, the following three candidates, whose names were given in alphabetical order, were alone entitled to be "placed" in the 1st Class:—

Rajagopala Chari, P.
Subba Ráo, T.
Varadha Ráo, T.

6. His Excellency the Governor in Council congratulates these gentlemen on having so greatly distinguished themselves in the competition now concluded, and will have the pleasure of recommending one of them for appointment by the Viceroy and Governor-General in Council to be a Member of the Civil Service of Madras.

(True Extract.)

(Signed) E. F. WEBSTER,
Chief Secretary.

Exd. F. R. Bantleman.

The Hon'ble Mr. Justice Brandt
A. T. Arundel Esqr.
The D.P.I.
M.R.Ry P. Rajagopalachari
T. Subba Rao
T. Varadha Rao

Govt. of {1885} Madras.

PUBLIC.

Issued

Recd. *Encl.*

G.O., th January 1884, No. .

JANUARY.

Passed by the Governor.
22/1/85
JW

27 TH JANUARY 1885, No. 214, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers:—

From A. MACKENZIE, Esq., Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of Madras, dated Simla, 5th September 1884, No. 33-1386.

From MR. JUSTICE BRANDT, dated 12th January 1885, reporting the result of the final examination of candidates for the Statutory Civil Service.

ORDER—dated 27 th January 1885, No. 214, Public.

The Governor-General in Council having invited the opinion of His Excellency the Governor in Council upon the general question of the best mode of improving the working of the existing rules for the admission of Natives of India to the Statutory Civil Service, and upon certain specific proposals for that purpose, the matured views of this Government were communicated to the Government of India in the Chief Secretary's letter No. 1332 (Public), dated 18th June 1884.

2. In the letter read above from the Secretary to the Government of India, Home Department (Public), His Excellency the Governor in Council was informed that there would probably be one appointment to the Statutory Civil Service in Madras for that year, and was requested to submit, in due course, the names of three candidates selected for the appointment. It was intimated that as the revision of the Statutory Rules was still under consideration, the Government might, on the present occasion, select its candidates in any manner that appeared desirable, special regard being paid (in the case of candidates whose merits and abilities had not been already proved by employment in the public service), to educational attainments and proficiency; and, in conclusion, it was requested that, in submitting the names of the persons selected, full information might be given as to their qualifications and as to the mode of selection adopted.

3. His Excellency the Governor in Council thereupon resolved, as a temporary measure and pending the final revision of the rules, that the selection should be made in the following manner:—There was to be, in the first place, a preliminary examination of the candidates whose names had already been registered as applicants for admission to the Statutory Civil Service, this examination being of a qualifying character, and to be used as a means of eliminating candidates of inferior educational attainments. The candidates who passed this preliminary test were then to compete together in an examination of a very high order: the names of the five gentlemen most highly distinguished in this final examination were to be certified to Government in alphabetical order.

4. The arrangements for both examinations were made in communication with the Director of Public Instruction, and, in prescribing the preliminary test, it was assumed that the general educational qualifications of the candidates would approximate the standard of the Arts Degree in the Madras University, and that a test in

that course was best calculated to gauge the intellectual calibre and mental culture of the candidates. An examination framed with this object was held at Madras under the presidency of Mr. A. T. Arundel, C.S., in the middle of November last. Forty-seven candidates were eligible for admission, of whom fifteen presented themselves for examination, and of these nine were declared by the Examiners to have qualified for admission to the final competition.

5. This competition consisted of an examination of a very high order in English Language, Literature and History, and in general Jurisprudence, with Indian History as an alternative subject for those candidates who had not graduated in Law and did not elect to be examined in it. A paper was also set containing searching questions in Political and Physical Geography, and each candidate was allowed to receive extra marks for proficiency in Chemistry, Botany or Geology. The examination was held in Madras on the 15th December under the presidency of the Hon'ble Mr. Justice Brandt, C.S., and he reported that, in the opinion of the Examiners, in which he concurred, the following three candidates, whose names were given in alphabetical order, had so completely distanced the others as to be alone entitled to be placed in the 1st Class:—

Rajagopala Chari, P.
Subba Ráo, T.
Varadha Ráo, T.

6. His Excellency the Governor in Council congratulates these gentlemen on having so greatly distinguished themselves in the competition now concluded, and will have the pleasure of recommending one of them for appointment by the Viceroy and Governor-General in Council to be a Member of the Civil Service of Madras, and will keep all of these in view as persons well deserving employment of a responsible character in the public service.

7. In conclusion, the Government desire to thank the Hon'ble Mr. Justice Brandt and Mr. A. T. Arundel and each of the Examiners for the trouble they have taken in presiding over and in conducting these important examinations.

(Here enter, No. , dated .)

To the Hon'ble Mr. Justice Brandt. 3
„ T. Arundel, Esq. 3
„ the Director of Public Instruction. 11
„ M.R.Ry. P. Rajagopala Chari. 1
„ „ T. Subba Ráo. 1
„ „ T. Varadha Ráo. 1

Despd 28/1/85

Govt of India - 6. despd 28/1/85
Secy of State - 2 despd 30/1

Exd. F. R. Bantleman.

Govt. of {1885} Madras.

PUBLIC.

Issued

Recd.

Encl.

G.O., th January 1884, No.

JANUARY.

Read again Order [illegible]
189 , No.

Back Paper, No. of 189

Further Paper, No. of 189

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- Order complete with Letter.

N.B.—

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P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

[7]

Confidential ~~K~~

1885.

Public Department.
G.O., dated 27. 1. 85
No. 214
Series. Pers

Confidential

First copy sent to Press.

Returned for signature.

Despatched

[Despatch Abstract.]

Statutory Civil Service

Examination results

198.

Public

No. 4.

India Office,
London, 5th February, 1885

Sir,

1. I have received and considered in Council the Confidential proceedings of Your Government, dated the 7th of December last, containing Your Order of that date regarding Mr R. Rice of the Madras Civil Service.

2. These proceedings have reached me without any covering letter from Your Excellency in Council.

3. After referring to the very unsatisfactory nature of Mr Rice's previous service and to certain recent acts of intemperance and misconduct on his part, the Order states that Your Excellency in Council understands

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

[illegible]

understand to Mr Rice
admit that, (1) he was —
drunk and incapable: (2)
he has told Government a
series of falsehoods in the
hope of screening himself:
and (3) he has slandered
his superior officer. —

Mr Glenny

Bearing in mind the
character of Mr Rice's earlier
conduct, the warnings
which he has received, and
the gravity of these fresh
charges which if themselves
if established would seem
prima facie to call for
dismissal from the public
service, I must express
my great surprise that
Your Excellency in Council
should have considered
the case sufficiently —
met by the mere transfer
of Mr Rice, with a further
warning, to the sub
collectorate

ollectorate of the God
istrict.

Intemperance and
isconduct such as are
ndicated in the Order of
he 9th of December appear
o me to be offences for
so serious to be treated
n so lenient a manner,
nd it seems impossible
o allow an officer believed
y the Government under
which he serves to be
uilty of such misconduct
o remain in the public
ervice. I therefore
equest that Your
Excellency in Council will
reconsider Your Order
and that after any
additional inquiry which
you may consider necessary
and after receiving any
further defence which
Mr. Rice may wish to
make, you will submit

a

a full report on the
whole case, furnishing
me at the same time
with details sufficient
to enable me to arrive at
a final judgment upon
the matter.

Pending the result of
this enquiry and my
final orders I think it
necessary that Mr Rice
should at once be
suspended from employ-
ment.

I have the honor to be,
Sir,
Your most obedient,
humble Servant,
(signed) Kimberley.

[7]

No 2.

Public
5 February 1885

Copy
Letter to Fort St George
No 4

5TH MARCH 1885, No. 549, PUBLIC.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ again—

G.O., dated 9th December 1884, No. 2641, Public.

READ—also the following paper :—

Despatch from the Right Honorable the EARL OF KIMBERLEY, Her Majesty's Secretary of State for India, to His Excellency the Right Honorable the Governor in Council, Fort St. George, dated India Office, London, 5th February 1885, No. 4 (Public).

I have received and considered in Council the confidential proceedings of your Government, dated the 9th of December last, containing your order of that date regarding Mr. R. Rice of the Madras Civil Service.

2. These proceedings have reached me without any covering letter from your Excellency in Council.

3. After referring to the very unsatisfactory nature of Mr. Rice's previous service and to certain recent acts of intemperance and misconduct on his part, the order states that your Excellency in Council understands Mr. Rice to admit that (1) he was drunk and incapable, (2) he has told Government a series of falsehoods in the hope of screening himself, and (3) he has slandered his superior officer, Mr. Glenny.

4. Bearing in mind the character of Mr. Rice's earlier conduct, the warnings which he has received, and the gravity of these fresh charges, which of themselves, if established, would seem *primâ facie* to call for dismissal from the public service, I must express my great surprise that your Excellency in Council should have considered the case sufficiently met by the mere transfer of Mr. Rice, with a further warning, to the Sub-Collectorate of the Godávari district.

5. Intemperance and misconduct such as are indicated in the order of the 9th of December appear to me to be offences far too serious to be treated in so lenient a manner, and it seems impossible to allow an officer believed by the Government under which he serves to be guilty of such misconduct to remain in the public service. I therefore request that your Excellency in Council will reconsider your order and that after any additional inquiry which you may consider necessary, and after receiving any further defence which Mr. Rice may wish to make, you will submit a full report on the whole case, furnishing me at the same time with details sufficient to enable me to arrive at a final judgment upon the matter.

6. Pending the result of this inquiry and my final orders, I think it necessary that Mr. Rice should at once be suspended from employment.

ORDER—dated 5th March 1885, No. 549, Public.

Mr. Rice will be informed that, on a perusal of the Government proceedings, No. 2641, dated 9th December 1884, the Secretary of State has directed his suspension pending the issue of His Lordship's final judgment on the case.

Co. 549 Pub 5.3.85

2. The suspension will date fro m the day on which this order is received by Mr. Rice, who if he has any furthe r defence of his behaviour to make, should submit the same with as little delay as possible.

(Tr ue Extract.)

E. F. WEBSTER,
Chief Secretary.

To R. Rice, Esq., through the Collector of Godávari. } Order only.
„ the Board of Revenue.
„ the Accountant-General.

Erd. J. W. Fischer.

Govt. of {1885} Madras.

PUBLIC.

Issued.

Recd. *Encl.*

G.O., 5th March 1885, No. 549.

MARCH.

Civil Servants.

Suspending Mr. Rice and directing him to submit without delay any further defence of his behaviour.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

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E. F. WEBSTER,
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To R. Rice, Esq., through the Collector of Godávari.
„ the Board of Revenue.
„ the Accountant-General.
} Order only.

Exd. J. W. Fischer.

Govt. of {1885} Madras.

PUBLIC.

Issued.

Recd. *Encl.*

G.O., 5th March 1885, No. 549.

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Civil Servants.

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198.

Public.

No. 4.

India Office
London, 5th February, 1885.

Sir,

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

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No - deprivation
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TW

Collectorate of the Govt. ment.
District.

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a final judgment upon
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necessary that Mr Rice
should at once be
suspended from employ-
ment.

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

Kimberley

13 No. 3 No. 241

Public

5th February 1885.

The

Letter to Lord St. George

No. 4

Recd 26 Feby/85.

Regd 2d March 1885.

Public Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ ~~the following~~ again

G.O. 9th Dec 1884, No. 2641 Public

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Order 5th March 1885, No. 549.

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who if he has any
~~to urge in mitigation~~
~~will be made as further~~ Th
defence of his behaviour Le
to make, should submit s
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delay as possible

J.W.

R. Rice Esqr. this the Coll. of Jamaica
The Board of Revenue
The Accountant Jeneral
} order only. — Desptd 5/3/85

2 Copies to C.S.
2, to Secy. of State
for info.
} Desptd 7/3/85

CONFIDENTIAL

No. 30-31 / 1884

Pension Department.

Fort St. George,
Accountant-General's Office,
3d November 1884.

No. 393

From W. Donald Esqr.
ACCOUNTANT-GENERAL
TO THE GOVERNMENT OF MADRAS,

To
THE Chief Secretary to Government,
Financial Department.

SIR,

With reference to Government of India Financial letter No. 3941 dated the 13th of October 1884 to the Government of Madras, a copy of which the Government of India communicated to me for information I have the honor to state that the commutation of £750 of Mr. Gribble's Pension amounts to Rs. 7987. 8. " and that his Pension sanctioned in Government Order No. 1730 Public dated 5th August 1884 is correspondingly reduced from £763.7.2 to £706.14.8 per annum.

2. I beg that I may be instructed regarding the disposal of the above Capital Sum of Rs. 7987. 8. " -. and with reference to Confidential Government Order No. 1433 Public Department dated 27th June 1884, what documents Mr. Gribble must furnish me with before I am authorized to dispense to him the remaining Moiety of his Pay for 14 days in July.

July and the undisbursed moiety
of his reduced Pension from 15th of
that month less Rs. 64.-7, the excess
drawn at the original rate.-

I have the honor to be
Sir,
Your obedient Servant

W. Dorrald

Offg. Accountant General

W.

Fin (188) Department.

C No 3546

From

The ACCOUNTANT-GENERAL,

Madras,

To

The Chief Secretary
to Government
Fin. dept.

No. 188/393

Dated 3d Nov. 1884.

Received

No.

Subject.

States that the commutation of Mrs Gribbles' pension of £750 amounts to Rs 7987-8-0 and that his pension is correspondingly reduced from £63-7-2 to £ 706-14-8 per annum.

Copy

Telegram despatched to the G. of I. F & C Deptt. Simla,
4th November 1884

"When may reply be expected my letter 2012 Public September 10th regarding enforcement payment due to an Estate from Officer retired from Civil Service."

Copy

Telegram to G.O.

4 Nov 84.

INDIAN TELEGRAPH. Local No. 57

Class. Y D

To (Station) Fort Madras

From (Station) Simla

Words	Day.	Hour.	Minute.	Official Instructions.
37/11	10	17	24	Urgent-

To (Person) Madras

From (Person) Finace

Four 2012
of 10th
September and telegram
of 4th inst. enforcement
payment due to
Pah estate from
officer retired from
Civil service take
Legal advice and
report result to
government of India

CHIEF SECRETARY
10 NOV 84
GOVERNMENT OF MADRAS

Recd from	L. N.	Sent to	L. N.
At Hrs.	Mts., By	At Hrs.	Mts., By

Date

S. P. No. 4000—G. T. Press,—No. 994,—3-2-88,—2000000.

Boddy
Telegraph Master.

MADRAS FORT 10-11-84

[9]

C.N°3993

Public

Telegram 21.

From

Govt. of India.

Finance & Com.

No.

Dated

Received 10 Nov. 84.

Enclosures

SUBJECT.

Regarding enforcement of payment due to an estate from an officer retired from the civil service.

For

17 12 Nov. 1884.

Dear Mr Barclay,

With reference to our urgent conversation today, I send you confidentially a file of papers relating to Mr Gibble. Please advice as to the best means that should be adopted for securing the payment of the amts due to the estate of Bhujanga Rao.

The Collr of Kuddapah has been asked to send a copy of the will of Bhujanga Rao.

E Barclay Esq: with papers Urgt

Desp 7/11/84

Registration Department
G. No. 2218.

From,

Geo. Hamnett Esqr.
Inspector General of Registration
Madras.

To,

The Honble E. Forster Webster
Chief Secretary to the Government
Fort St. George

Dated, Madras, 10th December 1884.

Sir,

With reference to your Official Memo: No 2684 dated the 3rd December 1884, I have the honor to enclose a copy of the will of the late Bhujunga Rao together with an English translation.

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

G. Hamnett
Inspector General of Registration

For

No 459. 1884

Public

Judicial (1884) Deptt

"

Registration

From

The Secretary Govt

of Registration

Madras

To

The Chief Secretary to the

Government

Fort St George

Dated 10th

Received 13 December 1884

No. 2218.

Enclosures (2)

No.

Enclosing a copy

of the will of the late

Bhujanga Rao. together

with English translation

as directed in Official

Memo. of 3rd Dec 1884

No 2684. Public.

Public

In continuation

of my note of the 17

ber last, I send

herewith copy of

the will executed

by the late Bhujanga

Rao

for ing

Madras 17th December 1884

Dear Mr Forster Webster

I have sent through the file of papers connected with the Bhujanga Rao's Estate (the copy of his Will. The latter does not assist me in forming an opinion so much as I hoped it would. There is no direction in the Will as to investments but the Testator does direct that, as his adopted sons is young, the Executors are to do everything under the orders of Testator's wife. Mr Gribble does not however suggest that the Government shares were bought under the widow's orders or even with her knowledge and consent, though the purchase was apparently ratified by the Co-Executor.

From a legal point of view I confess I do not see that Government has any right to deduct the amount Mr Gribble was ordered to pay in repurchasing the shares, from his pay up to date of retirement, or from the pension subsequently payable to him or from the amount of commuted pension. He has taken the right point on this subject in his letter of 21st August last to the Accountant General. It is not a matter with which Government has anything to do. Of course so long as Mr Gribble was in the service Government could bring pressure to bear upon him, but that is all altered now. I do not see how the amount Mr Gribble was ordered to pay can possibly be called a Public demand for this reason. It was the act of the Testator appointing Mr Gribble Executor of his will and Government is in no way legally, or, so far as I can

CHIEF SECRETARY
RECEIVED
18 DEC 1884

Do.

From
E. Barclay Esq.re
York Solicitor.

D/7
R/18 } December 1884.

H.M.

Mr. Gibbs asks the Blenjaings Rec Estate.
Copy of this opinion must now be forwarded to the G.P.O. with reference to their telegram C.R. 3995
F.H.

Encl 19/12

as, morally responsible to the estate for the consequences of Fidelis continued. A sad enterprise for the estate of the late Rector. The Civil Power gone if was found that the society practically the same Power the effectual statute was not for the society. The Rector Council to pay any such pension as shall be strictly or indirectly.

If there for the pensions of Parishioners Civil servants come within the Act, and the words of the Act certainly seem large enough to include them, the Fidelis could not bring a suit to the prejudice of contributing Government to pay him such sum of his pension whether Government elected or not, as Government imposed such pension. Sum not quite one of the rights of Servants Civil Servants, & pensions; such pensions from which the Fidelis in his Will are case, Government have nothing to do with it. Even not mistaken the Rector to be entitled to a pension, the Fidelis Servants would come within the Act, as they are not expressly excluded from its provisions.

With regard to the question of interest, I am not sure that as the Fidelis fairly, the rate charged is in excess of that the estate would have realized if the money had been invested in Government Paper with the Rectorate of the Rectorate, and that I do not think a Court would compel the Fidelis to pay more than the actual profit made & claim from interest at 6%, the usual Court rate in Queen. The withholding of the amount of the interest is a source, in fairness, the same position as the retention of the pension.

Yours truly
Lewis Dibdin

Lewis Dibdin Esq.

2nd do Barclays d:o
dy 4th Dec 84

Yes, I dy should do
so but I think but
meanwhile what
objection is there
to the payment to
Mr Gribble of the
amount of £7987
reserved in the
3546 for which
him & carry out
the promise which
he made vide

No. 647

Order. 20th Feby 1885, No. 429 (Fin.)

Ordered that the following letter be despatched.

Encld 17/2

Drafted with copy/file No. 647
20/2/85

No. 430 Fin

To

The Secy. Govt. of India.
Dept. of Fin. & Comm.

Sir,

In continuation of my letter No. 367. Mis. of the 11th inst., I am directed to transmit the accompanying copy of a letter from the Govt. Solicitor Madras, containing his further opinion on the questions raised by the Govt. of India in connection with the annuities of members of the Civil Service - MMB 14/2

JW 16/2

Fort St. George
20 Feb. 1885

14/2
M 17/2
Reg. 2

From
The Government Solicitor
Madras
No. 57.

429-30
20-2-1885

Dy 13th

Relating to the case of Mr. Tribble, late Excise

With order.

the claim referred to in the above Proceed-
-ings of Government.

4. I return the deed of Covenant and
Dam Sir
Your obedient Servant

Ernest Barclay

Government Solicitor

Council in like manner as they might have
been enforced against the Trustees of the Funds
if the Statute had not been passed. The Section
also provides that every Civil Servant, who at or
before the date of the notification by the Government
of India of the acceptance by the Secretary of State
in Council of the transfer of the assets and liabilities
of the Civil Annuity Funds, was a subscriber
to any of the Civil Annuity Funds, shall be
entitled, on retirement, to the benefits granted
by the despatch of the Secretary of State in
Council to the Government of India dated 10th
February 1871, and which are set out in the
section. It is I think, clear therefore that the
annuities are not pensions within the mean-
-ing of the Pensions Act 1871 and that the pro-
-visions of that act do not apply to such
annuities. Should any deduction be made
from an annuity to which a subscriber
is entitled, such deduction would be illegal
and the amount thereof could be recovered.

3. I have perused the deed of Covenant
sent to me; but, I do not see any provision
in it which would enable Government
to make a deduction from the annuity
granted to the Civil Servant who has
executed the deed, in order to satisfy

the

No 57.

Madras 13th February 1886.

From

Ernest Barclay

Government Solicitor

Madras.

To

The Chief Secretary to Government

Madras

Sir

1. I beg to acknowledge receipt of Copy Proceedings of Government Public Department dated 11th February 1886 No 366 Mis. with enclosure.

2. After perusing the Statute 37 Vic. Cap XII, I am of opinion that the annuities to which Covenanted Civil Servants are entitled do not come within the provisions of the Pensions Act 1871. These annuities are not pensions granted by Government but are subscribed for by Civil Servants, and are payable from the assets of the Civil Annuity Funds made transferrable by the Statute from the Trustees of the Funds to the Secretary of State for India in Council, and such annuities are by the Statute to be deemed liabilities of the revenues of India; and Section 2 of the Statute expressly provides that all such liabilities may be enforced against the Secretary of State in Council