

Madras Record office.

Government of Madras.

Revenue Department

G. O. No. 557

Dated 29. 4. 1859

Not to be folded or roughly handled.

No. 8. Read the following letter from H. CLEGHORN, Esq., M. D. Conservator of Forests; to J. D. BOURDILLON, Esq., Secretary to Government, Revenue Department Fort Saint George; dated Madras, 31st March 1859.

SIR,

I have the honor to forward for submission to His Excellency the Governor in Council a Memorial* from Mr. W. G. McIvor, Superintendent of the Government Gardens Ootacamund, which my absence from the Presidency has prevented me doing at an earlier date.

2. I think it right to lay before Government a short Statement of facts which will enable them to judge whether Mr. McIvor has any real ground of complaint against me.

3. On the 6th August 1857, I suggested to Government that Mr. McIvor having served for 10 years without any addition to his salary, might reasonably be allowed an increase *on the express condition that he devotes his whole time unreservedly to Government service*. That suggestion I repeated in my letter of 10th April 1858, No. 323, and on 3d June 1858, Government passed the order on which Mr. McIvor now comments.

4. There are two points on which Mr. McIvor complains of my proceedings, *first*, that I have kept him out of an appointment conferred on him by Government, and *second*, that I have done so because my mind had been biased against him by anonymous charges and complaints.

5. With respect to the first of these, I distinctly stated to Mr. McIvor in conversation, that had such an appointment really been conferred on him, I had no power to prevent him enjoying it. It appears to me on carefully reading the order of Government (para. 10) that no such appointment was made, but merely contingent on future arrangements. The "opinion" expressed by Government in para. 14 of their order embraced a plan so much more extensive than any I had ever contemplated, that before making application for "a proper establishment," it was necessary for me to consider whether it was possible for the Superintendent of the Gardens to carry it into effect. For this reason I delayed reporting on the subject until I had again an opportunity of visiting the Neilgherries. Accordingly when there in October last, I took occasion to consult many of the residents, and to examine fully the nature of the duties which would devolve upon Mr. McIvor, if the proposed arrangement were carried out. And the conclusion to which I came and in which I was supported by most of the residents to whom I spoke on the subject, was, that proper attention to the care and management of the whole of the woods and plantations on the Neilgherries was perfectly incompatible with the due performance of his duties to the gardens and nurseries for which alone he was originally engaged. An annual visit to Nellumboor which need not occupy more than twenty days, and the supervision of the sholas within five miles of Ootacamund which was my original proposition in the last para. of my letter to Government, dated 10th April 1858, No. 323, would not materially interfere with his proper duties, but as I have already stated to Government in para. 33 of my letter of 13th November last, No. 488, "any more extended range I feel that he cannot possibly undertake, consistently with the duties specified in his covenant."

6. With respect to Mr. McIvor's second complaint, I can aver with safety that no one has spoken more highly of his professional abilities than I myself have in successive reports to Government. In my late visit to the hills rumours reached me from many quarters and I was called upon by Lord Harris to say what foundation there was for such reports. It was said by many persons that while Mr. McIvor's total official income was Rupees 150 a month, he was living in a style that could scarcely have been kept up with such means, and had moreover built several houses which were rented to different persons. It was further averred that the money expended in building had been partly raised by speculation in coffee, &c., and in imported merchandise. In a friendly spirit, I spoke to Mr. McIvor respecting these reports warning him that such speculations were directly opposed to the terms of his covenant (to which I beg to refer), and would probably subject him to the severe displeasure of Government. He assured me that he had no interest in any coffee speculation, and that he would build no more houses. I did not think it necessary to make any further examination into what might have occurred previous to his being "placed under my control," but I told him that in future he must be extremely careful to adhere strictly to his proper duties, and to see that the time which should be devoted to his work was not employed in attending to his own or other people's business.

an appointment and

Fort Saint George, Revenue Consultation of 29th April 1859.

7. While I have borne testimony as I now again gladly do to Mr. McIvor's professional attainments, I cannot but express my regret that from the want of that conciliatory manner, which is expected from the Superintendent of a Public Garden, he has failed to win the good opinion of the community of Ootacamund. I can only regret that the advice on this subject which I have given him from time to time should have been received by him in a spirit so different from that in which it was given.

From Mr. W. G. McIVOR, Superintendent Government Gardens, Ootacamund; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, Madras; dated Ootacamund, 10th February 1859.

SIR,

I have the honor to request that you will have the goodness to submit the accompanying Memorial to the consideration of the Right Honorable the Governor in Council.

To the Right Honorable the Governor in Council, Fort Saint George.

The Memorial of W. G. McIVOR, Superintendent Government Gardens, Ootacamund; dated Ootacamund 9th February 1859.

HUMBLY SHEWETH,

Para. I. That your Memorialist availing himself of the permission granted to your servants would with the profoundest respect bring to the notice of your Honorable Government that your Minutes of Consultation, No. 748, under date the 3d June 1858, appointing your Memorialist to the general supervision of all woods and plantations on the Neilgherries, is still held in abeyance.

Para. II. That your Memorialist having placed himself in communication with the Conservator of Forests on the subject of the Government Minute above cited found that that officer raised numerous objections to the carrying out of that order (vide Appendix A and B) and gave your Memorialist to understand that the carrying into effect of the Minute of Consultation was contingent on his approval, and consequently your Memorialist has been kept out of the appointment conferred on him by your Honorable Government for a period of upwards of eight months.

Para. III. That at the time the Minute of Consultation was issued the Conservator of Forests expressed his full concurrence with the Minute and expressed his intention to give effect to it before leaving for Nellore in the middle of October last; subsequently the Conservator of Forests mentioned to your Memorialist that he had been "overwhelmed" with anonymous and other complaints against him, and also that the opinions of a section of Ootacamund Society was adverse to your Memorialist's holding the appointment, and, consequently, that if he, the Conservator of Forests, gave it to your Memorialist, it would "cause dissatisfaction."

Here your Memorialist would respectfully submit to the consideration of your Honorable Government the anomalous and singular position forced on him by the Conservator of Forests, namely, that his entering on an employ awarded him by a Minute of Consultation of your Honorable Government should be made dependent, for its operation, on the approbation of a section of Ootacamund Society, comprising doubtless individuals inimical to him from his having had to protect himself and the institution under his charge against their delinquencies.

Para. IV. That your Memorialist in full confidence of the unswerving justice of your Honorable Government earnestly prays that the influences above mentioned may not be allowed to operate further to his injury in withholding from him an appointment conferred on him by your Minute of Consultation of the 3d June 1858, No. 748.

And your Memorialist will ever pray.

Fort Saint George, Revenue Consultation of 29th April 1859.

A.

From Mr. W. G. McIVOR, Superintendent of Government Gardens, Ootacamund; to Dr. CLEGHORN, Conservator of Forests; dated Ootacamund 11th January 1859.

SIR,

1. I beg leave most respectfully to draw your attention to Extract of Minutes of Consultation noted in the margin; and beg leave to request that you will have the goodness to carry out the arrangement therein directed by Government, as I am suffering serious loss from the delay which now extends over a period of above six months; so that I am up to the present moment, the loser of a sum amounting to upwards of eight hundred Rupees.

2. I trust you will allow me to point out that I am induced to make this official application, that you may give effect to the Minute of Consultation referred to above, from having thought seriously over your conversation with me in connection with this subject.

3. From your remarks to me at different times it would appear that the publication in the papers of the Madras Presidency of the Minute of Consultation in question, aroused that spirit of opposition which exists against me to such an extent as led, as you informed me, to your being overwhelmed with complaints affecting my reputation, and, as you stated to me you had received through head quarters anonymous letters of a similar tendency; it shows, that through you my opponents saw the only course open for them to deprive me of the benefit arising from an appointment conferred on me by the Right Honorable the Governor in Council.

4. However unwilling I may be to trouble you on such unpleasant subjects I cannot but view with concern the injustice of such a spirit of opposition being successful in negating a Government Minute of Consultation, or even of suspending its operation. I would here most respectfully draw your attention to the circumstance that though these communications made against me, anonymously and otherwise, could on the slightest investigation be shown to be utterly unfounded, yet they have been allowed to have all the effect against me as if they had been fully substantiated on investigation.

5. I am induced to dwell much upon this, because on my applying to you personally to give effect to this Minutes of Consultation, you informed me that it should be done before you left for Nellore (in the middle of October last) but on my meeting you near that place, shortly afterwards (when you were on your way back to this place) you acquainted me with the receipt of the anonymous and other communications above referred to, and from this period I marked your unwillingness to give effect to the Minutes of Consultation. Subsequently you mentioned as a cause of delay the difficulty of defining the limits of the district to be placed under my charge; and you also mentioned that every one who read the Minute of Consultation referred to, as published in the public papers, considered that the Gardens were to be given up. I am unable to discover any expression in this Minute on which to found such a supposition, as to myself it seems perfectly clear the contrary is intimated, otherwise why use the words, "the Superintendent of Government Gardens at Ootacamund should have the general supervision of all Woods and Plantations on the Neilgherries."

6. You also mentioned to me as a cause of difficulty the circumstance that J. W. Cherry Esq., Acting Collector of this Province, considered me unable to do the work. As this gentleman has only entered the district recently, and has had nothing to do with the working of the Government Gardens, his opinion, perhaps should not overrule the strong recommendation of E. B. Thomas, Esq., the Collector of the Province under whom I had the honor of serving for nearly ten years. Also that you had consulted upwards of twenty different parties on this subject, and that they all entertained different opinions, and that giving me the appointment

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would cause dissatisfaction, and as a last objection you informed me that you did not think I had time to do justice to both, but that you thought the planting the Hills and Forests my legitimate work.

Allow me to be observe that this would devolve upon me the whole of the labour without the remuneration, whereas, by the plan which I had the honor to submit to your consideration, and at the time approved of by you, the planting and cutting would have entailed but one and the same supervision.

The success with which the working of these gardens has been attended under my superintendence augurs favorably for my ability to carry out successfully the supervision of all woods and plantations on the Neilgherries; more especially as the Government are prepared to grant me an efficient Establishment, an advantage which I have not been fortunate enough to possess throughout the years I have been working these gardens.

Taking into consideration all that I have advanced above, I would beg most respectfully to solicit the favour of your having the goodness to reconsider your objections, and I trust that you will see the propriety of carrying out the instructions of Government on this subject.

B.

From Mr. W. G. McIVOR, Superintendent of Government Gardens, Ootacamund; to Dr. CLEGHORN, Conservator of Forests; dated Ootacamund 11th January 1859.

DEAR SIR,

I regret exceedingly being obliged to forward you the accompanying official application to give effect to the Minutes of Consultation, I am and always have been most anxious to conciliate your good will, and it is with the deepest regret I have observed you have allowed uninvestigated and anonymous complaints to have so far operated on your mind as to withhold from me the advantages conferred on me by Government. I am well aware of the weight your opinion carries with the Madras Government, but nothing can induce me to submit to receive an unmerited punishment especially when I know that I have material and visible facts to disprove the charges advanced against me. I am aware that this persecution proceeds from my having brought to the notice of Government delinquencies on the part of the authorities here which ought not to have been concealed and such as Government ought not to have been kept in ignorance of.

I am aware that my proceedings in one of these cases was unsatisfactory to yourself. I allude to that of Lieutenant Stewart as you then told me that even if I was successful with my suit it would not be to my advantage hereafter. In my public letter I have merely noticed the objections you raised to giving effect to the Minute of Government. Your remarks on this subject were not so painful to my feelings as some you made and repeated with reference to my private property and the gardens. I will merely mention one which I felt much; that is your having observed that the people said I had not got half the plants in the gardens which I had entered in our priced lists, (inferring that I fabricated the lists for show) and when I asked you to name one plant which you thought should not have been entered, you mentioned "Araucarias." You cannot conceive at what trouble I introduced these plants; now that I have been successful, propogated, and got them for sale, how painful and discouraging must it be to me to think that I cannot enter in our lists without giving rise to a report as injurious to my character as the reputation of the gardens. Had your mind not been biased you would have contradicted this on hearing it, as you had seen in the gardens these plants for sale, also as you are aware we have been selling at the gardens for years numerous valuable species of plants never entered in our lists at all; it might have occurred to you that if I had been making a list for show I would not have left so much good matter undeveloped.

I trust you will pardon me for troubling you with so long a letter, my object is to remove from your mind any unfavorable impression which may exist against me.

I leave for Nelambore to-morrow and hope to reach that place on the 15th Instant.

Fort Saint George, Revenue Consultation of 29th April 1859.

C.

From H. CLEGHORN, Esq., Conservator of Forests; to Mr. W. G. McIVOR, Superintendent Government Gardens, Ootacamund; dated Madras, 31st January 1859, No. 533.

SIR,

I have to acknowledge receipt of your official and demi official letters of the 11th Instant.

You are mistaken in supposing that my mind is biased against you in any way, as you might have known by the tenor of my previous reports to Government. But I have to consider what course is best in every respect for the Department, and I am now in communication with Government on the subject, I scarcely expect any order from Government until Mr. Mac-lagan is in a position to send in the garden accounts for 1857. Whenever orders are received they will be communicated to you. I observe that there is no copy of your accounts later than October last.

D.

From Mr. W. G. McIVOR, Superintendent Government Gardens, Ootacamund; to Dr. CLEGHORN, Conservator of Forests Madras; dated Ootacamund, 10th February 1859.

SIR,

I have the honor to acknowledge the receipt of your letter No. 583 of the 31st ultimo, and with reference to your disclaiming any bias against me and referring to your previous reports to Government as a proof of this, I beg to observe that I have not had the honor to see any of these reports since 1857, in my letter of the 11th ultimo, I referred your bias against me to a much more recent date, namely, October last. I hope you will permit me most respectfully to draw your attention to the circumstance that I have been kept by you out of an appointment conferred unconditionally upon me by the Right Honorable the Governor in Council, and that instead of carrying out the instructions of Government, you have felt yourself to be in a position rendering it incumbent on you to institute inquiries as to the advisability of the Government decision being put in operation, and, as a result of these inquiries that I was not to hold the situation awarded me by the Government Minute of Consultation.

You observe in your communication under reply that you have "to consider what course is best in every respect for the Department," and allow me to observe that I did not suppose that my having asked you to give effect to the Minute of Consultation was soliciting for that which could in any way operate against the interests of your department. I believe in fact that, in accordance with your own previous impressions, it would have had a contrary effect. I allude to your remarks made some time prior to your leaving the Hills, that the Forests were suffering continuously and seriously.

In the concluding part of your letter you inform me that you scarcely expect any communication from Government on the subject of the Minute until Mr. Mac-lagan is in a position to send in the Garden accounts for 1857. I trust you will here excuse my pointing out that there can be no possible connexion between the promotion awarded me by Government on the 3rd June 1858 and the garden accounts of 1857. And with reference to the intimation that there is no copy of my accounts in your office later than October last, I have the honor to inform you that I have kept them open in order to include in them the whole of the transactions for the year as Mr. Mac-lagan informs me that such is the order of Government, and consequently they will still require to be kept open for some time as I have not been enabled, as yet, to get in our outstanding accounts.

I may conclude this subject of the accounts by remarking that I have forwarded not only to your office but also to the Collector's the accounts of these gardens for the last three years, which has entailed on me a large amount of labor, more especially as I am unable to obtain the service of a competent writer under thirty-five (35) Rupees per mensem, which is more than equal to the entire amount of the Government allowance, for the support of this institution, namely, 100 Rupees per mensem.

As you state that you are in correspondence with Government on the subject of the Minute of Consultation above referred to, may I solicit the favor of your forwarding the accompanying

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Memorial, letters and correspondence for the consideration of the Right Honorable the Governor in Council.

In this correspondence I have included a copy of the letter addressed to you with my official of the 11th ultimo. This I intended as a private communication, but as you have noticed it as "demi-official" I have considered it advisable to forward a copy of it as well as of the others.

No. 9.

ORDER THEREON, No. 557; dated 20th April 1859.

The Conservator of Forests lays before Government with his remarks, a Memorial from Mr. McIvor Superintendent of the Government Gardens at Ootacamund, complaining that Dr. Cleghorn has kept him out of an appointment and a salary awarded to him by Government. It is found however that Mr. McIvor is quite mistaken as to the facts.

No. 323.

2. In the closing para. of a letter dated April 10th 1858, Dr. Cleghorn recommended that as Mr. McIvor had been ten years in the Government service his pay should be increased from 125 to 200 Rupees a month on the condition of his devoting his whole time to the Government Service; he also expressed the opinion that in addition to his regular garden duties, he might be required to conduct the experimental planting of 10,000 trees, and to supervise the renovation of the Sholas within five miles of Ootacamund. In passing an order on that letter, the Governor in Council expressed the opinion that Mr. McIvor should have the Superintendence of all woods and plantations on the Neilgherries, with a proper establishment, and directed Dr. Cleghorn to report, after communication with Mr. McIvor what establishment would be required; it was added that when the new system should come into operation, the Government would be prepared to recommend to higher authority the propriety of augmenting Mr. McIvor's salary to 250£ a year.

Extract Minutes Consultation June 3rd 1858,

No. 748, para. 14.

3. Mr. McIvor quite mistook this order when he supposed that it amounted to a positive direction that he should at once be put in charge of the duties and receive the salary mentioned. Both were contingent and remote; and the increase of salary in particular depended on the ultimate sanction of the Home authorities. In his annual report for 1857, Dr. Cleghorn recommended that the increase of salary should then be given, as the "preliminary operations for planting the immediate vicinity of Ootacamund had commenced," but Government declined compliance, as Dr. Cleghorn expressed the opinion in the same report (para. 33) that the "effectual conservancy and replanting of the woods on the hills would require the whole time of an efficient officer." At the same time however Government raised Mr. McIvor's pay to 200 Rupees a month, in pursuance of sanction to that effect just then received from the Home Government.

Dated November 13th 1858,
para. 32.

as the "preliminary operations for planting the immediate vicinity of Ootacamund had commenced," but Government declined compliance, as Dr. Cleghorn expressed the opinion in the same report (para. 33) that the "effectual conservancy and replanting of the woods on the hills would require the whole time of an efficient officer." At the same time however Government raised Mr. McIvor's pay to 200 Rupees a month, in pursuance of sanction to that effect just then received from the Home Government.

Extract Minutes Consultation
March 15th 1859, No. 323,
para. 10.

Ibid. para. 11.

Mr. McIvor has no ground of complaint whatever against Dr. Cleghorn in connection with this matter; and the Government notice with displeasure the tone of querulous discontent and of disrespect towards his official superior, which pervades his letters.

(Signed) J. D. BOURDILLON,

Secretary to Government.

Revenue Dept

No. 557.

Extract from the Minutes of Consultation

Order date the 20th April 1859.

Read the following letter from the Conservator of Forests.

(Here enter 31st March 1859)

The Conservator of Forests lays before Government with his remarks, a Memorial from Mr. McIvor Superintendent of the Government Gardens at Ootacamund, complaining that Dr. Cleghorn has kept him out of an appointment and

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time to the Government
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addition to his regular
garden duties, he
might be required to
conduct the experimental
planting.

No 323

Examine for June 3/58
No 748 - Para 14.

planting of 10,000 trees,
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within five miles of
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B

The Government would be prepared to recommend to higher authority the propriety of augmenting Mr. McIvor's salary to 250 £ a year.

3. Mr. McIvor quite mistook this order when he supposed that it amounted to a positive direction that he should at once be put in charge of the duties and receive the salary mentioned. Both were contingent and remote, and the increase of salary in particular depended on the ultimate sanction of the Home authorities. In his annual Report for 1857, Dr. Cleghorn recommended

Dated Nov. 13/58
Para 32.

Ex Min. (cont.) March 15
/59 No 323 Para 10.

Mid Para 11.

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to that effect just then
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Govt. consequent on
a former application

Mr. McClellan
has no ground of
complaint whatever
against Dr. Flegdon
in connection with
this matter; and the
Government notice
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his official
superior, which per-
vades his letters.

[Signature]

4 Copies to the
Comptroller of Forestry
Dispt 22/10/11

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No 11/11

Revenue 1859 Sept. 11.
D^o to Comr. 29th April

N^o 557.

Extract Minis of Comr.
D^y 20th April 1859.

Observing that Mr. Mc
Ivor has no reason of complaint
that D^r Cleghorn has kept
him out of an appointment
and a salary awarded by
Government, and noticing
with displeasure the tone of
querulous discontent and of
disrespect towards his Officer
Superior.

N^o 849.