

Revenue (1892) Department.

MISCELLANEOUS SERIES.

G.O., No. 1803

San Francisco 575.

DATED 5th April 92

[Despatch Abstract.]

Informing Mr. Castro that he has
incurred the grave displeasure of Gov. for having
brought certain reckless & malicious charges
against Mr. Samson.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

(1892.)

REVENUE DEPARTMENT.

ABSTRACT.

Current Number 2487.

Del.

From

The Special Settlement Officer
Malabar & South Canara

Dated 15 Mar

Received 15 "

Enclosures

No.

SUBJECT.

Requesting that orders may
not be passed on 13th Progs
No. 1609 till the receipt of his
explanation through the Board.

248

Lodged

17/3/92

U.S.A.

REVENUE DEPARTMENT.

Current No.

*Lt. Genl. C. E.
Custodian of the*

From

Dated *15th Dec.* 189 .

FOR ORDERS.

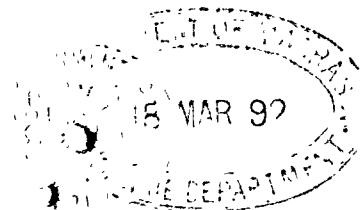
*W
19 Mar.*

*Lt. Genl.
17/3/92*

*Circulated for info
Action of the
Genl.*

*Ch
16/3*

FOR ORDERS.



Coimbatore

17 March 1892

My dear Gallon,

The explanation referred
to in my letter to you of
the 15th inst. has been
despatched to the Board.
It is No. 2564 of 15
March 1892. It should
reach Sir at the
same time that this
reaches you.

I beg that it may
be read by Govt. in



connection with B.D.

Prop. (Land Revenue)

of 10 March 1922 No.

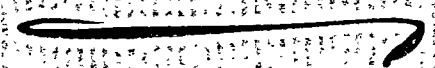
1609 before orders

are passed.

Believe me

Very sincerely yours

A. J. C. S. S. S.



to the Secretary

(to the Secretary)

to the Secretary

to the Secretary

to the Secretary

to the Secretary

to the Secretary

to the Secretary



Cum gratia

15 March 192

My dear father,

15 MAR 92

Two hours ago received
copy of No. 1809 Prop (Land
Revenue) of 10 March 192
No. 1809 has which has
caused me infinite
pain. I enclose copy of
a telegram I sent you
praying Govt. not to
pass orders on it-
pending receipt of
my explanation which
I shall submit through
the Board with the best

possible delay. The private
letters which I wrote &
to which such exception
has been taken were
written under very
exceptional circumstances
and could not have
been addressed to
Dunne for more
obvious reasons.

Believe me

Very sincerely yours

W. P. M. M. M.

Class.				INDIAN TELEGRAPHIC				Local No.							
To				From											
(Station)				(Station)											
W.	Th.	F.	S.	Mo.	Tu.	We.	Th.	F.	S.	Mo.	Tu.				
16	17	18	19	20	21	22	23	24	25	26	27				
<p>From (Person)</p> <p>1. <i>Private letter to Mr. [illegible]</i></p> <p>2. <i>Letter to Mr. [illegible]</i></p> <p>3. <i>Letter to Mr. [illegible]</i></p> <p>4. <i>Letter to Mr. [illegible]</i></p> <p>5. <i>Letter to Mr. [illegible]</i></p> <p>6. <i>Letter to Mr. [illegible]</i></p> <p>7. <i>Letter to Mr. [illegible]</i></p> <p>8. <i>Letter to Mr. [illegible]</i></p> <p>9. <i>Letter to Mr. [illegible]</i></p> <p>10. <i>Letter to Mr. [illegible]</i></p> <p>11. <i>Letter to Mr. [illegible]</i></p> <p>12. <i>Letter to Mr. [illegible]</i></p> <p>13. <i>Letter to Mr. [illegible]</i></p> <p>14. <i>Letter to Mr. [illegible]</i></p> <p>15. <i>Letter to Mr. [illegible]</i></p>															
RECD. FROM				L. N.				SENT TO				L. N.			
At				Hrs.				At				Hrs.			
Date				Mts, By				Mts, By				Mts, By			
<p>MADRAS FORT 15-3-92</p>															

The address (including name of Faculty, school and residence of Addresser) is transmitted free.

Delivered Message ... 8 Arms ... 1 Arm.

1000 ... 1 Rupee ... 2 Annas.

Urgent „ ... 2 Rupees ... 4 Annas.

No charge for delivery within a distance of 5 miles.

A group of 3, or less figures, is reckoned a one word.

lost at and
a return from
the unknown
S
157/3

Office - Copy of
Telegram - State - Ordinary.

From Station. Cornbalone

Person - H. E. Cuthbertson
Stuart
Special Settlement Office
Kaulabur & S. Lumar

No. Station. Madras

Person = C. A. Galtson Esq.
Revenue Secretary to
Government,
Fort St. George, Madras.

Respectfully pray that
orders on Board's Proceedings
last instant number 1869
received today may not be
passed pending receipt
of my explanation through
Board.

of A. E. Castleman
Stuart
15 - 3 - 92.

(True Copy)

Coimbatore, 3
15th March 1892

Respectfully,
Wm. L. L. L. L.
Malabar S. C.

Confidential



Proceedings of the Board of Revenue

(Land Revenue),

Dated 10th March 1892

No 1609. Mis.

The Hon. Mr. J. Forre

Mr. C. S. Crook.

Mr. E. Gibbon.

READ

the following papers:

(Para 13) A. E. C. Stuart-Pepper,

(1) From the Special Settlement Officer, Malabar & S. Canara, & submitting explanation from Sankumani Drenon.

(2) From the Special Settlement Officer, Malabar & S. Canara, & 10th December 1891, No. 1794. -

(3) The following reference on the above dated 22nd February 1892.

Parts II and III of Mr. Sankumani Drenon's defence together with para 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the

the two Deputy Collectors Dr. R. R. Karna
- Nam Drenon and Chappan Drenon in
regard to the allegations made against them.

When the Deputy Collectors submit
their explanations they should submit
the lists which Saikunni Drenon describes
in paras 13 and 21 of his petition of the
15th November, and the Collector in reading
on their explanations should send the
printed lists referred to in para 10 of
the same petition, and say why the
particulars of land held by Deputy
Collectors in Malabar have not been
reported for 1889 or 1890 (Board's Proceeding
16th January 1892, No 24, para 5).

J. W. F. Dumergue Esq,
(4) From Collector of Malabar of 5.3.92.

Resolution

1. The papers will be submitted for
the orders of Government.
2. Mr. Dumergue has been for some
time engaged in inquiries about the
Escheat Settlement in the town which
was conducted by Mr. Stuart. His
position.

Printed

Printed

Printed

36

position as Collector of Malabar made it
necessary that he should scrutinize the
results of that Settlement which must have
come before him in his official capacity.
Moreover he was directed to hold the inquiry
by the Board. He arrived at the conclusion
that a great deal of land which ought to have
been declared escheat had not been declared
escheat and he was in duty bound to bring the
fact to the notice of the Board. He did so
accordingly. His final report is dated the
14th December 1891. It was sent to Mr.
Stuart for report in Board Reference
5th January 1892 but hitherto no answer has
been received. Mr. Dumergue so far as the
Board remembers introduced no matter
reflecting on Mr. Stuart personally.
He reported what he considered facts. Mr.
Stuart has to explain them. Until he does
so, this particular question cannot be settled.
In letters referring to it he has described Mr.
Dumergue's conduct as underhand and cowardly
and his statements as knowingly false. Beyond
observing on various occasions that the style of
Mr. Stuart's language did not show that his

his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these Escheat inquiries were being carried on certain charges against Sankummi Drenon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the latter, para 13 of which is the subject of Mr. Drumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Drumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors because he was described to be under the domination of P. Karumakara Drenon and believed to be scandalously partial to him and his relatives. It was well known he said, that though the District Board Engineers had reported that a large sum of money allotted for the clearance of the Ponnai canal had been embezzled while P. Karumakara Drenon was

was in charge of it. Mr. Drumergue had taken no action, but simply filed the report. It was also well known, he said that an order had been issued by Mr. Drumergue prohibiting the District Board Engineers from defending his subordinates against accusations brought against them by the District Board members. He further said that Mr. Drumergue had conducted the Escheat inquiries in an illegal and underhand manner with the intention of setting up a false case to support a "Drunken and dismissed Revenue Inspector".

4. As the letter referred chiefly to the charges against Sankummi Drenon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once - but Sankummi Drenon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karumakara Drenon and V. Chappan Drenon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public, and were noted

noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuaht, who was known to have written about the charges demi-officially, was asked in Board's Reference 12 December 1891, No. 8837 to report upon them officially. Mr. Stuaht replied that the charges were made by Sankumai Drenon and not by him, as shown by his letter of the 19 November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioner applied to the Settlement Commissioner for the forbin of the letter of the 19 November which referred to this matter and para 13 was sent to them. This paragraph together with the parts of Sankumai Drenon's defence which referred to the Deputy Collectors were then sent to Mr. Drumergue in Board Reference 22 February 1892 with the request that he would obtain and submit the explanations of the Deputy Collectors.

The para 13, as already stated, contained matter

matter which directly affected Mr. Drumergue, as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Drumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuaht has conducted himself in a way that is absolutely wrong, which is as far as the Board knows, quite unprecedented, and which if continued will, to quote Mr. Drumergue make it impossible for him to administer the district.

5. It appears that Mr. Stuaht having heard in ordinary conversation that certain wrong thing had been done by Mr. Drumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Drumergue, viz. the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Drumergue; and that though he failed to get the information he wanted he again took advantage

advantage of Mr Maylor's position as a prominent official in Malabar by insinuating that in the matter in dispute between him and Mr Dumergue the decision of the Madras authorities had been arrived at in October and was in his favor in spite of the "lies" that had been told about him by men whose fame was played out.

That this is not a solitary instance of this underhand procedure is shown by Mr Stuart's letter to Mr Gwynne, the Tahsildar of Wynnad dated 16 November 1891 (or a fortnight after the last letter to Mr Maylor). From this it appears that Mr Stuart, believing that Mr Dumergue had such obstacles in the way of his communicating with the Tahsildar, by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other Departments, requiring the Tahsildar to reply to Mr Stuart through the Deputy Collector, asked the Tahsildar privately for information on the subject promising him that when he

he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed, and that action must be taken to stop it at once. There is no need to call on Mr Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board Reference 5 Jan'y. 1892 about the letter to Mr Gwynne. Be the facts what they may, the mode Mr Stuart has taken of getting information about them is improper and unjustifiable. Mr Stuart would merit sympathy because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr Dumergue, and his methods of getting information to be used against Mr Dumergue from Mr Dumergue's subordinates. He has

has permitted himself to make unfounded
aspersions on the character of a brother
officer on no better grounds as far as can
be gathered from the papers than mere
casual gossip. The Board's censure
would not be a sufficient punishment.

It considers therefore that the papers should
be submitted to Government with the
recommendation that Mr Stuart
be told that his conduct in writing
to Mr Dumergue's subordinates as he
has done is much reprehensible and must
absolutely cease. Even this does not seem
to the Board enough. It thinks Mr Stuart
should be told that if it is repeated he will
be removed from the neighbourhood of
Malabar and from all connection with
its Settlements, and that he should be
required to apologize to Mr Dumergue
and promise that he will not address any
of his subordinates in this way in future.

True Copy and Extract

Ag. Secretary.

To The Secretary to Government P.D.
with letters & encls. & with D. A. letter of Mr Stuart's of 16.11.91
in orig. to be kept & Copy of Pro. of Sett. Office of 12.12.91. No 1750
Copy " " Collector of Malabar
" " " A. E. C. Stuart Esq.

Confidential

1892.

Board of Revenue

(Land Revenue),

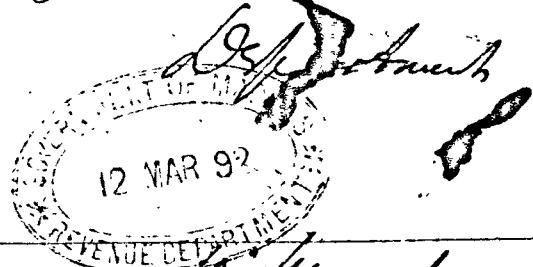
MADRAS.

Current no 2410

To

Confidential no 23

The Secretary to
Government Res.



Proceedings, dated 10 March 1892

No. 1609

Mis.
Routine.

Enclosures.

Subject.

Enbuz. for the orders of
Govt. papers relating to the
charges against Mr. Drummond,
Collector of Malabar by Mr. A.E.
Castle-Stuart Stuart, Spl.
Settlement Officer, Malabar
& S. Canara

1/4 " " A. E. C. Stuart Stuart

Confidential



Proceedings of the Board of Revenue

(Land Revenue),

Dated 24 March 1892

No 1869 Mis.

The Hon. Mr. J. Foran
Mr. H. F. Chigston
Mr. C. S. Croft.

READ

Letter from A. E. Castle-Stuart Stuart, Spl.
Settlement Officer, Malabar and S. Canara,
of 15 March 1892, No. 2564.

Resolution

Submitted for the perusal of
Government.

2. The Board sees no reason to with-
draw its censure on Mr. Castle-Stuart
Stuart. The more so as Mr. Stuart's
present letter is merely an attempt to
justify his conduct and expresses no
contrition therefor. In still claim-
ing privilege for his letter to Mr.
Maylor, Mr. Stuart betrays a
lamentable

lamentable ignorance of official - and
unofficial - decency.

/ True Extract

Ag. Secretary.

To

The Secretary to Government R.S.
with letter in right to be sent

Copy: A. E. L. Stuart Esq.
Dpl. Letter Officer
Malabar & S. Canara

to

Confidential

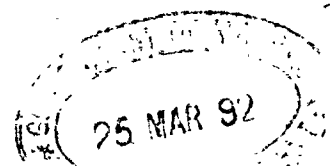
1892
Board of Revenue
(Land Revenue),

MADRAS.

Confidential to 30 7/92

To C. 2844 7/92

The Secretary to
Government R.D.



Proceedings, dated
No. 1869

24 March 1892
Mis.
Enclosures.

Subject.

Subj: For the perusal
of Govt, with remarks, letters
from the Dpt. Lett. Officer,
Malabar & S. Canara Subj:
certain facts in connection
with the remarks passed in
M.P. of 10.3.92, to 1609 his
reg: his conduct & requesting
that they may be kindly considered
& forwarded to Govt.

REVENUE DEPARTMENT.

Current No. 2410

Confidential to 23

From

Dated

18

FOR ORDERS.

The above Proceedings relate
to the dispute between Mr.
Stewart & Mr. Dunning
and look for very early
orders as they decide a
state of affairs which
cannot be allowed to continue.

The case is stated in the
Rounds Paper as clearly &
concisely as it can be
to put and Mr. Dunning's
letter of the 5th inst. para
13 of his statement letter to
Governor last (numbered
note on the system) and
Enclosure IV must be read
by the members.

This is a new phase of the
dispute. Certain charges
were preferred by Mr. Dunning
against Stewart in relation
to Stewart's Fiscal Assistant

in connection with the Ex
cheat inquiries which are in progress
James is conducting and
is forwarding information
has no reply to these charges
L. Stuart wrote his letter
page 13 which contains
some expressions in L.
Dunaway. There are
some remarks at page 3
of the Board's report and
I had not recapitulated
them. L. Dunaway
has had some charges con-
sidered. He has said
his action in connection
with the Panama Canal
Commission and his order
in regard to the investigation
of complaints against local
fund subordinates was
quite proper and regard
Kumachua has no return
to the District in 1890 for
the Colonel and Fletcher
the correspondence in the case
dated with 80. 25 Sept 90
No 5516 was shown to the
fact to which L. Dunaway
was with me in getting

my name being

him back. When referred
to for information as to
whether Kachumathi was
young or not. L. Dunaway
who was then Dy. Commr in
charge of the Division, knew
Kachumathi well enough to
confirm the statement of
Fletcher. L. Dunaway re-
plied that he did not
suggest that Kachumathi
had been killed in 1890. This
was the best explanation
+ was approved. The Dy.
Commr did not take the
initiation but then refused
to have the question be-
cause he thought that
Dunaway knew the facts.
Further Deputy Collector
could not conveniently be
detached from the work.
The charges which L. Stuart
had against L. Dunaway
had nothing whatever to do
with the investigation of
the conduct of the District
Commissioner. Since the
letter has been signed in
and the Board should

FOR ORDERS.

I think have requested
 to be sent to the fine society
 to that matter. The Board
 ought I think to have with
 held from 13 of the streets
 when it was to be introduced
 it - it should have been
 declined to allow such as
 persons on the character
 of the person of the district
 in which the business is
 being to be placed or sent
 and should have been
 recommended to be
 then. A person of from
 13 is supposed to show
 that the streets accusa-
 tions are of the worst
 possible character and
 a popular name should
 be given. Unless the street
 was proposed to promote
 notice charges against
 the person which should
 be that all persons
 submitted to go on for
 reduction of the necessity

REVENUE DEPARTMENT.

Current No.

From

Dated

18

FOR ORDERS.

for appointing a Commission
 to inquire into the
 Board should have declined
 to ^{allow} ~~that~~ any ~~other~~ and
 discuss such was not
 relevant to the matter
 and it is under signing
 namely the conduct of the
 Board and of the agents in
 the way of
 The disputes are referred
 to into a personal quarrel
 between the Director &
 the street & as such
 have been in the hands
 of the street and to
 bring various charges against
 the person and
 the person should have
 no connection with the
 subject being it is

FOR ORDERS.

REVENUE DEPARTMENT.

No

From

Dated

18

FOR ORDERS.

Letter to Mr. Guyane
 Director of Police
 for the purpose of
 referring to the character
 in adequately strong terms
 the impropriety of his
 private action. Not
 only was his act of
 endeavouring to obtain in
 function to serve his
 private interest and
 unworthy of an English
 gentleman but when it
 is known in next that he
 was seeking to obtain
 this information by under-
 hand methods from the
 Director's own subordinates
 his conduct appears a
 very ^{gross} ~~gross~~ aspect. I will
 quite readily Mr. Sturt
 was himself styled as in time
 to the Director and though
 he was not immediately

This designation was changed
 in 1870 I think & as
 the time he went to the
 he was I think
 actually an Assistant
 to the Director. I will have
 this up when I go to
 office. C.

Director to the Director
 he was bound to respect
 to Mr. Sturt as the
 head of the District -
 If such inquiries were
 not made by the Director
 it would be impossible for
 any Collector to administer
 the his district and
 as Mr. Sturt is a very
 capable man
 conducting a severe office
 against public policy
 to pass any comparison
 with how a Collector
 of nearly 13 years
 standing can have so far
 forgotten that was due
 to his own self respect as
 to conduct himself in
 this unworthy fashion

and can not make a fair
acc. of his conduct in
his conduct seems to have
been his best character.
Truly "Guilty of the crime
of a madman's demented".
His long life is unblemished
the makes the most serious
charges. Making every
allowance for the fact that
L. Drury has been
working behind ^{his} back
that ^{the father} he has been kept in
suspense for months about
the serious work in Dr.
his Holiness's position
is being neglected and
that he is suffering under
a great deal of injustice,
his conduct is altogether
unjustifiable and there
is no palliation of action
in any honest disposition
to which he may have been
subjected by L. Drury's
aggression. L. Drury

is only doing his duty
so far as his letters have
come before him. He is
prevented from making any
personal attack on his
The question is how much
the father can do to save
L. Drury's grave mis-
conduct. Assuming that the
mis I have set forth above
is accepted. I would like
to recommend
that we respectfully meet
the case. An effort to
L. Drury will only be
a satisfaction to him as he
is personally concerned but
L. Drury's ^{conduct} is an
obstacle against discipline
+ even against peace
Drury, for his attitude
towards L. Drury is
no secret and he is res-
ponsible in a great measure
for the grave scandal which
has arisen. The scandal
has been rendered tenfold
worse by the news

FOR ORDERS.

Element which has been
 important in the purchase
 of the land is mainly, if
 not entirely responsible.
 I am not sure that his
 conduct does not merit
 suspension from duty. He
 has been guilty to my mind
 of conduct unworthy the
 position of one who is
 a Government official.
 If he were in the Army he
 would, I think, be charged
 with a Court Martial.
 In any case I submit that
 he cannot be permitted to
 remain any longer in
 his office and that he
 should revert to his position
 in the regular Army of the
 United States, at my rate
 of pay when he is paid
 as the regular Army. He has
 been down up and will
 decide whether the letter is
 to remain. I believe
 this will be done as a
 favor to him and
 sincerely trust that
 will be the result.

and if found guilty, dismissed
the service.

W. Lincoln's conduct, on dis-
-closure of these papers & proved
false on handwriting, is to my
mind, shocking & mean &
disgraceful - & is approved by
the fact of the freedom with which
he has assailed W. Dungey
sinned him of co-operation
+ of attacking him in the back
- door to so. I shall
- not deal solely with the
personal ground disclosed
of these papers - W.
Dungey has disproved
W. Lincoln's accusations in
the most complete manner
ever convicted W. Lincoln
out of his own mouth &
on the evidence of his own
handwriting & penwork

REVENUE DEPARTMENT.

Current No.

From

Dated

18

FOR ORDERS.

worked hard & saved by
 visiting me after him. But
 conduct cannot be permitted
 to be unpunished for a
 moment longer than is
 possible. In the first
 place Mr. Stuart should be
 removed from his off.
 upon the grounds of his
 unbecoming conduct
 the termination of his inquiry
 into Mr. Donaghy's conduct.
 being a ~~disgrace~~ ^{disgrace} to
 the Board & the way in which
 he has conducted his inquiry
 has been conducted, & also
 pending report to the Bd.
 of Mr. Donaghy, I think
 Mr. Stuart's conduct should
 be reported. I think he
 merits dismissal from
 service. Of the other
 members of the Board
 a very ^{many} have done what
 he has done & have done
 better than he has done &
 dismissed & I think brought
 to conviction equally
 high tone in the Board
 Civil Service by punishing
 disgraceful conduct as
 being as it is to be punished
 in the Army & Navy.
 It is for the good of the
 service if it is

I have dealt with it at
one branch I think the
order should not be repeated
for a while. Day longer than
is absolutely necessary.

Ch

18 March 1912

decided to propose Mr.

Stanton remove him from his

office in the State, to propose

Stanton. He may say

that I think the State is expected

~~to~~ is probably the best

man available for the post.

Dr. not received the explanation

which is an answer from Mr.

Stanton, beyond asking him to

expedite its submission.

Th

At I am on the ground

of the State and with the

report for the State is an

idea of present ability, he has

for some months one of the

most important of the

entirely perhaps of the

friendship for him.

I suppose in what has been said by
the Secretary & by my own language
as to Mr. Stanton's conduct in seeking
by underhand means to get in some
to use against Mr. Brewster. But
as the present position I think
removed from Stanton is in

showing that we are taking
him. And even as to this I doubt
whether it will not have the air of
prejudging the main question which
has yet to come before us. The rest of
the whole business seems likely to be
thus left off-hand, with little or no
work. So we discuss the matter
in Council.

Ch
19 March

1

Cl
1573

3.

From

Boo Pen 70

Dated 24 March 1892

FOR ORDERS. *W 1009*

This letter to B. N. had
better be inserted pending
the disposal of the volume
of correspondence which
he shall have & for to
have a long & interesting
note to W. Drayton's
associations & to show
reply -

2670/92

I think it might be well to discuss it,
this separate matter & to have the
regiment convene on the 10th inst. stating
that further orders will be given when
the main case is disposed of.

Yes - I think

So too

W

29 Mar

He then met me a letter 2
30 pages 2 books cap. juv.
Topic has action. The gist
This argument is that
he considered it his duty
to express reasons for his
opinion that Mr. Drury

was so deeply prejudiced
against Luskman here.
He trusts Luskman's
conduct that he ought
not to be entrusted with the
business of the church.
Luskman here
had proposed against the
Dr. Chetters, Luskman
Luskman & Chapman here.
He considered that he was
bound to reply any facts
which he might adduce
to show that Luskman
was prejudiced and that
as it was obvious wrong
to apply to Luskman
himself for the information
he requested there was no
harm in obtaining it
from Dr. Chetters privately.
In taking this step Luskman
did not consider that he
was engaging in a conspiracy
or doing anything dishonest.
The charges which he preferred

I understand from the Secretary that
he wishes to know if he should draft
a letter containing the "requisite
censure" to Mr. Stuart on the basis
of his note of March 18th & 15th.
I think that some such remarks as
he there made would do well, when
embodied in such letter, which I
hope he will be able to draw up, &
send toward soon.
I made no remark on that note
as the matter was discussed in
Council, and the manner in which
for the present it should be treated.
And I recalled the hon. Mr. Stokes'
remarks in this note overleaf, thinking
that the Secretary would understand
from what had passed, what
form the "requisite censure" should
take, without putting it into
shape myself.

W
30 March

with respect to Luskman's
letters were based on
information supplied by Dr.
Chetters who misled him.
Luskman expresses regret
for this but pleads that
he acted bona fide.
He would be no reason
to withdraw its censure &
Luskman then says as
Luskman's present letter
is merely an attempt to
justify his conduct and
expresses no criticism
thereof.
It is submitted that Luskman's
present explanation is
an expression of his of-
fense inasmuch as it
is characteristic of great
humanness in that he
seeks to shelter himself
under the plea that he
did not attribute to Dr.
Chetters a prediction
for Luskman's behavior
but merely stated what was
the popular opinion and
endeavored to make responsible

FOR ORDERS.

for having given among
others the title of
which he has not moved.

Just the same I imagine
that he should be really
believe that his conduct was
justified - if he does
he must have a clear
head now.

The letter is addressed to
his own wife. I imagine
report on the results of
his enquiry & his statement
reply thereto are received.
They have reached the
Board & are sent to the
press. I imagine
report is 125 pages of
foreword & his statement
reply covers 550 pages.

There are other various
appendices besides the
Board's preliminary remarks on
any day but it must be
extended by the time taken
to print the papers & then
time must be allowed for
writing a letter home. I do not
think that the papers can be
submitted for order before Easter. 25 March 1912

I think the explanation
regarding his conduct is
interesting & I may be a
little more.

The Board is not satisfied
The Board is not satisfied
H.E. the Governor

REVENUE DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read

Printed

Printed

RD. No 9 dated 10 March
1912 No 1609
RD. No 7 dated 24 March
1912 No 1869

S.O. No 1803 dt 5-4-1892

With the first of the papers
sent above the Board of
Revenue submits certain
correspondence which shows
that in a letter to the
Board dated 19 November
last Sir C.E. Leachman
stated that grave ques-
tions on the character of
Mr. Duncanson. The substance
of the letter is in which
he is serving. These charges
are summarized on page 3

W.
6 April

L.H.
14/4/12

best
subject

of the Board of Purg.
In Dunsmuir has signed
of his threats accusations
in the most complete
harassment & have that
they were recklessly and
deliberately made. He
has, however, forwarded
communications in his
threats are handwritten
addressed to the District
Board Engineer & ^{the} Suburban
of Chicago, which show
that in the act has
attempted by ^{information} ~~undue~~ ^{information}
means to obtain from ^{information} information
the Chicago's own sub-
division with the view
of using it to support his
charge on Mr. Dunsmuir.
The Board of Purg. forward
the threats explanation
regarding his conduct.

2. H.E. the Governor in Com-
missioner's office in the
Board view as to the gross
impropriety of his threats
conduct: not only has he
brought reckless & malicious
charges against the [unclear]
of the District in which
he is serving and has
guilty of using very unbecom-
ing language with re-
ference to him, but has been
of endeavoring to obtain in-
formation from the [unclear]
~~the~~ subordinates to see
his own purpose was an
obedient and an worthy of
an English gentleman and
a member of H.E. being
Civil Service. Mr. Stuart
is a married civilian
of nearly 13 years standing
and it is ^{circumstances} ~~circumstances~~

has an opinion this point is
 in the case I have had
 to for forgotten charges
 The not only to the public
 but to his own self respect
 as to conduct himself in
 the unbecomingly manner
 disclosed in the papers
 before Government. Yet
 in a lengthy explanation,
 which might have been
 given at once much at
 once, L. Stuart is in better style not pursued at all,
 totally endorses &
 justifies his conduct, thereby
 approving his actions.
 If such intrigues were not
 merely dealt with it
 would be impossible for any
 Collector to administer his
 district and as Mr. Duncanson
 aptly remarks "L. Stuart's
 conduct is a grave offence

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read

against public policy".
 3. Having every chance
 for the fact that L. Stuart
 has been kept in suspense
 for months about a serious

It was an official
 criticism of a hostile
 character. L. S.

on the statement
 of action for which L. S.
 that is responsible and
 being formulated by L.
 Duncanson and that he
 is acting under a sense

that he considered
 unjust best interests
 at the Duncanson's hands

in justification, his conduct
 is altogether unjustifiable
 and there is no palliation
 whatever for it in any
 mental disquietude to which
 he may have been subjec-
 ted by L. Duncanson's inquiries
 in the prosecution of which
 L. Duncanson has only doing

his duty ^{while} ~~and~~ so far as
 his letters ^{which} have come before
 Government ^{show} he has expressed
 from making any personal
 attack on Mr Stuart -
 Mr Stuart's attitude towards
 Mr Brainerd, on the other
 hand, has been one of
 open corner hostility and
 he is certainly in a
 great measure for the
 great scandal which has
 arisen in relation to
 consequence of the first hearing
 between two officers and
 has been aggravated by the
 personal element injected
 into it ~~for which~~ Mr Stuart
 is responsible if not entirely by
responsible.

to such a breach of discipline
 as Mr Stuart has been
 guilty of cannot be passed

I sh^d. have this out. It can
 come later - It appears to me to
 be in the direction of prejudging
 the case in dispute between the
 2 officers. Mr Stuart has had
 undoubtedly some cause for
 annoyance - & how far he alone
 can be held responsible for the scandal
 in Malabar cannot well appear
 till we hear the whole business.

W
 1860

It was agreed that Mr Stuart
 sh^d. receive this - the requisite
 "censure" - but no further
 action sh^d. be taken - till the whole case was gone into. W 5 April.

2 The Com^r of Land has received the papers & is
 the Com^r of N.S. - & in the
 2 L. H. C. & posted to
 the Col^l of -
 1/4/92

I have received the papers in relation
 to the hearing. I think Mr Stuart
 removed before completion of the
 evidence submitted is by no means
 the same. It would seem that Stuart
 when making his statement was
 not aware of the full facts & that
 he was being misled by the
 other side. I have been told that
 he has been misled in his position for
 the reasons as set forth above & that

one witness in the
 the H.S. the Governor
 Council in reference to
 final order regarding the
 Stuart's contract until
 is in possession of the
 facts of the Brainerd
 inquiry into the Malabar
 & Stuart's conduct;
 I have heard that Stuart was
 informed that he has
 the Com^r of Land has received the papers & is
 the Com^r of N.S. - & in the
 2 L. H. C. & posted to
 the Col^l of -
 1/4/92
 and that any repetition
 of such conduct as he
 has been guilty of will
 entail his immediate
 removal from his appoint-
 ment & as Special
 Agent in Charge of Malabar
 and I, General.

Cal
 31/3

Confidential

*Draft order of commutation
on L. E. C. Stuart.*

*Am on Mr. Stuart's Chs.
Am on Mr. Stuart's Chs.
L. E. C. Stuart.*

**Govt. of {1892} Madras.
REVENUE.**

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest
displeasure of Government for having brought
certain reckless and malicious charges against
Mr. Dumérgue.

5TH APRIL 1892, MIS. NO. 1803, REVENUE.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609 :—

THE HON. MR. J. GROSE.

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662 :—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 P.M. on the 22nd September.

* Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures. The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt

of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is any presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bonâ fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the wakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Pálghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the wakil that he had no authority to do so. Mr. Sankunni Menon also stated that the wakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this wakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Pálghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Pálghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Pálghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Pálghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Pálghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [7] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7—2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7—2 lands, instead of the necessarily higher rate for [7—1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that somebody had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Pálghat Brahmin further than I could see him — if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII. Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Pálghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7—2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Pálghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I "declined," in my Proceedings, No. 2007, dated 20th March 1891, "to re-entertain him in any capacity in the public service."

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, "in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties," there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nelliylam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance.

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Muzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculpate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance. . . . I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani. . . . The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th idem he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns; though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malabari officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biased in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *pénchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884, and that in the Pálghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Pálghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Pálghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been *completed* by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponáni canal, which for years have been supposed to be supervised by the local Revenue officials of Ponáni, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year, by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex*-Revenue Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account-books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex*-Revenue Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892, dated 22nd ultimo, I have the honour to state

Note.—Enclosures sent in a separate registered cover.

Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed; but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and not, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has not given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did not give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1885 to 1887 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had *not* been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon. It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy

* Enclosure No. II. of the order in question which was passed on a complaint made by the

Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is *not* true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor and his reply of the same date on the subject. It will be seen that Mr. Maylor

declares he did *not* contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter

‡ Enclosure No. IV. of the 3rd instant. Two ‡ letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "*strictly confidential and private*," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present *régime* and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponani canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any *facts* you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the escheat records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return *fully* and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad.

Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth *shall* come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Karunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's *regime*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time.

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerably and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,
(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,
Very sincerely yours,
A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponani canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
" A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated
24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.
MR. H. F. CLOGSTOUN.
MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq.,
Special Settlement Officer, Malabar and South Canara, to the Secretary
to the Commissioners of Land Revenue, dated Coimbatore, 15th March
1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's
Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need
scarcely say how it has distressed me. I earnestly entreat the Board to be so good
as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vile* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:—"The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether *Mr. Stuart* is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a purely private letter which I marked "*strictly confidential and private*," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any facts he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "*strictly confidential and private*." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling" Mr. Maylor in any conspiracy, nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and those, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "*strictly confidential and private*" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "*private and confidential*," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has not given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "did not give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponâni Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponâni canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement, but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is not true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did not contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged'" and says that when I asserted that Mr. Maylor "had contemplated resigning his appointment," I "clearly sacrificed veracity to my desire for bringing his administration into disrepute." Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride or resign, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" no "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negated the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castle Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.

Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castle Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

5TH APRIL 1892, MIS. No. 1803, REVENUE.

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
,, Commissioner of Revenue Settlement, &c

When given for copying

When copied

When examined

When signed

189

RECEIVED AGAIN G.O., No.
189

DATED

GOVERNMENT

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DUTY

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

Govt. of {1892} Madras.
REVENUE.

CONFIDENTIAL.

Mis

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609 :—

THE HON. MR. J. GROSE.

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662 :—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 P.M. on the 22nd September.

* Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures. The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt

of my order, No: A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is any presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bona fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the vakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Palghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the vakil that he had no authority to do so. Mr. Sankunni Menon also stated that the vakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this vakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Palghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Palghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Palghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Palghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Palghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [F] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7—2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7—2 lands, instead of the necessarily higher rate for [7—1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that somebody had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Pálghat Brahmin further than I could see him — if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII. to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Pálghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7—2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Pálghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I "declined," in my Proceedings, No. 2007, dated 20th March 1891, "to re-entertain him in any capacity in the public service."

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, "in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties," there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nelliylam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance.

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down: "An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement."

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculpate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5, (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy; and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th idem he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biased in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884, and that in the Pálghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Pálghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Pálghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been *completed* by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponáni canal, which for years have been supposed to be supervised by the local Revenue officials of Ponáni, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged; on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex*-Revenue Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex*-Revenue Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892, dated 22nd ultimo, I have the honour to state that the Deputy Collectors, M.R.Ry. P. Karunakara Menon and V. Chappu Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and *not*, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has *not* given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did *not* give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1885 to 1887 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had not been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon. It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy * of the order in question which was passed on a complaint made by the Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is not true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor and his reply of the same date on the subject. It will be seen that Mr. Maylor declares he did not contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter of the 3rd instant. Two ‡ letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "strictly confidential and private," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present régime and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponani canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the escheat records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present régime and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return fully and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad.

Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth shall come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Karunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's régime, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time.

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerably and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,
(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,

Very sincerely yours,

A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponani canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
" A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated
24th March 1892, Mjs. No. 1869:—

THE HON. MR. J. GROSE.
MR. H. F. CLOGSTOUN.
MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq.,
Special Settlement Officer, Malabar and South Canara, to the Secretary
to the Commissioners of Land Revenue, dated Coimbatore, 15th March
1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need scarcely say how it has distressed me. I earnestly entreat the Board to be so good as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vide* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:— "The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II. and III. of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate, an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether Mr. Stuart is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, *viz.*, my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a *purely private* letter which I marked "strictly confidential and private," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any facts he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "strictly confidential and private." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling" Mr. Maylor in any conspiracy, nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "strictly confidential and private" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "private and confidential," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has *not* given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "did *not* give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponâni Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponâni canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement, but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is *not* true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that *I have officially received an order to that effect* from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged' and says that when I asserted that Mr. Maylor 'had contemplated resigning his appointment,' I 'clearly sacrificed veracity to my desire for bringing his administration into disrepute.'" Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride or *resign*, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" no "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negated the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castle Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.

Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castle Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
„ Commissioner of Revenue Settlement, &c

Ed. A. D. Xavier.

Govt. of {1892} Madras.
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609 :—

THE HON. MR. J. GROSE.

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662 :—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 p.m. on the 22nd September. The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

* Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is any presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bonâ fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the vakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Pálghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the vakil that he had no authority to do so. Mr. Sankunni Menon also stated that the vakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this vakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Pálghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Pálghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Pálghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Pálghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Pálghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [F] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7-2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7-2 lands, instead of the necessarily higher rate for [7-1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that somebody had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in-question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Palghat Brahmin further than I could see him—if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII. to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Palghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7-2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Palghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I “declined,” in my Proceedings, No. 2007, dated 20th March 1891, “to re-entertain him in any capacity in the public service.”

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, “in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties,” there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nelliyaalam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not, *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance.

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculcate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance. . . . I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani. . . . The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th *idem* he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A; and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biased in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently, some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884, and that in the Pálghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Pálghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Pálghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been *completed* by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponáni canal, which for years have been supposed to be supervised by the local Revenue officials of Ponáni, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex*-Revenue Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months; together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex*-Revenue Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892, dated

Note.—Enclosures sent in a separate registered cover.

22nd ultimo, I have the honour to state that the Deputy Collectors, M.R.Ry. P. Karunakara Menon and V. Chappu Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and *not*, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has *not* given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did *not* give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1885 to 1887 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had *not* been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon. It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy * of the order in question which was passed on a complaint made by the Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is *not* true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor and his reply of the same date on the subject. It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter of the 3rd instant. Two ‡ letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "*strictly confidential and private*," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present *régime* and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponáni canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any *facts* you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the *oseheat* records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SIZORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return *fully* and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad.

Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth *shall* come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Karunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's *regime*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time.

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerably and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,
(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,
Very sincerely yours,
A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponani canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
" A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated
24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.
MR. H. F. CLOGSTOUN.
MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq.,
Special Settlement Officer, Malabar and South Canara, to the Secretary
to the Commissioners of Land Revenue, dated Coimbatore, 15th March
1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's
Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need
scarcely say how it has distressed me. I earnestly entreat the Board to be so good
as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vile* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:— "The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly" attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether Mr. Stuart is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a *purely private* letter which I marked "*strictly confidential and private*," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any *facts* he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "*strictly confidential and private*." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling," Mr. Maylor in any conspiracy," nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "*strictly confidential and private*" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "*private and confidential*," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has *not* given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "*did not* give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponani canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement, but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is *not* true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that *I have officially received an order to that effect* from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged' and says that when I asserted that Mr. Maylor 'had contemplated resigning his appointment,' I 'clearly sacrificed veracity to my desire for bringing his administration into disrepute.'" Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride or *resign*, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "*sacrificed*" no "*veracity*" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negated the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castle Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed)

H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.

Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castle Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
„ Commissioner of Revenue Settlement, &c

Ed. A. D. Xavier.

Gobt. of {1892} Madras.
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609:—

THE HON. MR. J. GROSE.

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662:—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 P.M. on the 22nd September.

* Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures. The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is any presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bona fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the wakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Pálghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the wakil that he had no authority to do so. Mr. Sankunni Menon also stated that the wakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this wakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Pálghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Pálghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Pálghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Pálghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Pálghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [7-1] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7-2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7-2 lands, instead of the necessarily higher rate for [7-1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that somebody had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Palghat Brahmin further than I could see him — if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII. to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Palghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head-offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7-2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Palghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I "declined," in my Proceedings, No. 2007, dated 20th March 1891, "to re-entertain him in any capacity in the public service."

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, "in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties," there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nelliylam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance.

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculcate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891, the kariakar said: "I have this letter which I shall produce." On the 29th idem he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malabali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biased in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884, and that in the Palghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Palghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Palghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been *completed* by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex*-Revenue Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex*-Revenue Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November; and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892, dated 22nd ultimo, I have the honour to state

Note.—Enclosures sent in a separate registered cover. that the Deputy Collectors, M.R.Ry. P. Karunakara Menon and V. Chappu

Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course,

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and *not*, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has *not* given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did *not* give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1885 to 1887 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had *not* been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon. It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy * of the order in question which was passed on a complaint made by the Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is *not* true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor and his reply of the same date on the subject. It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter of the 3rd instant. Two ‡ letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "*strictly confidential and private*," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present *régime* and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponáni canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any *facts* you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the escheat records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present régime and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return *fully* and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad.

Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth shall come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Kurunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's régime, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time.

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerably and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,

(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,

Very sincerely yours,

A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position, as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponani canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
" A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.
MR. H. F. CLOGSTOUN.
MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioners of Land Revenue, dated Coimbatore, 15th March 1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need scarcely say how it has distressed me. I earnestly entreat the Board to be so good as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vide* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:—"The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself; not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly" attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. Mr. Dumergue's remark that "this is a matter in which Government will know whether Mr. Stuart is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a *purely private* letter which I marked "*strictly confidential and private*," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any *facts* he might give me; thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "*strictly confidential and private*." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling," Mr. Maylor in any conspiracy," nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "*strictly confidential and private*" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "*private and confidential*," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has *not* given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "*did not* give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponâni Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponâni canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement; but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is *not* true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that *I have officially received an order to that effect* from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged' and says that when I asserted that Mr. Maylor 'had contemplated resigning his appointment,' I 'clearly sacrificed veracity to my desire for bringing his administration into disrepute.'" Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride *or* resign, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" no "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negatived the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castle Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.

Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castle Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
" Commissioner of Revenue Settlement, &c

Exd. A. D. Xavier.

Govt. of {1892} Madras.
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609 :—

THE HON. MR. J. GROSE.
MR. C. S. CROLE.
MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662 :—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 P.M. on the 22nd September.

* Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures. The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is *any* presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bona fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the vakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Palghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the vakil that he had no authority to do so. Mr. Sankunni Menon also stated that the vakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this vakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Palghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Palghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Palghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Palghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Palghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [7-1] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7-2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7-2 lands, instead of the necessarily higher rate for [7-1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that somebody had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Palghat Brahmin further than I could see him — if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII, to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Palghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7-2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Palghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I "declined," in my Proceedings, No. 2007, dated 20th March 1891, "to re-entertain him in any capacity in the public service."

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, "in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties," there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nelliyaalam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance,

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculpate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance. . . . I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani. . . . The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th idem he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register; as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malabari officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biased in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884, and that in the Palghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Palghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Palghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been *completed* by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex*-Revenue Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex*-Revenue Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891; up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892, dated 22nd ultimo, I have the honour to state

Note.—Enclosures sent in a separate registered cover. that the Deputy Collectors, M.R.Ry. P. Karunakara Menon and V. Chappu Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make, should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and *not*, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has *not* given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did *not* give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1885 to 1887 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had *not* been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon. It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy * of the order in question which was passed on a complaint made by the Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is *not* true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor and his reply of the same date on the subject. It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter of the 3rd instant. Two ‡ letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "*strictly confidential and private*," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponani canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the escheat records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return *fully* and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad.

Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth *shall* come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Kurunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's *regime*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time.

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerately and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,
(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,
Very sincerely yours,
A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponani canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
" A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.
MR. H. F. CLOGSTOUN.
MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioners of Land Revenue, dated Coimbatore, 15th March 1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need scarcely say how it has distressed me. I earnestly entreat the Board to be so good as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vide* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:—"The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether Mr. Stuart is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a purely private letter which I marked "strictly confidential and private," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any facts he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "strictly confidential and private." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling" Mr. Maylor in any conspiracy, nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "strictly confidential and private" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "private and confidential," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has not given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "did not give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponâni Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponâni canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement, but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is not true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did not contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged'" and says that when I asserted that Mr. Maylor "had contemplated resigning his appointment," I "clearly sacrificed veracity to my desire for bringing his administration into disrepute." Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride or resign, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" no "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negated the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castle Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.

Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castle Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue,
„ Commissioner of Revenue Settlement, &c

Exd. A. D. Xavier.

Gobt. of {1892} Madras.
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609:—

THE HON. MR. J. GROSE.

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662:—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 P.M. on the 22nd September.

* Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures.

The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is any presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bona fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the vakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Palghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the vakil that he had no authority to do so. Mr. Sankunni Menon also stated that the vakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this vakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Palghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Palghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Palghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Palghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Palghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [F] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7-2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7-2 lands, instead of the necessarily higher rate for [7-1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that somebody had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Palghat Brahmin further than I could see him — if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII. to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Palghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7-2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Palghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I "declined," in my Proceedings, No. 2007, dated 20th March 1891, "to re-entertain him in any capacity in the public service."

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, "in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties," there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nelliylam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance.

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculcate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance. . . . I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani. . . . The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th *idem* he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malabari officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biased in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *préchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884, and that in the Pálghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Pálghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Pálghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been *completed* by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there, are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponáni canal, which for years have been supposed to be supervised by the local Revenue officials of Ponáni, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex*-Revenue Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex*-Revenue Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892, dated 22nd ultimo, I have the honour to state

Note.—Enclosures sent in a separate registered cover. P. Karunakara Menon and V. Chappu Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and not, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has not given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did not give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1885 to 1887 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had *not* been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon. It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy *

* Enclosure No. II.

of the order in question which was passed on a complaint made by the Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is *not* true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor and his reply of the same date on the subject. It will be seen that Mr. Maylor

† Enclosure No. III.

declares he did *not* contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter

‡ Enclosure No. IV.

of the 3rd instant. Two ‡ letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "*strictly confidential and private*," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponani canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any *facts* you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the escheat records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present régime and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return *fully* and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad.

Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth *shall* come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Kurunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's régime, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time.

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerably and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,
(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,

Very sincerely yours,

A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponani canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
" A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.

MR. H. F. CLOGSTOUN.

MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioners of Land Revenue, dated Coimbatore, 15th March 1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need scarcely say how it has distressed me. I earnestly entreat the Board to be so good as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vide* Board's Proceedings (Land Revenue), dated 23th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:—"The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether Mr. Stuart is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a *purely private* letter which I marked "*strictly confidential and private*," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any facts he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "*strictly confidential and private*." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling" Mr. Maylor in any conspiracy," nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "*strictly confidential and private*" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "*private and confidential*," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has *not* given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "did *not* give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponani canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement, but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is *not* true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that *I have officially received an order to that effect* from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged' and says that when I asserted that Mr. Maylor 'had contemplated resigning his appointment,' I 'clearly sacrificed veracity to my desire for bringing his administration into disrepute.'" Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride or *resign*, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" no "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negated the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castle Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.

Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castle Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
„ Commissioner of Revenue Settlement, &c

Govt. of {1892} Madras.
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

5TH APRIL 1892, MIS. NO. 1803, REVENUE.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609 :—

THE HON. MR. J. GROSE.

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662 :—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 p.m. on the 22nd September.

* Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures. The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is any presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bona fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the vakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Palghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the vakil that he had no authority to do so. Mr. Sankunni Menon also stated that the vakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this vakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Palghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Palghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Palghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Palghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Palghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [F] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7—2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7—2 lands, instead of the necessarily higher rate for [7—1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that *somebody* had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Pálghat Brahmin further than I could see him — if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII. to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Pálghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7—2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Pálghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I “declined,” in my Proceedings, No. 2007, dated 20th March 1891, “to re-entertain him in any capacity in the public service.”

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891, (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, “in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties,” there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nellyalam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings; No. 73, dated 19th April 1888; forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not, *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance.

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculcate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance. . . . I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani. . . . The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th *idem* he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. I to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malabari officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Supkunni Menon and is known to be strongly biased in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884, and that in the Palghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Palghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Palghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been *completed* by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex-Revenue* Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex-Revenue* Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892, dated 22nd ultimo, I have the honour to state

Note.—Enclosures sent in a separate registered cover.

that the Deputy Collectors, M.R.Ry. P. Karunakara Menon and V. Chappu Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon, during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and *not*, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has *not* given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did *not* give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1885 to 1887 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had *not* been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon. It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy * of the order in question which was passed on a complaint made by the Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is *not* true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor and his reply of the same date on the subject. It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter of the 3rd instant. Two ‡ letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "*strictly confidential and private*," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present *régime* and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponáni canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any *facts* you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the *escheat* records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

5TH APRIL 1892, MIS. NO. 1803, REVENUE.

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present régime and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return *fully* and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad. Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth shall come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Kurunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,900 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's régime, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time.

5TH APRIL 1892, MIS. NO. 1803, REVENUE.

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerately and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,
(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,
Very sincerely yours,
A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponani canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information, the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
„ A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated
24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.
MR. H. F. CLOGSTOUN.
MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq.,
Special Settlement Officer, Malabar and South Canara, to the Secretary
to the Commissioners of Land Revenue, dated Coimbatore, 15th March
1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's
Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need
scarcely say how it has distressed me. I earnestly entreat the Board to be so good
as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vide* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:—"The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether Mr. Stuart is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a *purely private* letter which I marked "*strictly confidential and private*," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any *facts* he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "*strictly confidential and private*." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling," Mr. Maylor in any conspiracy," nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "*strictly confidential and private*" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "*private and confidential*," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has *not* given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "*did not* give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponâni Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponâni canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement, but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is *not* true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that *I have officially received an order to that effect* from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged' and says that when I asserted that Mr. Maylor 'had contemplated resigning his appointment,' I 'clearly sacrificed veracity to my desire for bringing his administration into disrepute.'" Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride *or resign*, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" no "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negated the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castlestuart Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.

Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castlestuart Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

5TH APRIL 1892, MIS. NO. 1803, REVENUE.

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
„ Commissioner of Revenue Settlement, &c

Govt. of {1892} Madras.
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

5TH APRIL 1892, MIS. NO. 1803, REVENUE.

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
„ Commissioner of Revenue Settlement, &c

Govt. of {1892} Madras.
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
„ Commissioner of Revenue Settlement, &c

Govt. of {1892} Madras.
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609 :—

THE HON. MR. J. GROSE.

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662 :—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 P.M. on the 22nd September.

* Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures. The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is *any* presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bond fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the wakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Palghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the wakil that he had no authority to do so. Mr. Sankunni Menon also stated that the wakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this wakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Palghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Palghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Palghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Palghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Palghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [I] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7—2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7—2 lands, instead of the necessarily higher rate for [7—1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that somebody had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Pálghat Brahmin further than I could see him — if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII. to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Pálghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7—2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Pálghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I "declined," in my Proceedings, No. 2007, dated 20th March 1891, "to re-entertain him in any capacity in the public service."

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, "in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties," there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888; No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nelliyaalam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance,

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculcate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance. . . . I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani. . . . The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th idem he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biased in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884, and that in the Palghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Palghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Palghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been completed by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex-Revenue* Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex-Revenue* Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex-Revenue* Inspector might wish to call and to record their evidence. I am personally aware; on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex-Revenue* Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892, dated 22nd ultimo; I have the honour to state

Note.—Enclosures sent in a separate registered cover. that the Deputy Collectors, M.R.Ry. P. Karunakara Menon and V. Chappu Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and *not*, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has *not* given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did *not* give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1885 to 1887 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had *not* been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon. It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy * of the order in question which was passed on a complaint made by the Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is *not* true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor and his reply of the same date on the subject. It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter of the 3rd instant. Two ‡ letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "*strictly confidential and private*," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present *régime* and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponani canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any *facts* you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the escheat records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return *fully* and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad. Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth *shall* come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Karunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's *regime*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time.

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerately and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,
(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,

Very sincerely yours,

A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponani canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
" A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated
24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.
MR. H. F. CLOGSTOUN.
MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq.,
Special Settlement Officer, Malabar and South Canara, to the Secretary
to the Commissioners of Land Revenue, dated Coimbatore, 15th March
1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's
Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need
scarcely say how it has distressed me. I earnestly entreat the Board to be so good
as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vide* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonourable and culpable," of having "committed a moral outrage," most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:—"The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether Mr. Stuart is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a *purely private* letter which I marked "*strictly confidential and private*," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any *facts* he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "*strictly confidential and private*." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling," Mr. Maylor in any conspiracy," nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "*strictly confidential and private*" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "*private and confidential*," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has *not* given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "did *not* give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponâni Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponâni canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time" I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement, but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is *not* true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that *I have officially received an order to that effect* from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged' and says that when I asserted that Mr. Maylor 'had contemplated resigning his appointment,' I 'clearly sacrificed veracity to my desire for bringing his administration into disrepute.'" Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride or *resign*, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" no "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a meron's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negated the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the meron's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castle Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.
Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castle Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
„ Commissioner of Revenue Settlement, &c

Exd. A. D. Xavier.

Govt. of {1892} Madras.
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

5TH APRIL 1892, MIS. NO. 1803, REVENUE.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609 :—

THE HON. MR. J. GROSE.

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662 :—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 P.M. on the 22nd September.

* Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures. The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt

of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 50 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is *any* presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language be termed swindling.” He urges that these admitted loans were openly contracted *bonâ fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundran Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the vakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Namibudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Pálghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the vakil that he had no authority to do so. Mr. Sankunni Menon also stated that the vakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this vakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Pálghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Putliya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Pálghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Pálghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Pálghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Pálghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [F] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7—2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7—2 lands, instead of the necessarily higher rate for [7—1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that *somebody* had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question; which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Pálghat Brahmin further than I could see him — if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII. to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890; and was then employed in the supervisor's office, Pálghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7—2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Pálghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I “declined,” in my Proceedings, No. 2007, dated 20th March 1891, “to re-entertain him in any capacity in the public service.”

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, “in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties,” there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nelliylam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning; but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here; and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance.

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculcate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th idem he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th idem he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biassed in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884, and that in the Pálghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Pálghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Pálghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been *completed* by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponáni canal, which for years have been supposed to be supervised by the local Revenue officials of Ponáni, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex*-Revenue Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex*-Revenue Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892, dated

Note.—Enclosures sent in a separate registered cover. 22nd ultimo, I have the honour to state that the Deputy Collectors, M.R.Ry. P. Karunakara Menon and V. Chappu Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and *not*, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has *not* given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did *not* give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1835 to 1887 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had *not* been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon." It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy * of the order in question which was passed on a complaint made by the

Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is *not* true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor and his reply of the same date on the subject. It will be seen that Mr. Maylor

declares he did *not* contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter

‡ of the 3rd instant. Two † letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "*strictly confidential and private*," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present *régime* and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponani canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any *facts* you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the escheat records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that *you* personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return *fully* and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad.

Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth *shall* come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Kurunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's *regime*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time.

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerably and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,
(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,
Very sincerely yours,
A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponáni canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
„ A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.
MR. H. F. CLOGSTOUN.
MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioners of Land Revenue, dated Coimbatore, 15th March 1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need scarcely say how it has distressed me. I earnestly entreat the Board to be so good as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vide* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:—"The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether Mr. Stuart is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a *purely private* letter which I marked "*strictly confidential and private*," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any *facts* he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "*strictly confidential and private*." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling," Mr. Maylor in any conspiracy," nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "*strictly confidential and private*" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "*private and confidential*," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has *not* given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "*did not* give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponani canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement, but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is *not* true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that *I have officially received an order to that effect* from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged' and says that when I asserted that Mr. Maylor 'had contemplated resigning his appointment,' I 'clearly sacrificed veracity to my desire for bringing his administration into disrepute.'" Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride *or* resign, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" no "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true."

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negated the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castle Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.
Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castle Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
„ Commissioner of Revenue Settlement, &c

Exd. A. D. Xavier.

Govt. of {1892} Madras.
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609;—

THE HON. MR. J. GROSE.

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662:—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 P.M. on the 22nd September.

* Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures. The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is *any* presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bona fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the vakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Palghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the vakil that he had no authority to do so. Mr. Sankunni Menon also stated that the vakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this vakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Palghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Palghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Palghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Palghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Palghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [f] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is any presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bonâ fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the wakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Pálghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the wakil that he had no authority to do so. Mr. Sankunni Menon also stated that the wakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this wakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Pálghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Pálghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Pálghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Pálghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Pálghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [F] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7—2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7—2 lands, instead of the necessarily higher rate for [7—1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that somebody had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Pálghat Brahmin further than I could see him—if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII. to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Pálghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7—2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Pálghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I “declined,” in my Proceedings, No. 2007, dated 20th March 1891, “to re-entertain him in any capacity in the public service.”

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, “in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties,” there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nellyalam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance.

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculcate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th *idem* he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1. to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malabari officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biased in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884, and that in the Pálghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Pálghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Pálghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been completed by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponáni canal, which for years have been supposed to be supervised by the local Revenue officials of Ponáni, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex-Revenue* Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers; of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex-Revenue* Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written. "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892; dated 22nd ultimo, I have the honour to state

Note.—Enclosures sent in a separate registered cover. that the Deputy Collectors, M.R.Ry. P. Karunakara Menon and V. Chappu Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and not, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 8th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has not given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did not give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1835 to 1837 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had *not* been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon. It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy * of the order in question which was passed on a complaint made by the Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is *not* true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor and his reply of the same date on the subject. It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter of the 3rd instant. Two ‡ letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "*strictly confidential and private*," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponani canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any *facts* you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the escheat records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present régime and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return fully and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad.

Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth shall come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Karunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's régime, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time.

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerably and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,

(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,

Very sincerely yours,

A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponani canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
" A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated
24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.
MR. H. F. CLOGSTOUN.
MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq.,
Special Settlement Officer, Malabar and South Canara, to the Secretary
to the Commissioners of Land Revenue, dated Coimbatore, 15th March
1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1869. I need scarcely say how it has distressed me. I earnestly entreat the Board to be so good as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vide* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:— "The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether *Mr. Stuart* is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a purely private letter which I marked "*strictly confidential and private*," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any facts he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "*strictly confidential and private*." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling," Mr. Maylor in any conspiracy," nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "*strictly confidential and private*" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "*private and confidential*," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has not given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "did not give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponani canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement, but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is not true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did not contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged' and says that when I asserted that Mr. Maylor 'had contemplated resigning his appointment,' I 'clearly sacrificed veracity to my desire for bringing his administration into disrepute.'" Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride or resign, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" no "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negated the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castle Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.
Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castle Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
„ Commissioner of Revenue Settlement, &c

Exd. A. D. Xavier.

Gobt. of {1892} Madras.
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609:—

THE HON. MR. J. GROSE.

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662:—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 p.m. on the 22nd September. The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I: with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is any presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bona fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the vakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Pálghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the vakil that he had no authority to do so. Mr. Sankunni Menon also stated that the vakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this vakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Pálghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Pálghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Pálghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Pálghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Pálghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [f] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7—2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7—2 lands, instead of the necessarily higher rate for [7—1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that *somebody* had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Pálghat Brahmin further than I could see him — if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII. to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Pálghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7—2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Pálghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I “declined,” in my Proceedings, No. 2007, dated 20th March 1891, “to re-entertain him in any capacity in the public service.”

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, “in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties,” there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nellyalam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance.

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculcate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance. . . . I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani. . . . The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th idem he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biased in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board, [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884, and that in the Pálghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Pálghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Pálghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been *completed* by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponáni canal, which for years have been supposed to be supervised by the local Revenue officials of Ponáni, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex-Revenue* Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex-Revenue* Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

• *Read*—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892, dated 22nd ultimo, I have the honour to state

Note.—Enclosures sent in a separate registered cover. that the Deputy Collectors, M.R.Ry. P. Karunakara Menon and V. Chappu Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

• Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and *not*, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has *not* given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did *not* give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1885 to 1887 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had *not* been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon. It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy * of the order in question which was passed on a complaint made by the

Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is *not* true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor and his reply of the same date on the subject. It will be seen that Mr. Maylor

declares he did *not* contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter of the 3rd instant. Two ‡ letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "*strictly confidential and private*," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponani canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any *facts* you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the escheat records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present régime and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return fully and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad.

Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth shall come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Kurunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's régime, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time.

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerably and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,
(Signed) WM. MAYLOR.

Strictly Confidential and Private.

COIMBATORE,
2nd November 1891.

MY DEAR MAYLOR,

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but nous verrons ce que nous verrons. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

• Believe me,

Very sincerely yours,

A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponani canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
" A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.

MR. H. F. CLOGSTOUN.

MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq.,
Special Settlement Officer, Malabar and South Canara, to the Secretary
to the Commissioners of Land Revenue, dated Coimbatore, 15th March
1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need scarcely say how it has distressed me. I earnestly entreat the Board to be so good as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vide* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:—"The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether Mr. Stuart is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a purely private letter which I marked "strictly confidential and private," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any facts he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "strictly confidential and private." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling" Mr. Maylor in any conspiracy; nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts: How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "strictly confidential and private" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "private and confidential," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has not given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "did not give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponâni Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponâni canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement, but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is not true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did not contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged'" and says that when I asserted that Mr. Maylor "had contemplated resigning his appointment," I "clearly sacrificed veracity to my desire for bringing his administration into disrepute." Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride or resign, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" no "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negatived the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castle Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.

Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that; in a letter to the Board, dated 19th November last, Mr. A. E. Castle Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of, will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
„ Commissioner of Revenue Settlement, &c

Erd. A. D. Xavier.

Govt. of {1892} Madras.
REVENUE.

CONFIDENTIAL

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609 :—

THE HON. MR. J. GROSE.

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662 :—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 P.M. on the 22nd September.

Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures. The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is any presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bona fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the vakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Palghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the vakil that he had no authority to do so. Mr. Sankunni Menon also stated that the vakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this vakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Palghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Palghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the jammi of many lands in the Peruvamba amsam of the Palghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Palghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Palghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [7-1] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7-2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7-2 lands, instead of the necessarily higher rate for [7-1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that *somebody* had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Palghat Brahmin further than I could see him — if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 23rd July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII. to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Palghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7-2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Palghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I "declined," in my Proceedings, No. 2007, dated 20th March 1891, "to re-entertain him in any capacity in the public service."

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, "in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties," there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nelliyalam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance.

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculcate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance. . . . I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani. . . . The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th idem he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malabali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biassed in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884, and that in the Palghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Palghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Palghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been completed by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex-Revenue* Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and un-British manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries. He has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex-Revenue* Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892, dated 22nd ultimo, I have the honour to state that the Deputy Collectors, M.R.Ry.

Note.—Enclosures sent in a separate registered cover. P. Karunakara Menon and V. Chappu Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory, that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt-removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and *not*, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has *not* given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did *not* give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1885 to 1887 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had *not* been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumiergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon. It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy *

* Enclosure No. II.

of the order in question which was passed on a complaint made by the Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is *not* true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor

† Enclosure No. III.

and his reply of the same date on the subject. It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter

‡ Enclosure No. IV.

of the 3rd instant. Two ‡ letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "*strictly confidential and private*," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponani canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any *facts* you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the escheat records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return *fully* and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad.

Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth *shall* come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Kurunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's *regime*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time,

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerably and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,
(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,

Very sincerely yours,

A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponani canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
" A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated
24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.
MR. H. F. CLOGSTOUN.
MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq.,
Special Settlement Officer, Malabar and South Canara, to the Secretary
to the Commissioners of Land Revenue, dated Coimbatore, 15th March
1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's
Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need
scarcely say how it has distressed me. I earnestly entreat the Board to be so good
as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vide* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:— "The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether Mr. Stuart is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the popular opinion is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a *purely private* letter which I marked "*strictly confidential and private*," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any *facts* he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "*strictly confidential and private*." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling," Mr. Maylor in any conspiracy," nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "*strictly confidential and private*" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "*private and confidential*," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has *not* given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "*did not* give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponani canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement, but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is *not* true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that *I have officially received an order to that effect* from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged' and says that when I asserted that Mr. Maylor 'had contemplated resigning his appointment,' I 'clearly sacrificed veracity to my desire for bringing his administration into disrepute.'" Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride or *resign*, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" *no* "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18. of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negated the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castle Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.
Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castle Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
„ Commissioner of Revenue Settlement, &c

Exd. A. D. Xavier.

Govt. of {1892} Madras.
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609 :—

THE HON. MR. J. GROSE,

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662 :—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 p.m. on the 22nd September.

Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures. The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt

of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is *any* presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bona fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the vakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Palghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the vakil that he had no authority to do so. Mr. Sankunni Menon also stated that the vakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this vakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Palghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Palghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Palghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Palghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Palghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [7-1] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7-2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7-2 lands, instead of the necessarily higher rate for [7-1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that somebody had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Palghat Brahmin further than I could see him—if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII. to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Palghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7-2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Palghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I "declined," in my Proceedings, No. 2007, dated 20th March 1891, "to re-entertain him in any capacity in the public service."

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, "in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties," there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nelliyaalam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after, he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance.

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculcate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance. . . . I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani. . . . The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th idem he said:—"I have searched for the letter But I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malabari officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biased in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884, and that in the Palghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Palghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Palghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been *completed* by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly "dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex-Revenue* Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex-Revenue* Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Atting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892, dated 22nd ultimo, I have the honour to state

Note.—Enclosures sent in a separate registered cover. that the Deputy Collectors, M.R.Ry. P. Karunakara Menon and V. Chappu Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and not, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has not given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did not give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1885 to 1887 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had *not* been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon. It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy * of the order in question which was passed on a complaint made by the Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is *not* true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies ‡ of a letter, dated 3rd instant, I wrote to Mr. Maylor and his reply of the same date on the subject. It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter of the 3rd instant. Two ‡ letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "*strictly confidential and private*," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponani canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the escheat records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return *fully* and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad.

Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth *shall* come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Karunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's *regime*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time,

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerably and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,
(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,
Very sincerely yours,
A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponani canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
" A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated
24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.
MR. H. F. CLOGSTOUN.
MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq.,
Special Settlement Officer, Malabar and South Canara, to the Secretary
to the Commissioners of Land Revenue, dated Coimbatore, 15th March
1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's
Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need
scarcely say how it has distressed me. I earnestly entreat the Board to be so good
as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vide* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal, "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:—"The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether Mr. Stuart is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a *purely private* letter which I marked "*strictly confidential and private*," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any *facts* he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "*strictly confidential and private*." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling," Mr. Maylor in any conspiracy," nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment; but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "*strictly confidential and private*" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "*private and confidential*," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has *not* given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "did *not* give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponani canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement; but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is *not* true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that *I have officially received an order to that effect* from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged'" and says that when I asserted that Mr. Maylor "had contemplated resigning his appointment," I "clearly sacrificed veracity to my desire for bringing his administration into disrepute." Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride or *resign*, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" no "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th. December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negated the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castle Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.

Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castle Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
„ Commissioner of Revenue Settlement, &c

Exd. A. D. Xavier.

Gobt. of {1892} Madras.
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

5TH APRIL 1892, MIS. NO. 1803, REVENUE.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609 :—

THE HON. MR. J. GROSE.

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662 :—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 P.M. on the 22nd September.

* Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures. The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is any presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bond fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the wakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Palghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the wakil that he had no authority to do so. Mr. Sankunni Menon also stated that the wakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this wakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Palghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Palghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Palghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Palghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Palghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [7] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7-2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7-2 lands, instead of the necessarily higher rate for [7-1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that *somebody* had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Palghat Brahmin further than I could see him — if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII. to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Palghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7-2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Palghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I "declined," in my Proceedings, No. 2007, dated 20th March 1891, "to re-entertain him in any capacity in the public service."

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, "in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties," there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nelliyaalam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance.

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculcate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th idem he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malabari officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biased in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884, and that in the Pálghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Pálghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Pálghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been *completed* by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponáni canal, which for years have been supposed to be supervised by the local Revenue officials of Ponáni, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex-Revenue* Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex-Revenue* Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892, dated 22nd ultimo, I have the honour to state that the Deputy Collectors, M.R.Ry. P. Karunakara Menon and V. Chappu Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and *not*, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has *not* given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did *not* give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1885 to 1887 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had *not* been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon. It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy * of the order in question which was passed on a complaint made by the Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is *not* true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor and his reply of the same date on the subject. It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter of the 3rd instant. Two ‡ letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "*strictly confidential and private*," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present *régime* and more especially the relations between D. and P. Karunakara Menon, so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponáni canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any *facts* you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the escheat records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts:

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return *fully* and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad.

Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth shall come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Kurunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's *regime*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time.

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerably and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,
(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,
Very sincerely yours,
A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponani canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750:
Copy to the Collector of Malabar.
" A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated
24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.
MR. H. F. CLOGSTOUN.
MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq.,
Special Settlement Officer, Malabar and South Canara, to the Secretary
to the Commissioners of Land Revenue, dated Coimbatore, 15th March
1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need scarcely say how it has distressed me. I earnestly entreat the Board to be so good as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vide* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:—"The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether Mr. Stuart is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a *purely private* letter which I marked "*strictly confidential and private*," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any *facts* he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "*strictly confidential and private*." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling," Mr. Maylor in any conspiracy," nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "*strictly confidential and private*" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "*private and confidential*," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has *not* given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "*did not* give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponâni Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponâni canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement, but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is *not* true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that *I have officially received an order to that effect* from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged'" and says that when I asserted that Mr. Maylor "had contemplated resigning his appointment," I "clearly sacrificed veracity to my desire for bringing his administration into disrepute." Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride *or* resign, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" no "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negatived the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred, in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castle Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.

Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castle Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
„ Commissioner of Revenue Settlement, &c.

Exd. A. D. Xavier.

Govt. of {1892} Madras.
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

CONFIDENTIAL

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609 :—

THE HON. MR. J. GROSE.

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662 :—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 P.M. on the 22nd September.

* Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures. The Uneovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is any presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bonâ fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the wakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Pálghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the wakil that he had no authority to do so. Mr. Sankunni Menon also stated that the wakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this wakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Pálghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Pálghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Pálghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Pálghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Pálghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [7-1] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7-2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7-2 lands, instead of the necessarily higher rate for [7-1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that somebody had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Palghat Brahmin further than I could see him — if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII. to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished; but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Palghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7-2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Palghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I "declined," in my Proceedings, No. 2007, dated 20th March 1891, "to re-entertain him in any capacity in the public service."

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, "in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties," there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nelliylam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned; I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance.

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculcate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance. . . . I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani. . . . The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th *idem* he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which, as I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar; and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malabari officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biased in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884, and that in the Palghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Palghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Palghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been *completed* by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex-Revenue* Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex-Revenue* Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892, dated 22nd ultimo, I have the honour to state

Note.—Enclosures sent in a separate registered cover.

that the Deputy Collectors, M.R.Ry. P. Karunakara Menon and V. Chappu Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and *not*, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has *not* given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did *not* give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1885 to 1887 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had *not* been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon. It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy * of the order in question which was passed on a complaint made by the Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is *not* true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor and his reply of the same date on the subject. It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter ‡ of the 3rd instant. Two ‡ letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "*strictly confidential and private*," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present *régime* and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponáni canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any *facts* you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the escheat records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return *fully* and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad.

Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth shall come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Kurunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's *regime*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time.

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerately and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,
(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,

Very sincerely yours,

A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponani canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies, and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
" A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated
24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.
MR. H. F. CLOGSTOUN.
MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq.,
Special Settlement Officer, Malabar and South Canara, to the Secretary
to the Commissioners of Land Revenue, dated Coimbatore, 15th March
1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need scarcely say how it has distressed me. I earnestly entreat the Board to be so good as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vide* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:—"The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether Mr. Stuart is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a *purely private* letter which I marked "*strictly confidential and private*," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any *facts* he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "*strictly confidential and private*." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling" Mr. Maylor in any conspiracy, nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "*strictly confidential and private*" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "*private and confidential*," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has not given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "did not give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponani canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement, but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is not true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that *I have officially received an order to that effect* from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did not contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged' and says that when I asserted that Mr. Maylor 'had contemplated resigning his appointment,' I 'clearly sacrificed veracity to my desire for bringing his administration into disrepute.'" Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride or resign, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" no "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negated the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castle Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.

Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castle Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
„ Commissioner of Revenue Settlement, &c

Exd. A. D. Xavier.

Gobt. of {1892} Madras. REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

GOVT. RECORD

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609 :—

THE HON. MR. J. GROSE.

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662 :—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 P.M. on the 22nd September.

* Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures. The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt

of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is any presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bona fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the vakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Pálghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the vakil that he had no authority to do so. Mr. Sankunni Menon also stated that the vakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this vakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Pálghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Pálghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Pálghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Pálghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Pálghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [F] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7—2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7—2 lands, instead of the necessarily higher rate for [7—1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that somebody had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Pálghat Brahmin further than I could see him — if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII. to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Pálghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7—2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Pálghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I “declined,” in my Proceedings, No. 2007, dated 20th March 1891, “to re-entertain him in any capacity in the public service.”

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, “in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties,” there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nellyalam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance.

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculcate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th idem he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I); to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biased in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884, and that in the Pálghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Pálghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Pálghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been *completed* by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponáni canal, which for years have been supposed to be supervised by the local Revenue officials of Ponáni, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent; and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex-Revenue* Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex-Revenue* Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892;—

Adverting to the Board's reference on General Register No. 130 of 1892, dated

Note.—Enclosures sent in a separate registered cover. 22nd ultimo, I have the honour to state that the Deputy Collectors, M.R.Ry.

P. Karunakara Menon and V. Chappu Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and *not*, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has *not* given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did *not* give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1835 to 1887 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had not been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon." It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy * of the order in question which was passed on a complaint made by the

Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind; because, while it is true that an order was issued, the version given of it by Mr. Stuart is not true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor and his reply of the same date on the subject. It will be seen that Mr. Maylor

declares he did not contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment, and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter

‡ Enclosure No. IV. of the 3rd instant. Two † letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891, "strictly confidential and private," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present régime and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponani canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the escheat records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present régime and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return *fully* and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad.

Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth shall come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Kurunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's régime, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time.

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerately and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,
(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,

Very sincerely yours,

A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponani canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
" A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.
MR. H. F. CLOGSTOUN.
MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq.,
Special Settlement Officer, Malabar and South Canara, to the Secretary
to the Commissioners of Land Revenue, dated Coimbatore, 15th March
1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need scarcely say how it has distressed me. I earnestly entreat the Board to be so good as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vide* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:— "The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether Mr. Stuart is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so; for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a purely private letter which I marked "strictly confidential and private," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any facts he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "strictly confidential and private." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891; and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling," Mr. Maylor in any conspiracy, nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "strictly confidential and private" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "private and confidential," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has not given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "did not give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponani canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement, but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is not true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did not contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged'" and says that when I asserted that Mr. Maylor "had contemplated resigning his appointment," I "clearly sacrificed veracity to my desire for bringing his administration into disrepute." Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride or resign, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" no "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negated the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government; to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castle Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.

Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castle Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

5TH APRIL 1892, MIS. NO. 1803, REVENUE.

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
" Commissioner of Revenue Settlement, &c

Govt. of {1892} Madras.
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

GOVT RECORD

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609 :—

THE HON. MR. J. GROSE.

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662 :—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 P.M. on the 22nd September.

* Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures. The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt

of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is *any* presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bonâ fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the vakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Pálghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the vakil that he had no authority to do so. Mr. Sankunni Menon also stated that the vakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this vakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Pálghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Pálghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Pálghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Pálghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Pálghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [7-1] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7-2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7-2 lands, instead of the necessarily higher rate for [7-1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that *somebody* had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Pálghat Brahmin further than I could see him — if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII, to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Pálghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7-2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Pálghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I "declined," in my Proceedings, No. 2007, dated 20th March 1891, "to re-entertain him in any capacity in the public service."

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, "in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties," there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nelliylam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance.

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculcate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th *idem* he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business: The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malabari officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biased in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884; and that in the Pálghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Pálghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed, such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Pálghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been *completed* by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponáni canal, which for years have been supposed to be supervised by the local Revenue officials of Ponáni, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex-Revenue* Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex-Revenue* Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892, dated 22nd ultimo, I have the honour to state

Note.—Enclosures sent in a separate registered cover.

that the Deputy Collectors, M.R.Ry. P. Karunakara Menon and V. Chappu Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and *not*, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has *not* given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did *not* give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1885 to 1887 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had *not* been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon. It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy *

* Enclosure No. II.

of the order in question which was passed on a complaint made by the Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is *not* true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor

† Enclosure No. III.

and his reply of the same date on the subject. It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter

‡ Enclosure No. IV.

of the 3rd instant. Two ‡ letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "*strictly confidential and private*," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present *régime* and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponáni canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the escheat records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return *fully* and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad.

Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth *shall* come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Karunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's *regime*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time.

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerably and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,

(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,

Very sincerely yours,

A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponani canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
" A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated
24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.
MR. H. F. CLOGSTOUN.
MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq.,
Special Settlement Officer, Malabar and South Canara, to the Secretary
to the Commissioners of Land Revenue, dated Coimbatore, 15th March
1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need scarcely say how it has distressed me. I earnestly entreat the Board to be so good as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vile* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:—"The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether Mr. Stuart is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a *purely private* letter which I marked "*strictly confidential and private*," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any *facts* he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "*strictly confidential and private*." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling," Mr. Maylor in any conspiracy," nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "*strictly confidential and private*" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "*private and confidential*," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has *not* given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "*did not* give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponani canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement, but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is *not* true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that *I have officially received an order to that effect* from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged' and says that when I asserted that Mr. Maylor 'had contemplated resigning his appointment,' I 'clearly sacrificed veracity to my desire for bringing his administration into disrepute.'" Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride or *resign*, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" no "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negated the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castle Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.
Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castle Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed). C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
„ Commissioner of Revenue Settlement, &c

Ed. A. D. Xavier.

Govt. of {1892} Madras. REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609 :—

THE HON. MR. J. GROSE.

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662 :—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 p.m. on the 22nd September.

* Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures. The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is any presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bona fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the vakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Palghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the vakil that he had no authority to do so. Mr. Sankunni Menon also stated that the vakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this vakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Palghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Palghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Palghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Palghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Palghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [F] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7-2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7-2 lands, instead of the necessarily higher rate for [7-1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that somebody had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Palghat Brahmin further than I could see him — if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII. to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Palghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7-2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Palghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I "declined," in my Proceedings, No. 2007, dated 20th March 1891, "to re-entertain him in any capacity in the public service."

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, "in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties," there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nelliyalam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter): "Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar, and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance.

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculcate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance. . . . I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani. . . . The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th idem he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started, as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malabari officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biased in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials, referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884, and that in the Pálghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Pálghat taluk, so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Pálghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been completed by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponáni canal, which for years have been supposed to be supervised by the local Revenue officials of Ponáni, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex*-Revenue Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex*-Revenue Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sundram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sundram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 1794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892, dated

Note.—Enclosures sent in a separate registered cover. 22nd ultimo, I have the honour to state that the Deputy Collectors, M.R.Ry.

P. Karunakara Menon and V. Chappu Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work which was then under the control of the Local Fund Engineering Department and not, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has not given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did not give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1885 to 1887 when the allotment ranged from nearly Rs. 5,600 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had *not* been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon. It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy * of the order in question which was passed on a complaint made by the Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is *not* true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor and his reply of the same date on the subject. It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter of the 3rd instant. Two ‡ letters in

† Enclosure No. IV. original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "*strictly confidential and private*," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponani canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any *facts* you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the escheat records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return *fully* and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad.

Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth *shall* come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Karunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's *regime*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time.

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerately and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,

(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,

Very sincerely yours,

A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponáni canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
" A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.
MR. H. F. CLOGSTOUN.
MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq.,
Special Settlement Officer, Malabar and South Canara, to the Secretary
to the Commissioners of Land Revenue, dated Coimbatore, 15th March
1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need scarcely say how it has distressed me. I earnestly entreat the Board to be so good as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vide* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:—"The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biassed in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether *Mr. Stuart* is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a purely private letter, which I marked "strictly confidential and private," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any facts he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name, unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "strictly confidential and private." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling" Mr. Maylor in any conspiracy, nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "strictly confidential and private" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "private and confidential," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder, Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bona fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has not given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" and that he "did not give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's regime, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponani canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect, but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement, but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bona fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is not true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question, I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did not contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged' and says that when I asserted that Mr. Maylor 'had contemplated resigning his appointment,' I 'clearly sacrificed veracity to my desire for bringing his administration into disrepute.'" Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride or resign, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" no "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negated the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castlestuart Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.

Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castlestuart Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
" Commissioner of Revenue Settlement, &c

Exd. A. D. Xavier.

Govt. of {1892} Madras.
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 5th April 1892, Mis. No. 1803.

APRIL.

Mr. A. E. C. Stuart.

Informing — that he has incurred the gravest displeasure of Government for having brought certain reckless and malicious charges against Mr. Dumergue.

5TH APRIL 1892, MIS. NO. 1803, REVENUE.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Mis. No. 1609 :—

THE HON. MR. J. GROSE.

MR. C. S. CROLE.

MR. E. GIBSON.

Read—the following letter from A. E. CASTLESTUART STUART, Esq., Special Settlement Officer, Malabar and South Canara, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated Coimbatore, 27th November 1891, No. 1662 :—

With reference to my letter, No. B/Camp, confidential, dated 23rd September 1891, I have the honour to submit, for the early consideration and orders of the Board and Government, C. Sankunni Menon's explanation called for in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), confidential, dated 19th September 1891, Mis. No. 5250.

2. Those Proceedings with enclosures,* which are herewith returned, reached me at 9-30 P.M. on the 22nd September.

* Viz., letter from the Acting Collector of Malabar, to the Board, dated 15th September 1891, with nine enclosures. The Uncovenanted Assistant of this Party was placed under suspension with effect from the 23rd idem. On receipt

of my order, No. A/Camp, dated 23rd September 1891, confidential, copy of which has already been submitted to the Board, Sankunni Menon requested me to record the statements of Messrs. K. Kannan Unni Nayar and C. S. Swaminatha Pattar Kariakar, from whom the loans in question were alleged to have been obtained. In my letters, Nos. C/Camp and D/Camp, dated 24th September 1891, copies of which form appendices A and B, respectively, I requested those persons to attend my camp office. Mr. K. Kannan Unni Nayar, accordingly, attended that day. Appendix C is copy of his statement. On the 2nd October 1891, I had occasion to address Mr. K. Kannan Unni Nayar with reference to a portion of his statement. Copy of my letter to him, No. 1260, dated 2nd October 1891, forms appendix D. Mr. K. Kannan Unni Nayar replied on the 4th idem. Copy of his reply forms appendix E. Mr. C. S. Swaminatha Pattar Kariakar failed to attend on the 24th, but wrote on the 25th September 1891 excusing himself. Copy of his letter forms appendix F. Copy of my reply to him, No. E/Camp, dated 26th September 1891, forms appendix G. This individual appeared before me on the 28th and 29th September 1891, when I recorded his statement, copy of which forms appendix H. With reference to this statement I had to address him in my letter, No. 1261, dated 2nd October 1891, copy of which forms appendix I. His reply thereto is dated 4th October 1891, copy of which forms appendix J.

3. The Uncovenanted Assistant's explanation consists of Part I. with eight appendices, Part II. with two appendices, and Part III. with two appendices. To facilitate reference and to prevent this report being unduly extended, I have made in the margin of his explanation such remarks as appeared desirable.

4. It will be observed that Mr. Sankunni Menon admits the authorship of the enclosures to Mr. Dumergue's letter dated 15th September 1891, as also the fact that he borrowed Rs. 250 from Mr. K. Kannan Unni Nayar about September 1888 and Rs. 300 from Mr. C. S. Swaminatha Pattar Kariakar on the 4th May 1890. He denies that there is any presumption—much less an “irresistible presumption”—that he was “wilfully and knowingly dishonest,” or that his conduct can with any propriety of language “be termed swindling.” He urges that these admitted loans were openly contracted *bonâ fide* from personal friends for the benefit of his tarawad, and attributes the imputations that have been made against him to the interested machinations of an influential clique of Malabar officials, who, he believes, have sought to work his ruin in the hope that their own alleged irregularities, the very grave nature of which he indicates with considerable precision, might not be brought to notice by him as settlement operations progressed. He pleads that the Board's Standing Order No. 248-A, which he is said to have “distinctly violated,” was not applicable to him or to any other Uncovenanted Assistant in the Settlement Department on the dates of these loan transactions.

5. Before dealing with the explanation, I must make the following preliminary remarks, the relevancy of which will be apparent in succeeding paragraphs:—

(a) Mr. K. Kannan Unni Nayar was one of two vakils who appeared before me as Forest Settlement Officer in September and October 1888 in connection with a claim preferred by the Mankada Rani relative to the proposed Attappadi valley reserve. My forest settlement clerk at the time and until the 28th June 1889 was one P. Sundram Aiyar. Though Mr. Sankunni Menon, as the Uncovenanted Assistant of Revenue Settlement Party No. VI., had, by virtue of his office, nothing whatever to do with my work as Forest Settlement Officer, I was obliged to utilize his services in connection with my work as Forest Settlement Officer, my forest settlement clerk being unable to cope with that work alone. Whether Mr. K. Kannan Unni Nayar is now both the karyastan (manager) and the vakil of the Mankada Rani, as stated by Mr. Dumergue, I do not know; but in September and October 1888 he appeared before me solely in his professional capacity as a pleader. One Pakath Manakkal Narayana Nambudripad deposed before me on the 28th September 1888 that he had been the karyastan of the Mankada kovilagam since M.E. 1050 (A.D. 1884) for certain purposes, whilst one Puthan Vittil Krishnan Variar deposed that he was the “forest agent” of the kovilagam. There was evidence that other persons also had managed the affairs of the kovilagam. On the conclusion of the hearing of the claims, and as I was starting to inspect the Attappadi valley with the District Forest Officer and the Acting Conservator, Mr. K. Kannan Unni Nayar applied verbally for copies of certain documents which he was legally entitled to obtain. I informed him that, on his submitting a duly stamped application, his request would be complied with. The first formal application that I received and which is on record is dated 23rd July 1889. The copies therein applied for were furnished to him with my Proceedings, No. 96, dated 17th August 1889. The next formal application for certain other copies is dated 29th August 1889. These were furnished with my Proceedings, No. 142, dated 20th October 1889. The third formal application for further copies is dated 18th October 1889, and this was disposed of in my Proceedings, No. 143, dated 23rd October 1889. On my departure for the Attappadi valley, I left Mr. Sankunni Menon at Palghat for a few days in charge of certain forest records, which Mr. Vengu Aiyar, the pleader engaged to appear before me on behalf of Government, wished to examine before submitting his written arguments. It was, apparently, at this time that Mr. C. Sankunni Menon obtained the loan from Mr. K. Kannan Unni Nayar. On my return from the Attappadi valley, Mr. Sankunni Menon informed me that Mr. K. Kannan Unni Nayar had asked him, in my absence, to furnish the copies he wanted, but that Sankunni Menon informed the vakil that he had no authority to do so. Mr. Sankunni Menon also stated that the vakil had asserted that he had handed a

formal application to him to be delivered to me, but that he had mislaid it. I replied that until I received a properly stamped application I would not grant the copies. Mr. C. Sankunni Menon did not disclose to me the fact that he had obtained any loan from Mr. K. Kannan Unni Nayar, nor had I any knowledge of the fact until receipt of the papers under reply. Mr. C. Sankunni Menon then admitted that he had obtained the loan in question. I have ascertained that it is true that Mr. C. Sankunni Menon and this vakil had been school-mates and intimate friends from boyhood.

(b) Mr. C. S. Swaminatha Pattar obtained his honorific title “kariakar” some time ago from His Highness the Zamorin of Calicut. His family had, I believe, in former years the same title from former Zamorins, as the duty of looking after the landed interests of the Zamorin in the Palghat taluk had been entrusted to members of that family. He holds advanced “Congress” views and is an intimate friend of the Kutti Ettan Raja, a nephew of the present Zamorin, and the senior member of the Puthiya kovilagam. Mr. C. S. Swaminatha Pattar Kariakar was “appointed” a “non-official member” of the Malabar District Board on the 11th April 1890—shortly after Mr. Winterbotham left the district on furlough—and he was “elected” a “non-official councillor” of the Palghat Municipal Council on the 25th November 1890. I once expressed my surprise to Mr. Dumergue that the kariakar should have been nominated for appointment to the District Board, and he replied to the effect that, by having such persons on the Board, he could exercise some official control over them. This explanation is scarcely flattering to the many peculiar persons in Malabar, with whom the Acting Collector vainly seeks to be popular. The kariakar is the janmi of many lands in the Peruvamba amsam of the Palghat taluk. One of these, viz., S. No. 382, area 60 acres, adjoins the best house and garden in that amsam belonging to the kariakar. This wet land is one of the richest double-crop lands in the taluk. The classification of the amsam was conducted by an experienced classifier, B. Nagoba Row, between the 9th December 1889 and the 10th January 1890. He wrote his register in Telugu. He rightly classified the land as [7-1]. His work was inspected by head classifier S. Lingayya—one of the oldest, most experienced, and best head classifiers in the department—on the 1st, 2nd, 8th, and 9th January 1890. The result of his azamaish was that the classification of this rich wet land was left unchanged. The supervisor inspected the amsam on the 11th, 12th, and 13th February 1890, and he too confirmed the classification. The records were then retained in the supervisor's office, Palghat, to be adjusted. I was myself on three months' privilege leave from the 20th April to 21st July 1890. During my absence the Uncovenanted Assistant carried on the routine work of the Party which was formally in the charge of the Commissioner. The adjustment work of the Peruvamba amsam records was conducted during my absence in the supervisor's office, Palghat, by classifiers V. Subramania Aiyar and Karunakara Menon, who completed their work on the 14th June 1890. These records were then sent to head-quarters on the 18th June. My Uncovenanted Assistant was in charge of the office. On the 4th July 1890, these records were issued to classifier P. Subbarayudu for tabulation, and he finished his work on the 11th July 1890. They were sent to Mr. Greene, Assistant Superintendent, Madras Survey, on the 14th August 1891 for purposes of the revision-survey work. I returned to head-quarters after my three months' privilege leave on the morning of the 23rd July and proceeded to camp on the 28th idem to inspect the work done during my absence. From that date to the 4th October 1890 I was in camp, with the exception of a few days, and inspected the classification of the Peruvamba and other amsams. On examining S. No. 382 on the ground with register in hand in company with Mr. Greene, I found, to my surprise, that the original classification had been most clumsily altered in the register and map from [7-1] to [7-2]. I at once saw that the land was really [7-1]; that it had been so classified by the classifier, whose correct classification had not been altered by either the head classifier or supervisor. The map, too, showed that the classification had been tampered with and improperly reduced from [7-1] to [7-2]. On my return to head-quarters, I promptly issued my Proceedings, No. 830, dated the 13th October 1890, copy of

which forms appendix K, to which I invite special attention. I ordered the classification to be restored to [1] and required the Uncovenanted Assistant and the supervisor to endeavour to ascertain who had been guilty of the attempted fraud. Copies of the written replies of the Uncovenanted Assistant and of the supervisor form appendices L and M. I had frequently verbally discussed the matter with them both, but could not discover who was responsible for the alteration, though every effort to do so was made. It was certain that *somebody* who had access to the register and map had tampered with the classification between the date of the supervisor's azamaish and the date of the tabulation, as the land had been tabulated as 7-2; but the records having passed through so many hands in the interval, it was impossible to fix the responsibility. During that period the records had been in two offices and had passed through many hands; but in both offices one C. K. Subramania Aiyar was present. It was also certain that had this attempted fraud not been detected, the kariakar would eventually have benefited by having his land assessed for 30 years at whatever rate per acre might have been fixed for 7-2 lands, instead of the necessarily higher rate for [7-1] lands under which this 60-acre field was properly assessable. It is also a singular coincidence, to say the least, that shortly after I had detected the attempted fraud, the kariakar, who, doubtless, had heard of my examination of his lands, as some of his people were present with Mr. Greene and myself at the time, paid me a visit and talked much about settlement matters. I informed him that somebody had, apparently, been trying to favour him at the expense of Government by altering the classification of the land in question, which, however, I informed him I had myself raised to its proper class and sort. He professed astonishment and asserted total ignorance of the attempted fraud. His manner at the time was peculiar, and I would never trust a Palghat Brahmin further than I could see him—if so far. He did not mention to me that he had, in May previously, lent the Uncovenanted Assistant Rs. 300; that he had sent this money by a relative named C. K. Subramania Aiyar; that this relative had managed to get a footing in the Party, and that his (kariakar's) friend, the Kutti Ettan Raja, had, in July 1890, recommended his relative to the Uncovenanted Assistant out of his asserted regard for the kariakar; neither did he mention the fact that this same relative had been subsequently sent to him by the Uncovenanted Assistant with his letter dated 15th August 1890 asking for a further loan of Rs. 200. These facts only came to my knowledge after receipt of the papers under reply; but they were within the knowledge of the kariakar when he interviewed me a few days after I had detected the tampering of the records. I have not the slightest doubt in my own mind that the kariakar was at the bottom of this fraud; but who actually made the alterations in the register and map is not so certain, though suspicion is undoubtedly attachable to the Uncovenanted Assistant and to the kariakar's relative C. K. Subramania Aiyar. It is a remarkable fact that the Uncovenanted Assistant did not inform me of his pecuniary relationship with the kariakar when I had myself detected the alterations and was making inquiries regarding them, but that he remained totally silent regarding his monetary transactions until receipt of the papers under reply. It is also remarkable that the Uncovenanted Assistant did not inform me, when I was endeavouring to bring the alterations home to the guilty person or persons, that there had been in this Party C. K. Subramania Aiyar—a relative of the kariakar—the man who actually carried the Rs. 300 from the kariakar to the Uncovenanted Assistant on 4th May 1890, and the person who had, in July 1890, been recommended to the Uncovenanted Assistant by the Kutti Ettan Raja on account of his avowed friendship with the kariakar and of the latter's interest in C. K. Subramania Aiyar (*vide* letter dated 28th July 1890 from the Raja to the Uncovenanted Assistant—appendix VIII. to Part I. of his explanation), and who had been the bearer of the Uncovenanted Assistant's letter dated 15th August 1890 to the kariakar asking for a further loan of Rs. 200. A few words regarding this C. K. Subramania Aiyar are necessary. He applied for a post in this Party on a duly stamped application dated 10th March 1890. By the light of the facts recently ascertained it is remarkable that this relative of the kariakar should have sought employment in this Party soon after the classification of his lands in Peruvamba had been completed and

the azamaish of the head classifier and supervisor had been finished, but before the records had been adjusted and tabulated. Being in need of men for the Party and as the applicant was a matriculate, and being, of course, totally ignorant of his relationship with the kariakar, I attached him as an unpaid classifier to learn his work in the Party, in my Proceedings, No. 1766, dated 12th March 1890. He was deputed to work under an old classifier, V. Jagannatha Rao. He was under instruction in the field till 13th April 1890, and was then employed in the supervisor's office, Palghat, and subsequently in the head-quarters office. The adjustment work of the Peruvamba amsam was going on whilst he was in the supervisor's office, and the tabulation work whilst he was in the head-quarters office. It is only fair to record that he had personally nothing to do with either the adjustment or tabulation work of the Peruvamba amsam in either the field or head offices; but there was nothing to prevent him getting hold of these records if he wished, as he was employed on other work in the same room as the men who were working at the Peruvamba records. Whether he actually did so or not cannot be asserted; but it was quite possible for him to have done so, and the fact remains that *somebody* did tamper with these records. The Uncovenanted Assistant could not have had access to these records when they were in the field office under adjustment, but he had access to them when they were in the head office under tabulation. Inasmuch as this number was tabulated as 7-2 it seems probable that the tampering took place whilst the records were in the supervisor's office at the time of adjustment, or whilst they were lying in the head office awaiting tabulation. My own opinion is that they were tampered with in the supervisor's office at Palghat, where the kariakar lives, as also his relative C. K. Subramania Aiyar. As this individual was also in the supervisor's office at the time of the adjustment of the records, I think it not improbable that he was instrumental in effecting the alterations, though undoubtedly the facts connected with the Uncovenanted Assistant's pecuniary relations with the kariakar and his silence regarding the loan and the relationship existing between C. K. Subramania Aiyar and the kariakar throw suspicion on the Uncovenanted Assistant as well. On my return to head-quarters from privilege leave, on 23rd July 1891, I found that application had been made to the Board by the Uncovenanted Assistant—*vide* his letter, No. 391, dated 2nd July 1890—for the entertainment of a few temporary gumastas, whose employment was sanctioned in Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 9th July 1890, No. 2781, Mis., and that C. K. Subramania Aiyar and others had been doing the work since the 9th July 1890. They were, accordingly, appointed temporary gumastas on Rs. 15 per mensem with effect from that date by my Proceedings, No. 562, dated 11th August 1890. He was abolished on the 30th September 1890, his temporary services being no longer required. Subsequently, in February 1891, I offered him (being totally ignorant of the facts now ascertained) an appointment as a classifier. He joined for one day and then left on the 5th March 1891. I, at once, in my Proceedings, No. 1854, dated the 10th March 1891, dispensed with his services and prohibited his further employment in the Party. Though he petitioned on the 18th March 1891 for reinstatement, I "declined," in my Proceedings, No. 2007, dated 20th March 1891, "to re-entertain him in any capacity in the public service."

6. With these preliminary observations I proceed to deal, as briefly as possible, with the Uncovenanted Assistant's explanation. His arguments in support of the plea that the Board's Standing Order No. 248-A was not applicable to him when the two loans in question were obtained are set forth at paras. 2 to 11 of his explanation, Part I. It is urged—

(i) that, inasmuch as Government found it necessary, so lately as February 1891 (*vide* G.O., dated 12th February 1891, No. 104, Revenue), to expressly declare that, "in addition to the officers enumerated in para. 3 of Standing Order No. 248-A, the prohibition should apply to Uncovenanted Assistants in Settlement Parties," there must have been a reasonable doubt as to the applicability of the order to Uncovenanted Assistants prior to February 1891;

(ii) that the admitted transactions did not place him under any obligations incompatible with perfect freedom and independence of official action;

(iii) that Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range; and

(iv) that, though this cannot be urged in respect of Mr. C. S. Swaminatha Pattar Kariakar, the Uncovenanted Assistant's position was such that he could not be said to be liable to be brought into any direct official relations with him.

7. All this special pleading is, in my opinion, worthless.

(i) So far back as April 1888 the Board, in its Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 16th April 1888, No. 777, in dealing with Mr. Sankunni Menon's transaction with the late Nelliyalam Arasu, trusted that his experience on that occasion would "teach him to avoid in future even the appearance of evil and to be in every act of his official life above suspicion." In communicating this Proceedings of the Board to the Uncovenanted Assistant, for his "information and future guidance," I expressed my hope that "for his own sake he would so regulate his conduct as to render any reflection on his character impossible." Copy of my Proceedings, No. 73, dated 19th April 1888, forms appendix N. The Board and Government may, therefore, imagine with what painful surprise and disgust I found, from the papers under reply, that my Uncovenanted Assistant had failed to profit by his former warning, but had, some five months after he had received it, borrowed Rs. 250 from Mr. K. Kannan Unni Nayar, and, some 19 months after that loan, another sum of Rs. 300 from the kariakar. That he was conscious that he was acting in a manner opposed to the spirit, if not to the letter, of the Board's Standing Order No. 248-A is best evidenced by his own remarks. In his letter dated 4th September 1890, to Mr. K. Kannan Unni Nayar (enclosure No. 6 to Mr. Dumergue's letter), he wrote:—"I have no other friends here, and you know that, as a public servant, my hands are tied down"; and, again, in the same letter:—"As a public servant, my hands are tied down. I can apply for help only to friends like you and not to the outside public."

(ii) The contention that these loan transactions did not place the Uncovenanted Assistant under any obligations incompatible with perfect freedom and independence of official action may be admitted as, strictly speaking, possible. The mere fact of having obtained loans from two persons need not *per se* have affected Mr. Sankunni Menon's perfect official independence. So far as Mr. K. Kannan Unni Nayar is concerned, I do not think the loan did materially affect this independence. It was not in the Uncovenanted Assistant's power to show him favour or disfavour officially, beyond, perhaps, accelerating the preparation of copies to which the vakil was legally entitled. There is nothing to show that he did so, though his references in his letters to the copies applied for indicate, in my opinion, a desire on the part of the Uncovenanted Assistant to convey to Mr. Kannan Unni Nayar's mind that he wished to do all he could to befriend him. A similar indication is afforded by the remark in his letter dated 4th September 1890 (enclosure No. 6 to Mr. Dumergue's letter):—"Your Raman Nayar can have a billet under us if he wants." As a matter of fact, I know nothing of the person referred to; have never heard of, much less seen him. He was never recommended to me for any appointment by Mr. Sankunni Menon or anybody else; neither am I in the habit of consulting my Uncovenanted Assistant or any other subordinate regarding my appointments. At the same time, I consider such remarks in letters respecting private loans obtained by the Uncovenanted Assistant most objectionable and improper. So far as the kariakar was concerned, the fact that he had lent the Uncovenanted Assistant Rs. 300 and that the latter had received it, from that wealthy janmi, through the hands of his relative C. K. Subramania Aiyar, did, in my opinion, interfere with the Uncovenanted Assistant's official independence, apart from all question as to who was guilty of the tampering of the Peruvamba register and map for the benefit of the kariakar. Had that loan not been obtained, I have no reasonable doubt that, when I was making inquiries regarding the attempted fraud, the Uncovenanted Assistant would have disclosed to me the fact that C. K. Subramania Aiyar was a relation of the kariakar and had been recommended to him by the Kutti Ettan Raja on behalf of the kariakar.

(iii) That Mr. K. Kannan Unni Nayar was not a person resident within the Uncovenanted Assistant's official range when the loan from him was obtained, may, perhaps, be admitted; but it is, in my opinion, of no practical importance.

(iv) That the Uncovenanted Assistant was not likely to be brought into direct official relation with the kariakar is an argument more plausible than true. An Uncovenanted Assistant of a Settlement Party is (*vide* sec. iv., chap. v. of the Settlement Manual) a "ministerial officer" holding a position with respect to the head of the party analogous to that held by a Huzur Sheristadar with respect to his Collector. He is responsible for the supervision of the office work and for the correct preparation of all the registers, accounts, returns, &c. In Board's Proceedings (Revenue Settlement, Land Records, and Agriculture), dated 27th March 1889, No. 153, para. 7, the position of Uncovenanted Assistants is very clearly laid down. An Uncovenanted Assistant is liable to be brought into official relation with every person whose name appears in the settlement registers; in other words, with all persons within the limits of the Settlement Officer's jurisdiction who have landed interests that may be affected by the settlement.

8. I am, therefore, of opinion that, in obtaining the loans in question, the Uncovenanted Assistant was guilty of knowingly violating the provisions of Board's Standing Order No. 248-A. It is, in my opinion, quite immaterial whether the loans were obtained for the Uncovenanted Assistant's personal benefit or for that of his tarawad. He has adduced much evidence to show that it is probable that the loans were required by the tarawad; but that does not appear to me to justify his having obtained those loans. On the other hand, he apparently took upon himself the sole responsibility for the repayment of the borrowed money.

9. The next point which I think is important to consider is whether these loans were *bona fide* loans or were dishonest transactions under the colour of loans. I have no hesitation in stating my opinion that, certainly so far as Mr. K. Kannan Unni Nayar's loan was concerned, to which Mr. Dumergue apparently attaches most importance, the loan was *bona fide*. Mr. Sankunni Menon's own letters to Mr. K. Kannan Unni Nayar constantly refer to repayment, and, as a matter of fact, on the 4th February 1891, Rs. 190, of the original loan of Rs. 250, had been repaid; and another Rs. 50, making a total of Rs. 240, had been repaid before the date of Mr. Dumergue's interview with Mr. K. Kannan Unni Nayar. Mr. Dumergue only refers to Rs. 190 having been repaid incidentally; whereas in fairness to the Uncovenanted Assistant he should have reported that Rs. 240 had been repaid. These repayments tend to show the true character of the transaction. Mr. K. Kannan Unni Nayar's own statement (appendix C) and his letter (appendix E) conclusively prove to my mind the *bona fides* of the transaction. Between the date of the loan—September 1888—and 4th February 1891, the Uncovenanted Assistant had repaid Rs. 140. On the 4th February 1891 he repaid another Rs. 50, and in the first week of March 1891 a further sum of Rs. 50, making a total of Rs. 240 before the date on which Mr. Dumergue's extraordinary inquiries were instituted. The balance of Rs. 10 only was repaid subsequently, and not an anna of the loan remains to be paid. It was, in my opinion, regrettable that Mr. Dumergue, in his extreme desire to inculcate Mr. Sankunni Menon, and which desire he has been seeking to gratify for several months past, should have allowed himself to characterize this transaction as "swindling." Mr. K. Kannan Unni Nayar deposed as follows:—"I informed him (Mr. Dumergue, at his interview with Mr. K. Kannan Unni Nayar on 14th September 1891) that the loan was a purely private affair; that I lent it out of friendship to Sankunni Menon; and I also stated that the whole amount had been repaid with the exception of a small balance. . . . I can positively assert that the loan had nothing to do with any public business. I lent the money from pure friendship, and it had nothing to do with my position as vakil of the Mankada Rani. . . . The loan was given quite openly in the afternoon in my house in the presence of my clerks and some friends. There was nothing secret about it, nor was there any necessity for secrecy. I did not press Sankunni Menon for repayment for a year and-a-half. He offered to pay me interest, but I would not take it from him as he was a friend of mine." Mr. Dumergue's other allegations are entirely denied by Mr. K. Kannan Unni Nayar, who stated:—"I never sought Sankunni Menon's advice regarding any official steps that I should take, nor was there any necessity for it. He never sought my good offices on his behalf with the Mankada Rani or

anybody else. He never said anything to me about selling lands to the Mankada Raja or any one else. I never had any idea that Sankunni Menon was going to swindle me out of my money. I never for a moment doubted that he would repay me when he could, and I knew that he had difficulties with his family affairs." Mr. Dumergue's prejudiced views notwithstanding, I have not the slightest doubt that this loan, which has been fully repaid, was obtained *bona fide*, and that, however irregular the Uncovenanted Assistant's action may have been in contracting the debt at all, having regard to the Board's Standing Order, he must be fully acquitted of any suspicion of fraud in connection with it.

10. As regards the kariakar's loan, the fact that it has not been repaid together with the facts brought to notice at paras. 5 (b), 7 (ii) and (iv) *supra* undoubtedly give it a suspicious character. As regards the kariakar himself, who was "naturally interested in the classification of his lands," I have no moral doubt that he was a party to the tampering of the Peruvamba register and map and that it was done for his benefit. I trust the Board and Government will see that he is promptly removed from membership of the Malabar District Board. His whole demeanour during the time he was making his statements on the 28th and 29th September 1891 (*vide* appendix H) was very peculiar. He appeared to be particularly anxious to avoid making any admissions detrimental to himself, and was evidently as economical of the truth as possible. He admitted having received a letter (some time previous to the date of the loan) from the Uncovenanted Assistant, which, he said, was brought to him by a Brahmin boy, and which the Uncovenanted Assistant was anxious to have produced. On the 28th September 1891 the kariakar said: "I have this letter which I shall produce." On the 29th idem he said:—"I have searched for the letter . . . but I have been unable to find it. I think perhaps it may be in the box with one of my agents, to whom I have sent word. I shall report the result within a week. I shall also report the exact date on which I lent Sankunni Menon the Rs. 300." On the 4th October 1891 he wrote (appendix J), after receipt of my reminder (appendix I), to say that "he had not yet come by the letter" but that "one of his agents was busily searching the records," and requested that he "might be allowed to send it as soon as he might get at it." Six weeks have since elapsed, and I have received no communication from the kariakar. The withholding of this letter is, in my opinion, suspicious so far as the kariakar is concerned, and its non-production must fairly be considered to tell in favour of the Uncovenanted Assistant. On the 20th September he said that some two months previously Sankunni Menon had sent word to him to say that there had been some alteration in the classification of his lands and that the Settlement Officer had found it out. It is strange that such a message should have been sent; but inasmuch as the kariakar had learnt the fact from me more than a year ago, his pretended ignorance was still more strange. The admissions elicited by Mr. Sankunni Menon regarding the loan from this most hostile witness go much in favour of the Uncovenanted Assistant's *bona fides* in the matter of the loan, and, as there is no proof that he was personally guilty of the alteration of the classification, he is, I think, entitled to the benefit of any doubt, more especially as there are reasons for thinking it probable, though there is no proof, that the kariakar's own relative effected the alteration. It is significant, in this connection, that the kariakar admits that he was first introduced to the Uncovenanted Assistant by the kariakar's friend, the Kutti Ettan Raja, and that, on the 28th July 1890, the Raja wrote as follows to the Uncovenanted Assistant (appendix VIII. to Part I. of his explanation):—"You know the friendship existing between us and Swaminathan. We take a particular interest in Swaminathan's business. The bearer Subramanien is one in whom he takes interest. Your doing any good to the bearer which may be possible for you to do, and informing us of the same, will give us great pleasure." Had it not been for the fact of the loan, no suspicion could justly be attached to the Uncovenanted Assistant as regards the alteration of the map and register, which had been in two offices and had passed through several hands; but there would have been valid reasons for suspecting the kariakar's own relation, C. K. Subramania Aiyar, who was in both offices when these records were in them. That the loan was intended to be repaid appears probable from the

Uncovenanted Assistant's own letter to the kariakar dated 15th August 1890 (enclosure No. 1 to Mr. Dumergue's letter), in which he asked for a further loan of Rs. 200 and offered to repay Rs. 300 with interest on 25th August 1890 and asked the kariakar to regard that letter as security for the further sum of Rs. 200 then asked for. That the loan has not been repaid is an unfortunate fact. The explanation given is that the Uncovenanted Assistant was advised not to repay after Mr. Dumergue's inquiry had been started; as such repayment might have been construed as an attempt to hush up the fact of the loan.

11. My conclusions, therefore, are—

(i) that, in obtaining these two loans of Rs. 200 and Rs. 300, respectively, the Uncovenanted Assistant knowingly violated Board's Standing Order No. 248-A, and for so doing, after the warning he had already received, he was guilty of grave departmental irregularities, the gravity of which is, I consider, enhanced by the fact that he concealed from me the facts of the loans—especially of that from the kariakar—when I was striving to discover the author of the attempted frauds *re* the Peruvamba map and register, as also the fact that there was in the Party a relative of the kariakar, who had, in July 1890, been recommended to him by the Kutti Ettan Raja avowedly to please the kariakar, and who might, to say the least, have been the author of the fraudulent alterations in the map and register;

(ii) that certainly in respect of the loan, which has been fully repaid, from Mr. K. Kannan Unni Nayar, the transaction was *bona fide* and cannot by any fair argument be said to have been dishonest, though the references to official matters in the letters to Mr. K. Kannan Unni Nayar were most improper;

(iii) that in respect of the loan from the kariakar, the benefit of any reasonable doubt, as to whether it was *bona fide*, should be given to the Uncovenanted Assistant under all the circumstances of the case, though his subsequent conduct in respect of the inquiry *re* the altered map and register was not straightforward and tended to throw suspicion on the transaction. I believe the real reason why the Uncovenanted Assistant failed to act as he should have done when I discovered the attempted fraud and tried to fix responsibility was that he was conscious of having violated the Standing Order in borrowing from the kariakar, and doubtless hoped that that fact would not come to light. I do not feel satisfied that he failed to act as he should have done because he had personally had any part in the fraudulent alteration, and I would, therefore, give him the benefit of the doubt.

12. His punishment must rest with the Board and Government. In passing sentence, I would only ask that justice be tempered with mercy. This plea I most respectfully urge (i) on the ground of the admirable public services performed by the Uncovenanted Assistant during the eight years that he has been in this Party. His total service is thirteen years. His excellent work has been frequently brought to prominent notice, and it is my simple duty, in this dark hour of his trial conducted behind his back and without his having had any opportunity of confronting his cowardly accusers, to testify to the fact that he has every claim to merciful consideration. I have never had occasion to suspect his honesty, but, on the contrary, have often received information from him, which, had he been dishonest, he need never have disclosed. He has, to my knowledge, often gone out of his way to protect the interests of the State, and he has done this so zealously that he has created many enemies.

He at least is poor and has not amassed ill-gotten wealth or submitted false returns, though he may be, as I believe him to be, a generous, however foolish, spendthrift. Otherwise, his salary of Rs. 250 per mensem would have kept him from the necessity of borrowing. He has been under suspension for upwards of two months and has up to date been practically fined Rs. 500, to say nothing of the disgrace caused by suspension. The Board and Government, when meting out that justice which I advocate will, I feel sure, not strain the quality of mercy in the case of one of their ablest Malayali subordinates, who, to my certain knowledge, has for years laboured heart and soul in the public interests, but whose personal or family necessities have undoubtedly led him into irregular actions of stupendous folly, of which his enemies have not been slow to take full advantage.

13. The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malabali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations, provided the necessary inquiries are made by an impartial officer, fully empowered to take evidence, to examine the registered deeds in the registration offices, and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents without unduly extending this report. I must therefore ask the Board and Government to peruse those parts and their appendices most carefully. The alleged facts which I have reason to believe are substantially true so far as I have been able to verify them by the light of settlement records (*vide* appendix O) are of such gravity that prompt and effective action is, I respectfully submit, imperative. The conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives cannot be entrusted to Mr. Dumergue. To do so would be to accentuate the public scandal that his extraordinary procedure has already occasioned. He is deeply prejudiced against Mr. Sankunni Menon and is known to be strongly biased in favour of Mr. P. Karunakara Menon. It is scarcely possible to believe that Mr. Dumergue can be ignorant of Mr. P. Karunakara Menon's reputation in Malabar or of his relationship with the host of other officials who have systematically submitted false returns regarding their relationships. If he is ignorant he must know less of his district than nine-tenths of its inhabitants. The Board and Government presumably have in their offices the lists of landed property returned by, and of relationships existing between, the various officials referred to in parts II and III of the explanation and its appendices. A comparison of those lists with the information now submitted in great detail, considering that the Uncovenanted Assistant has had to depend solely on personal knowledge and private information supplied to him by his friends, cannot fail to be suggestive. There is much reason to believe that the returns hitherto submitted by the persons concerned have been incomplete, misleading and untrue. That their landed interests and their inter-relationships have been systematically concealed for obvious reasons is the popular belief throughout Malabar. The newspapers have not been silent, as the accompanying file marked P, which is by no means complete, will show. Unless effective measures are promptly taken to sweep clear the Augean official stable in Malabar, the Board and Government must be prepared for a great outburst of public indignation. Mr. P. Karunakara Menon has, in my own hearing, been openly described as "the Principal Collector of Malabar" and rightly or wrongly Mr. Dumergue is believed to be under his domination. Mr. Dumergue's own conduct in respect of this Deputy Collector and his numerous relations lends colour to the belief. In 1888 Mr. Dumergue was Acting Collector of Malabar from 2nd August to 28th October. The local press openly accused Mr. Karunakara Menon, called him "the prince of corruption" and defied him to institute legal proceedings for what would, if untrue, have been grossly defamatory. The challenge was not accepted. It is locally believed that some confidential reports on the subjects were submitted to Government. At any rate, Mr. Karunakara Menon was by notification in the *Fort St. George Gazette*, No. 51, dated 26th February 1889, after Mr. Dumergue's departure from the district, transferred to Chingleput to the infinite satisfaction of Malabar. Mr. Dumergue returned to Malabar as Acting Collector on the 16th April 1890, and, to universal astonishment, Mr. P. Karunakara Menon was re-transferred to Malabar as Escheat Deputy Collector by notification No. 391 in the *Fort St. George Gazette*, dated 2nd September 1890. Rightly or wrongly, Mr. P. Karunakara Menon's return to the district is attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar. The records in my own office disclose the following facts:—

(1) That so far back as 1884, Government in G.O., dated 5th June 1884, No. 706, Revenue, characterised the "progress of escheat operations in Malabar"

as "very unsatisfactory" and desired to see this long-pending settlement brought to a speedy close." Apparently some 16 lakhs worth of lands then remained to be dealt with.

(2) That, in 1886, Government in G.O., dated 6th April 1886, No. 264, Revenue, after referring to the "protracted delay in the settlement of escheats in Malabar," sanctioned a scheme "trusting that by this means the long-pending settlement of escheats in Malabar would be brought to a speedy termination."

(3) That, in 1889, Government at para. 5 of G.O., dated 24th June 1889, No. 529, Revenue, requested the Board "to ascertain and report for the information of Government what progress had been made in the settlement of escheats in Malabar since the issue of G.O., dated 6th April 1886, No. 264."

(4) That a "confidential" report was accordingly submitted with Board's Proceedings, No. 24-P., dated 15th January 1890.

(5) That in G.O., No. 323, Revenue, dated 13th May 1890, Government declined to reconsider its decision in G.O., dated 24th June 1889, No. 529, and issued certain instructions with a view to the speedy termination of escheat operations in Malabar (Board's Proceedings, Confidential No. 3250, dated 27th May 1890).

(6) That in his letter No. 3148, Revenue, dated 30th July 1890, to the Board [*vide* Board's Proceedings (Land Revenue), dated 18th December 1890, No. 772], Mr. Dumergue made certain proposals whereby the escheat settlement should be completed *throughout the district in two years* from that date. The statement, "showing the particulars of escheat and other Government lands remaining to be sold in the district of Malabar on the 1st July 1890" furnished by Mr. Dumergue in July 1890, gives the grand total as nearly 17 lakhs worth of land, almost the same as the quantity reported in 1884; and that in the Pálghat taluk alone nearly 7 lakhs worth of lands were in July 1890 "remaining to be sold."

(7) That in August 1890 in my letter No. 676, dated 26th August 1890, I requested Mr. Dumergue to issue instructions so that I might be "furnished with a complete list of all Government lands in the Pálghat taluk; so that the orders of escheat or otherwise that may have been passed in respect of them might be duly enforced" along with the settlement. I suggested that Mr. P. Karunakara Menon, the officer supposed to be engaged in this work, might be authorised to give me necessary information.

(8) That Mr. Dumergue in his Proceedings, dated 13th September 1890, No. 3614-R., replied that "it was not possible to supply me with the information then asked for" and added "a special officer has been appointed to conduct the escheat operations throughout the district and until they are completed such details as Mr. Stuart requires cannot be given with any accuracy."

(9) That, up to date, no information whatever has been furnished to me beyond a practically useless list sent to me by Mr. P. Karunakara Menon on 23rd January 1891 "of escheat cases both disputed and undisputed then pending disposal in the Pálghat taluk" and which, so far as I am aware, are still in that state. I am not aware what escheat work has been *completed* by Mr. P. Karunakara Menon since his return to the Malabar district, but so far as the settlement operations have extended there are no apparent results. Mr. P. Karunakara Menon and his nephew-in-law Mr. Chappu Menon are constantly dancing attendance on Mr. Dumergue. They are often closeted with him for hours. They have been known to accompany Mr. Dumergue in the same railway carriage and to carry on a whispered conversation, so that other occupants might not overhear their important communications. Mr. P. Karunakara Menon lately celebrated what he was pleased to call his "silver wedding" and he was publicly presented by Mr. Dumergue with a silver bowl. It is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponáni canal, which for years have been supposed to be supervised by the local Revenue officials of Ponáni, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk. The District Board Engineer's opinion that not half of this allotment

could have been spent, as alleged, on the work is well-known, and it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office, at any rate no action has been taken up to a month ago. Perhaps the Board and Government would require the President to submit Mr. Maylor's report on the subject. It is well-known that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer, prohibiting him from defending his subordinates against accusations brought against them by the District Board Members. (Many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law Mr. V. Chappu Menon. It is well-known that the District Board Engineer contemplated resignation of his appointment unless this order (which perhaps the Board and Government would also call for) were cancelled. Whether it has been cancelled or not I cannot say. The part taken by Mr. P. Karunakara Menon and Mr. Dumergue's other native friends in his inquiries is an open secret and I have been informed that legal proceedings are about to be instituted against some of them. It is a remarkable fact that, since settlement operations were started in the Walawanád taluk, the Tahsildar of that place, an intimate friend of Mr. Chappu Menon, has given me infinite trouble and has been exceedingly insolent, and, though I have reported him to Mr. Dumergue, he has taken not the slightest notice of my complaint. In no taluk have the village officials given anything like the trouble to the Settlement Party that the Walawanád taluk subordinates have given and there is not the shadow of a doubt that rightly or wrongly these men count on the support of Mr. Dumergue. The state of affairs is such that, in the public interests, immediate action is necessary by a perfectly impartial officer not only to sift the grave charges brought against Mr. P. Karunakara Menon and his connections in the district by the Uncovenanted Assistant, but to investigate and report to the Board and Government the procedure adopted by Mr. Dumergue in the matter of his inquiries. So far as the inquiries concern my own work, the truth shall come out. I have too long been the recipient of cowardly stabs in the dark and Mr. Dumergue has made too many misrepresentations and has already been given too much time to formulate and substantiate his reckless charges. He has deliberately stated what—to put it in the mildest language—is incorrect and I must most respectfully demand immediate justice at the hands of the Board and Government. Though the jamabandi of the Wynaad taluk was conducted last year by Mr. Dumergue himself and that of the Pálghat taluk in the previous year by the then Collector, Mr. Dumergue has this year again selected these taluks in which personally to conduct the jamabandi. He is at the present time in the Wynaad which has been in a state of unhealthy excitement owing to the Acting Collector's protracted inquiries. The Board and Government will have no difficulty in surmising the true reason for Mr. Dumergue again selecting the Wynaad for his own jamabandi this year. For upwards of seven months Mr. Dumergue has been endeavouring to forward by all means in his power, and some of these means will not bear investigation—the desire of a drunken and dismissed Revenue Inspector, whose character is notoriously the worst possible—to prove fraud against the Acting Collector's own Sheristadar and my Uncovenanted Assistant and to discredit my work. I am not concerned with the Collector's Sheristadar beyond drawing attention to a portion of his explanation (appendix Q), copy of which he has lately submitted to me, apparently in despair of obtaining justice in Malabar, which, so far as it discloses the methods of inquiry adopted by Mr. Dumergue in the Wynaad, is relevant to this report. Similar methods of inquiry were adopted by Mr. Dumergue in endeavouring to facilitate the dismissed Revenue Inspector's attempts to establish fraud against the Uncovenanted Assistant. I am personally aware that Mr. Robertson, then Assistant Collector of Malabar, and now in Chingleput, who, the Board will remember, was removed from his settlement training under me by Mr. Dumergue in an unusual manner, was sent up to the Wynaad to be a sort of recording machine to further the drunken Revenue Inspector's desires. Mr. Robertson was made to understand, though the Acting Collector was cautious enough to give him no written instructions, that he was to issue summonses to

secure the attendance of persons whom this *ex-Revenue* Inspector might wish to call and to record their evidence. I am personally aware, on the authority of Mr. Robertson, that this scoundrel cited several persons, whom he had doubtless tutored to state that the Uncovenanted Assistant had taken bribes and that he endeavoured to bolster up corroborative evidence. The depositions recorded by Mr. Robertson were handed over by him to Mr. Dumergue and it is a singular and remarkable fact that Mr. Dumergue, so far as I am aware, has never brought these facts to the notice of the Board and Government. He doubtless recognised, as Mr. Robertson did, the utter worthlessness of such evidence and preferred to remain silent. The Board and Government can ascertain from Mr. Robertson what his personal opinion was regarding the fairness or otherwise of the inquiry and of the value to be attached to evidence obtained in such an underhand and unBritish manner. I request that the Board and Government will require Mr. Dumergue to submit at once the copies of all summonses issued by himself and by Mr. Robertson in connection with the so-called inquiries he has been laboring at for the last seven months, together with all statements recorded by him and Mr. Robertson behind the backs of the persons accused without giving the latter any opportunity of confronting their accusers, of cross-examining them or their perjured witnesses, and to explain how he came to issue those summonses. I request that the Board and Government will require Mr. Dumergue to explain how many private account books, &c., were seized and examined and under what authority such illegal action was taken and also to state under what circumstances certain officials were first incarcerated, tried, acquitted and transferred from Wynaad in connection with these inquiries. The drunken Revenue Inspector had made certain charges. It was for him to establish them or to take the consequences of failure to do so, and it was, I submit, the duty of the Acting Collector to conduct the inquiry with perfect impartiality and to see justice done, and not to enter upon his inquiry as an ardent partisan of the *ex-Revenue* Inspector, but to obey Board's Standing Order No. 262 in which the British spirit of justice is conspicuously present: "It is indispensable that the investigation into alleged offences should be conducted without haste and every opportunity should be afforded to the accused of proving their innocence." The Board and Government will be in a position to judge how far this injunction has been obeyed. It is the universal opinion in Malabar that this inquiry has been conducted in an irregular underhand manner, the sole object apparently being to get enough evidence, by hook or by crook, to incriminate the accused. Mr. Dumergue has deliberately ignored me throughout the inquiry and has not hesitated to commit himself to assertions, which are absolutely untrue and the falsity of which he could readily have ascertained had he chosen to refer to me and my records. His letter, dated 15th September 1891, is written "in continuation of his letter (confidential), dated 31st August 1891," which I have been given no opportunity of seeing. If it contains any reflections on my Uncovenanted Assistant or my work, I respectfully submit that I have a right to see it and to answer it. It will be observed that he states the letter of the Uncovenanted Assistant, dated 15th August 1890, was "forwarded to him" by the kariakkar and that the other enclosures to his letter were "handed to him" by the vakil, as though it was the most natural thing in the world for these documents to be forwarded and handed over to him. It is an open secret how these letters were obtained and what pressure was brought to bear on the holders of them. It will be observed how Mr. Dumergue endeavours to let the lenders down as leniently as possible, whilst impressing upon the Board the enormity of the Uncovenanted Assistant's offences in obtaining the loans. In another case it is well-known that the private accounts of a hundi merchant at Pálghat were illegally seized in violation of the *dictum* of the High Court referred to by the Uncovenanted Assistant. Mr. Dumergue also refers to his letter, dated 30th June 1891, which has not been referred to me for reply, though it was shown to me by the Commissioner. It contains misrepresentations of fact and is misleading. Mr. Dumergue writes: "It will be remembered that all this time Sankunni Menon was indebted to Sundram Pattar in the sum of Rs. 175." The Uncovenanted Assistant denies that he was ever indebted to Sundram Pattar for anything and has long since asked permission

to prosecute Sandram Pattar for giving Mr. Dumergue a false statement and thereby defaming him. No suit was brought against the Uncovenanted Assistant by Sandram Pattar, but by a relative of his, who had nothing to do with the Emily estate, regarding which Mr. Dumergue has committed himself to what the Board has characterised as "obviously incorrect" statements. At the end of his letter Mr. Dumergue states that the Uncovenanted Assistant will "have to answer even more serious charges in connection with the Wynaad escheat settlement." He states that he is perfectly prepared to answer any charges that Mr. Dumergue can bring forward and it is remarkable that, though this threat is contained in his letter, dated 15th September 1891, up to date no such charges have yet been received, though I was assured more than a month ago that Mr. Dumergue would be required "immediately" to formulate them. His absence at the present moment again in the Wynaad is suggestive and I must most respectfully again urge that Mr. Dumergue may, in common justice and to prevent further scandal, be at once brought to book. There are many other facts connected with Mr. Dumergue's "administration" that will have to be brought to the notice of the Board and Government at the proper time, but which I need not here set forth. I trust enough has been said to disclose the imperative necessity of this scandal being terminated at once and of justice being done. Personally I most respectfully demand the fullest inquiry by an impartial tribunal, but I cannot in all fairness be asked to submit any longer to the discredit that Mr. Dumergue has sought to throw upon my work and which has led to my being publicly defamed. I value my own honour and reputation far too highly to permit it to be any longer besmirched by Mr. Dumergue or his sycophants.

Read—letter from the Special Settlement Officer, Malabar and South Canara, dated 18th December 1891, No. 4794.

Reference on the above, dated 22nd February 1892.

Parts II and III of M.R.Ry. Sankunni Menon's defence together with para. 13 of Mr. Stuart's covering letter, which applies to them, will be forwarded to the Collector, with the request that he will obtain and forward the explanation of the two Deputy Collectors, M.R.Ry. Karunakara Menon and Chappu Menon, in regard to the allegations made against them. When the Deputy Collectors submit their explanations they should submit the lists which Sankunni Menon describes in paras. 13 and 21 of his petition of the 15th November, and the Collector in sending on their explanations should send the printed lists referred to in para. 10 of the same petition, and say why the particulars of land held by Deputy Collectors in Malabar have not been reported for 1889 or 1890 (Board's Proceedings, dated 16th January 1892, No. 24, para. 5).

Read—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 5th March 1892:—

Adverting to the Board's reference on General Register No. 130 of 1892, dated 22nd ultimo, I have the honour to state

Note.—Enclosures sent in a separate registered cover.

that the Deputy Collectors, M.R.Ry. P. Karunakara Menon and V. Chappu Menon, have been called upon to furnish their explanations of the charges brought against them by Mr. Stuart and his Uncovenanted Assistant and that these explanations will be submitted in due course.

2. Mr. Stuart has included me in the indictment he has laid against the Deputy Collectors, and, to support his theory that I am their accomplice, has impeached my administration of this district not only in general terms but also on certain specific points. It does not appear to me necessary that any remarks I have to make should be delayed, but on the contrary I think it necessary that the Board and Government should be placed as early as possible in possession of the facts I am now about to set forth. When these facts are known I am confident that the Board and the Government will consider that I am right.

3. I reserve for comment the general accusations which Mr. Stuart has made until I forward the explanations of the Deputy Collectors and will now confine myself to the specific charges Mr. Stuart has brought against me.

4. Mr. Stuart first states that Deputy Collector Karunakara Menon's return to this district in 1890 is "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." This is a matter in which Government will know whether Mr. Stuart is right or wrong and I leave it to Government to pass orders accordingly.

5. In the next place Mr. Stuart asserts, without the slightest hesitation, that "it is well-known that the District Board Engineer officially reported his professional opinion to Mr. Dumergue as President of the District Board that the annual allotment of Rs. 6,000 could not, as alleged, have been spent on the silt removal works on the Ponani canal, which for years have been supposed to be supervised by the local Revenue officials of Ponani, notably Mr. P. Karunakara Menon during the time that he was Revenue officer of that taluk," and that "it is a matter of local surprise that the District Board Engineer's official report should merely have been filed in the President's office." Mr. Stuart also suggests that I should submit Mr. Maylor's report on the subject and I have much pleasure in doing so, submitting at the same time the connected records.*

* Enclosure No. I.

6. The facts are that, on the 1st March 1888, Mr. Karunakara Menon, the Deputy Collector, Southern Division, reported to Mr. Winterbotham that there was fraud in the canal work, which was then under the control of the Local Fund Engineering Department and not, as implied by Mr. Stuart, under the control of the Revenue authorities. In his Proceedings, dated 7th March 1888, Mr. Winterbotham directed that steps should be taken to prosecute the offenders. They were accordingly prosecuted, and, on the 23rd April 1888, were convicted by the Sub-Magistrate of Chavakkad of offences under sections 426, 447 and 417 and 511 of the Indian Penal Code. Against this conviction an appeal was filed and was transferred to the Head Assistant Magistrate for disposal.

7. The Deputy Collector's report of the 1st March had been forwarded for "early attention and remarks" to the Engineer by Mr. Winterbotham on the 7th idem, but no remarks were furnished until the 30th August 1888 when Mr. Anderson forwarded Mr. Maylor's report, dated 15th idem. This was forwarded by me on the 31st August 1888 to the Head Assistant Magistrate, who returned it with his letter, dated the 4th September, asking for further information. This was furnished by the Engineer with his office-note of the 6th October 1888, which was forwarded by me, as shown by the despatch register, to the Head Assistant Magistrate on the 9th idem.

8. It will be observed that, on the 30th August 1888, Mr. Anderson stated that he would postpone his remarks on the Deputy Collector's letter "until appeal is settled," but no such remarks have ever yet been submitted. A perusal of the papers now submitted will show that the District Board Engineer has not given his professional opinion that "the annual allotment of Rs. 6,000 could not, as alleged, have been spent" on the canal by the Revenue authorities and that he did not give his opinion that "not half of this allotment could have been spent, as alleged, on the work." It was the Deputy Collector who reported that the system of check maintained by the Engineering Department was inefficient and Mr. Maylor, after asking what system of check was maintained and whether any fraud was discovered

by the Revenue authorities from 1835 to 1887 when the allotment ranged from nearly Rs. 5,000 to Rs. 4,500, frankly admits that he has no doubt "that fraud to a certain extent can be committed without stricter supervision," though not to the extent imagined by the Deputy Collector.

9. Finally I trust it will be observed that Mr. Stuart himself points out elsewhere that my connection with the district ceased on the 28th October 1888, that when I left the district Mr. Maylor's report had *not* been filed and that Mr. Anderson's report was awaited. The Board and Government are aware that I did not return to the district until April 1890. From that time until now the question has never been reported on by Mr. Maylor or any one else.

10. I fear these details will be found wearisome and it may be asked why I have given them when Mr. Stuart is not authorised to criticise my administration and when no explanation has been called for. My answer is that these details are necessary not only by themselves but also in connection with some facts which I will deal with hereafter to prove that Mr. Stuart, full as he is of sentiments which Joseph Surface would envy, has not hesitated to bring against me what is in reality a criminal charge proved by the records to be false.

11. Mr. Stuart then proceeds to inform the Board and Government that "it is a well-known fact that a most extraordinary order was recently issued by Mr. Dumergue to the District Board Engineer prohibiting him from defending his subordinates against accusations brought against them by the District Board Members, many of whom, be it remembered, are stated by the Uncovenanted Assistant to be connected with Mr. P. Karunakara Menon and his nephew-in-law, Mr. Chappu Menon. It is well-known that the District Board Engineer contemplated the resignation of his appointment unless this order which perhaps the Board and Government would also call for were cancelled."

12. Here again I have much pleasure in submitting the original with a copy *

* Enclosure No. II.

of the order in question which was passed on a complaint made by the Tahsildar of Calicut, Krishnan Unni Nair, who is a member, not of the District, but of the Taluk, Board and is in no way connected with either of the Deputy Collectors, and it will be seen that the statement made by Mr. Stuart is the most culpable of its kind, because, while it is true that an order was issued, the version given of it by Mr. Stuart is *not* true. The whole effect of the order is that complaints made by "responsible individuals" against Local Fund subordinates must be "carefully investigated and not summarily rejected."

13. I also submit copies † of a letter, dated 3rd instant, I wrote to Mr. Maylor

† Enclosure No. III.

and his reply of the same date on the subject: It will be seen that Mr. Maylor declares he did *not* contemplate resigning his appointment in consequence of the order I issued, although he was a "little troubled and discouraged." It cannot, therefore, be "well-known" that Mr. Maylor contemplated resigning his appointment and here again Mr. Stuart has clearly sacrificed veracity to his desire for bringing my administration into disrepute.

14. These facts in themselves are, I submit, sufficient to bring Mr. Stuart's conduct into very serious question, but I must now ask the Board and Government to read the correspondence which passed between Mr. Stuart and Mr. Maylor and which Mr. Maylor has furnished in accordance with the request made in my letter

‡ Enclosure No. IV.

of the 3rd instant. Two ‡ letters in original from Mr. Stuart to Mr. Maylor, dated 19th October and 2nd November 1891, respectively, with a copy of Mr. Maylor's reply to the former letter, are now submitted.

15. The Board and the Government will see that Mr. Stuart, marking the letter of the 19th October 1891 "*strictly confidential and private*," addresses Mr. Maylor as "My dear Bro. Maylor." This address is not due to any exuberance of affection, but to the fact that Mr. Maylor is a Mason and that Mr. Stuart was recently initiated in the mysteries. Thus Mr. Stuart, approaching, under the disguise

of masonic brotherhood, one of my subordinate officers, not only vilifies my conduct and character, but seeks to obtain secretly information to be used for the purpose of damning my administration.

16. Mr. Stuart refers to the Deputy Collector Karunakara Menon as "one of the biggest blackguards in Malabar" and subsequently states that he is "determined Government shall know the very peculiar goings on in this district under the present *regime* and more especially the relations between D. and P. Karunakara Menon so far as they are capable of being judged by official acts."

17. In the para. marked (3) of the same letter Mr. Stuart suggests that I gave Mr. Maylor privately to understand that I did not wish him to press the matter of the Ponani canal. The insinuation palpably contained herein would doubtless have appeared in Mr. Stuart's official letters to the Board had not Mr. Maylor contradicted it.

18. Later on in the same letter Mr. Stuart introduces Mr. Dupen, a gentleman who has undertaken the upkeep of certain roads on the "A. system." Mr. Stuart has probably never heard of this system, but I have introduced it with the knowledge and approval of Government. Mr. Dupen cannot have crossed Mr. Stuart's path, but Mr. Stuart does not scruple to implicate him in an allegation which imputes dishonesty to him and dishonesty as well as incapacity to myself.

19. But Mr. Stuart is nothing if he is not magnanimous and he gives Mr. Maylor this generous assurance:—"You personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilise any *facts* you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated."

20. The Board will remember that in a very similar case reported in my letter, dated 19th December 1891, Mr. Stuart sought "private" information on official matters from, and gave the same promise of secrecy to, another of my subordinates, Mr. Gwynne, the Tahsildar of Wynaad. There is no reason why the possibility of Mr. Maylor or Mr. Gwynne suffering should have been anticipated unless the conspiracy in which Mr. Stuart deliberately sought to entangle them was dishonorable and culpable and there is no reason why Mr. Stuart should have held out promise of pardon and protection unless he was himself fully conscious of the fact that that conspiracy was dishonorable and culpable.

21. I submit on general grounds that it is impossible for any Collector to administer his district if his subordinates are tampered with as Mr. Stuart has tampered with my subordinates and that Mr. Stuart's conduct is a grave offence against public policy.

22. Since I commenced, under the orders of the Board, my inquiry into alleged irregularities in the settlement of Wynaad, nothing has been further from my wishes than to introduce a personal element into the controversy. I had myself been deceived by my sheristadar and my inquiries led me to the opinion that Mr. Stuart had been deceived by his uncovenanted assistant. In para. 22 of my report, dated 30th June 1891, I pointed out that facilities for deception in Mr. Stuart's case were very great, because he does not know the vernacular in which the escheat records were written; but from the time that that report was shown to Mr. Stuart by the Settlement Commissioner, Mr. Stuart has insisted on regarding the matter as a purely personal one. Mr. Stuart, therefore, alone is responsible for the fact that in subsequent correspondence, much of which is occupied with answers to Mr. Stuart's own assertions, I have been forced to deal plainly and directly with Mr. Stuart himself.

23. The Board will, I venture to think, do me the justice of testifying that I have endeavoured to maintain my equanimity against the violent and unmeasured language in which Mr. Stuart has repeatedly charged me with falsehood, cowardice and other misdemeanours; but Mr. Stuart has now, I submit, committed a moral outrage so grave and unpardonable that I should deservedly forfeit any respect to

which I am entitled at the hands of the Board and the Government if I did not demand, so far as I may do so consistently with deference, that the subject may be considered and orders passed thereon with as little delay as possible.

24. This is the first time that Mr. Stuart has committed himself to specific accusations and these accusations, together with the methods Mr. Stuart has adopted in seeking material for them, are altogether distinct from, and independent of, any questions connected with the escheat settlement of Wynaad. In the interests of the district and in justice to myself it is, I submit, very necessary that this letter as well as my letter, dated 19th December 1891, should be disposed of speedily and I must therefore respectfully ask the Board to forward these letters and their enclosures to Government at the earliest possible opportunity.

ENCLOSURES.

Strictly Confidential and Private.

MY DEAR BRO. MAYLOR,

CAMP, SHORANORE,
19th October 1891.

I am going to Madras to have my "innings" and shall be there on Thursday morning next, 22nd instant. I want you to give me a few facts.

(1) Is it true, as I have heard, that you are of opinion that P. K. Karunakara Menon, whom I believe to be one of the biggest blackguards in Malabar, has swindled some of the allotment for work connected with the Ponani canal?

(2) Is it true that you inspected work supposed to have been done and that you officially reported it as your professional opinion that not more than some Rs. 2,000 worth of work had been done and would not pass the balance—some Rs. 4,000?

(3) Is it true that no notice whatever was officially taken of your official report, but that, in spite of your opinion and report, the full amount was passed and that Dumergue gave you privately to understand that he did not wish you to pursue the matter?

(4) Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them even when you think them to be in the right?

I want you to write to me fully and candidly as I am determined Government shall know the very peculiar goings on in this district under the present régime and more especially the relationships between D. and P. Karunakara Menon so far as they are capable of being judged by official acts.

The facts must come out and I need not assure you that you personally shall not suffer for disclosing the truth. I guarantee that I shall not disclose to Government or any one else your name till I have a guarantee that you shall in no way suffer. I shall utilize any facts you may give me, but shall decline to give the name of my informant until I have a guarantee that he shall be fully protected from the malice or vindictiveness of D. or any others implicated.

Please write by return *fully* and address to me

"c/o H. F. CLOGSTOUN, Esq., C.S.,
Madras."

If you can also give me your views regarding the present system of working the roads, whereby, as far as I can see, Dupen or others can make as much as they like out of their allotments, with practically little guarantee that the roads shall be kept in proper order, I shall be glad.

Please keep this strictly confidential and write sharp fully and freely and don't be afraid. The truth shall come out.

Very sincerely yours,

A. E. CASTLESTUART STUART.

Strictly Confidential.

MY DEAR CASTLESTUART STUART,

CAMP, LAKIDI,
22nd October 1891.

I have received your letter of the 19th instant out in camp here to-day and in answer to your question must inform you that I am not prepared to state that P. K. Karunakara Menon has swindled some of the allotments for work connected with the Ponani canal, although I am quite sure that work done on the canal in the way of silt removal could not cost the District Board Rs. 6,000 or the full allotment amount annually during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. K. Karunakara Menon's régime, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and from my knowledge of the Ponani canal work. I believe Karunakara Menon to be a bad lot from what I have heard of him from time to time.

2. I regret I am unable to answer your second question as I have nothing by me to refresh my memory on the point. After reading over the office copy of my report on the matter I shall be glad to reply to the question you ask.

3. I am not aware of any action being taken on my report or opinion and have always understood that the papers were filed in the President's office. I am not aware also that Dumergue gave me to privately understand that he did not wish me to pursue the matter.

4. In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter. I expect I shall have either to pocket my pride or resign, but hope however for the best.

I have nothing to say against Dumergue and owe my present position as District Engineer to him and he has always treated me considerably and kindly and his last order already referred to herein is the only thing that bothers me at present. I am very sorry to hear of the trouble between Dumergue and yourself and trust sincerely it will come to a satisfactory issue eventually as regards both of you. I value both Dumergue's and your friendship and shall be extremely sorry if I should be made the medium of any further quarrel between you.

As a professional man I would prefer to pay for work according to the quantity and quality of it executed and not as in the A. system which Dumergue has introduced in the Malabar district; but I am directed to give it a trial, which is now being done in Palghat taluk, and the result of my inspection in August last was satisfactory, and Dupen, I am glad to say, is doing good work. The contract is for three years and by seeing next year's work I think I shall be able to give a decided opinion on the matter.

Yours very sincerely,
(Signed) WM. MAYLOR.

Strictly Confidential and Private.

MY DEAR MAYLOR,

COIMBATORE,
2nd November 1891.

Thanks for your cautious reply, dated 22nd October, which reached me in Madras. I am much obliged to you for having written so fully. I have seen all the gods from the Governor downwards and before long you will see the result. I am not at liberty now to say what is to happen, but *nous verrons ce que nous verrons*. Meantime don't believe half the lies that are circulated by interested parties in Malabar. Their game is played out. More when next we meet. I am very busy just now.

Believe me,

Very sincerely yours,

A. E. CASTLESTUART STUART.

Resolution—dated 10th March 1892, Mis. No. 1609.

The papers will be submitted for the orders of Government.

2. Mr. Dumergue has been for some time engaged in inquiries about the escheat settlement in the Wynaad which was conducted by Mr. Stuart. His position as Collector of Malabar made it necessary that he should scrutinize the results of that settlement which must have come before him in his official capacity. Moreover he was directed to hold the inquiry by the Board. He arrived at the conclusion that a great deal of land which ought to have been declared escheat had not been declared escheat and he was in duty bound to bring this fact to the notice of the Board. He did so accordingly. His final report is dated the 14th December 1891. It was sent to Mr. Stuart for report in Board's Reference, 5th January 1892, but hitherto no answer has been received. Mr. Dumergue so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally. He reported what he considered facts. Mr. Stuart has to explain them. Until he does so, this particular question cannot be settled. In letters referring to it he has described Mr. Dumergue's conduct as underhand and cowardly and his statements as knowingly false. Beyond observing on various occasions that the style of Mr. Stuart's language did not show that his case was strong, the Board paid no further attention to it, thinking it best to reserve comment till the inquiry should be completed and the whole matter could be disposed of at once.

3. At the time these escheat inquiries were being carried on certain charges against Sankunni Menon, Mr. Stuart's First Assistant, were brought to light. In reporting on them Mr. Stuart in November submitted the letter, *para. 13* of which is the subject of Mr. Dumergue's letter now before the Board. In it Mr. Stuart characterized Mr. Dumergue as unfit to be entrusted with certain inquiries about the Malabar Deputy Collectors, because he was described to be under the domination of P. Karunakara Menon and believed to be scandalously partial to him and his relatives. It was well-known, he said, that, though the District Board Engineer had reported that a large sum of money allotted for the clearance of the Ponani canal had been embezzled whilst P. Karunakara Menon was in charge of it, Mr. Dumergue had taken no action; but simply filed the report. It was also well-known, he said, that an order had been issued by Mr. Dumergue prohibiting the District Board Engineer from defending his subordinates against accusations brought against them by the District Board Members. He further said that Mr. Dumergue had conducted the escheat inquiries in an illegal and underhand manner with the intention of getting up a false case to support a "drunken and dismissed Revenue Inspector."

4. As the letter referred chiefly to the charges against Sankunni Menon, an Assistant in the Settlement Department, it did not come before the Land Revenue Commissioners at once, but Sankunni Menon's defence partly turned on the improper quantity of land held by Deputy Collectors P. Karunakara Menon and V. Chappu Menon and the undue number of relatives of theirs employed in Malabar. These accusations against the Deputy Collectors became public and were noted in the newspapers. The Deputy Collectors demanded an inquiry. Mr. Stuart, who was known to have written about the charges demi-officially, was asked in Board's Reference, 12th December 1891, No. 8837, to report upon them officially. Mr. Stuart replied that the charges were made by Sankunni Menon and not by him, as shown by his letter of the 19th November 1891, No. 662. He stated that he believed the charges to be true and recommended that the Deputy Collectors should be at once suspended. The Land Revenue Commissioners applied to the Settlement Commissioner for the portion of the letter of the 19th November which referred to this matter and *para. 13* was sent to them. This paragraph, together with the parts of Sankunni Menon's defence which referred to the Deputy Collectors, were then sent to Mr. Dumergue in Board's Reference, 22nd February 1892, with the request that he would obtain and submit the explanations of the Deputy Collectors.

The *para. 13*, as already stated, contained matter which directly affected Mr. Dumergue as well as matter affecting the Deputy Collectors, and made distinct charges against him. Mr. Dumergue now replies to those charges. He clears himself entirely as regards those charges, but his letter does not stop there. It shows that Mr. Stuart has conducted himself in a way that is absolutely wrong, which is so far as the Board knows, quite unprecedented, and which, if continued well, to quote Mr. Dumergue, make it impossible for him to administer the district.

5. It appears that Mr. Stuart having heard in ordinary conversation that certain wrong thing had been done by Mr. Dumergue, without addressing him on the subject, took advantage of his position as a Freemason to ask for corroborative information from a subordinate of Mr. Dumergue's, viz, the District Board Engineer, promising him to keep the correspondence private and protect him from the "malice and vindictiveness" of Mr. Dumergue, and that, though he failed to get the information he wanted, he again took advantage of Mr. Maylor's position as a prominent official in Malabar by insinuating that in the matters in dispute between him and Mr. Dumergue the decision of the Madras authorities had been arrived at in October and was in his favour in spite of the "lies" that had been told about him by men whose "game was played out."

That this is not a solitary instance of this underhand procedure is shown by Mr. Stuart's letter to Mr. Gwynne, the Tahsildar of Wynaad, dated 16th November 1891 (or a fortnight after the last letter to Mr. Maylor). From this it appears that Mr. Stuart, believing that Mr. Dumergue had put obstacles in the way of his

communicating with the Tahsildar by issuing an exceptional order applicable only to communications to the Settlement Officer and not to officers in other departments, requiring the Tahsildar to reply to Mr. Stuart through the Deputy Collector, asked the Tahsildar *privately* for information on the subject promising him that when he utilized the information the Tahsildar's name should not appear.

6. It is obvious that this sort of procedure cannot be allowed and that action must be taken to stop it at once. There is no need to call on Mr. Stuart for any explanation about his letters to the District Board Engineer or to await the explanation already called for in Board's Reference, 5th January 1892, about the letter to Mr. Gwynne. Be the facts what they may, the mode Mr. Stuart has taken of getting information about them is improper and unjustifiable. Mr. Stuart would merit sympathy, because of the long period during which he has known that an official attack against his work was under preparation and could do nothing, if he had awaited the attack with quiet confidence, but he has forfeited it by the reckless violence of his language about Mr. Dumergue and his methods of getting information to be used against Mr. Dumergue from Mr. Dumergue's subordinates. He has permitted himself to make unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip. The Board's censure would not be a sufficient punishment. It considers, therefore, that the papers should be submitted to Government with the recommendation that Mr. Stuart be told that his conduct in writing to Mr. Dumergue's subordinates as he has done is most reprehensible and must absolutely cease. Even this does not seem to the Board enough. It thinks Mr. Stuart should be told that, if it is repeated, he will be removed from the neighbourhood of Malabar and from all connection with its settlement, and that he should be required to apologize to Mr. Dumergue and promise that he will not address any of his subordinates in this way in future.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letters and enclosures and with demi-official letter of
Mr. Stuart's, dated 16th November 1891, in original, to be returned,
and copy of Proceedings of Settlement Officer,
dated 12th December 1891, No. 1750.

Copy to the Collector of Malabar.
„ A. E. C. Stuart, Esq.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 24th March 1892, Mis. No. 1869:—

THE HON. MR. J. GROSE.
MR. H. F. CLOGSTOUN.
MR. C. S. CROLE.

Read—the following letter from A. E. CASTLESTUART STUART, Esq.,
Special Settlement Officer, Malabar and South Canara, to the Secretary
to the Commissioners of Land Revenue, dated Coimbatore, 15th March
1892, No. 2564:—

I have the honour to acknowledge the receipt this morning of copy of Board's Proceedings (Land Revenue), dated 10th March 1892, Mis. No. 1609. I need scarcely say how it has distressed me. I earnestly entreat the Board to be so good as to consider the following remarks in a kindly spirit and to forward them, at its

earliest convenience, to His Excellency the Governor in Council for consideration along with the Board's Proceedings referred to and which has already been forwarded to Government.

2. I scarcely know how to express myself without risk of incurring censure. Lately it was my misfortune to be rebuked [*vide* Board's Proceedings (Land Revenue), dated 28th January 1892, Mis. No. 613] for the tone of my replies to serious accusations which had been brought against me and which reflected unjustly upon my work. I was conscious of having done it to the best of my ability and felt that it was not fairly obnoxious to the hostile criticism it had met with. It had met with very different treatment at the hands of those who had been familiar with it for years and the methods adopted by Mr. Dumergue in his apparent anxiety to discredit it in a protracted inquiry lasting over nine months and conducted without any reference to me and as though I had been a criminal "naturally aroused keen irritation" as the Board put it. Replying, therefore, under the influence of strong emotion, I may have expressed myself improperly and with undue warmth, for which I can only record my deep regret. I am grateful to the Board for having so completely exonerated me from the charges dealt with in those Proceedings. I desire now merely to state plain facts in the most humble and respectful manner possible in the hope that justice may be done. If it is permissible for Mr. Dumergue to accuse me of being "full of sentiments which Joseph Surface would envy" of having brought against him "what is in reality a criminal charge proved by the records to be false," of having made a statement "the most culpable of its kind," of having "sacrificed veracity to a desire for bringing his administration into disrepute," of having "deliberately sought to entangle" others in a "conspiracy," being "fully conscious that it was dishonorable and culpable," of having "committed a moral outrage" most "grave and unpardonable." If Mr. Dumergue may say all this, and much besides, with impunity and without a word of reproof, surely the Board will not deprive me of the right of reply. I shall confine myself to the subject-matter of Mr. Dumergue's letter No. —, dated 5th March 1892, so far as the correspondence with Mr. Maylor is concerned, as I am separately reporting on Board's reference on General Register No. 4266 of 1891.

3. At para. 3 of my letter, No. 1662, dated 27th November 1891, I wrote:—"The Uncovenanted Assistant asserts that the imputations of fraud made against him are the outcome of malice on the part of a clique of influential Malayali officials in high favour with Mr. Dumergue. He sets forth their alleged irregularities in great detail which is susceptible of strict proof or disproof. He states that he is prepared to substantiate his allegations provided the necessary inquiries are made by an impartial officer fully empowered to take evidence, to examine the registered deeds in the registration offices and determined to ascertain the truth. Parts II and III of his explanation with their appendices are so explicit that it is impossible to give any adequate summary of their contents." I stated that "the conduct of the public inquiry into the grave allegations made by Mr. C. Sankunni Menon against Mr. P. Karunakara Menon, the Escheat Deputy Collector of Malabar, and his host of relatives," could not in my opinion be with propriety "entrusted to Mr. Dumergue." I considered it my duty to assign my reasons for this opinion. They were that Mr. Dumergue was (a) "deeply prejudiced against Mr. Sankunni Menon," and (b) that he was "known to be strongly biased in favour of Mr. P. Karunakara Menon." I considered it right to demand for my subordinate an impartial tribunal so that he might be afforded a full and fair opportunity of substantiating his charges against the two Deputy Collectors and their relatives in the public service. I certainly never "included" Mr. Dumergue "in the indictment laid against the Deputy Collectors"—not by me but by the Uncovenanted Assistant—nor had I any "theory to support" that Mr. Dumergue was "their accomplice." I submit with great deference that in asserting that I did so, Mr. Dumergue has made an unwarranted assertion. I merely desired to show that there were reasons for believing that Mr. Dumergue was disqualified for that inquiry owing to his prejudices for and against the accused Deputy Collectors and the Uncovenanted Assistant, respectively. I never questioned the honesty of

Mr. Dumergue's prejudices. I considered that I was bound to give some reasons for my opinion that Mr. Dumergue was prejudiced. I gave a few, but made no attempt to exhaust the number of instances that I might have cited in support of my opinion. I considered I was bound to take all reasonable care to verify the alleged facts and that it was a duty I owed to the Board, no less than to myself, not to cite instances without having satisfied myself, so far as it was in my power to do so, that there were substantial grounds for believing them to be true. I considered I should have been wanting in due respect to the Board and a right sense of public duty had I cited instances recklessly, based merely on "casual gossip," or had I adopted any of the very large number of reports that were "in the air" throughout Malabar, probably circulated by interested parties and an unscrupulous press. I therefore resolved to do what I could to verify some of the reports before citing any. Some of these were so widely prevalent that it was difficult to fix responsibility for their authorship. Of this kind was the report referred to in para. 4 of Mr. Dumergue's letter in question. I stated what was a fact that Mr. P. Karunakara Menon's return to Malabar was "rightly or wrongly attributed to Mr. Dumergue's extraordinary *penchant* for him and his numerous connections in Malabar." Mr. Dumergue's remark that "this is a matter in which Government will know whether *Mr. Stuart* is right or wrong," is, I respectfully submit, unfair criticism. It is a matter in which Government will know whether the *popular opinion* is right or wrong. I do not myself know why Mr. Karunakara Menon was sent back to the district after he had been removed from it. I never attributed Mr. Karunakara Menon's return to Mr. Dumergue's predilections for him. My plain meaning was that "rightly or wrongly" that return was generally attributed to the cause assigned. Whatever may have been the cause, and I do not doubt that Mr. Dumergue's implied denial of the cause is quite correct, the fact was and is as I stated it. The files of newspapers I have from time to time submitted to the Board completely established the correctness of my statement, though by no means the correctness of the popular belief. Time after time, Mr. Dumergue's *penchant* for the Deputy Collectors and their relatives in the public service has been publicly asserted, hinted at and commented upon. That is quite as much a fact as the fact that the assertions, hints and comments may all be unfounded. The *vox populi* is not necessarily the *vox Dei*, but it afforded, in my opinion, an adequate reason why the conduct of an inquiry into alleged grave irregularities on the part of the Deputy Collectors and some of their relations could not with propriety be assigned to Mr. Dumergue. I submit, with the utmost respect, that, if, in any particular case, a judge was widely believed whether rightly or wrongly to be strongly prejudiced against the complainant and in favour of the accused, a grave public scandal would be occasioned by the appointment of that judge to conduct the trial.

4. I now come to the main point of my letter, viz., my *bona fides* with reference to what I reported on the strength of Mr. Maylor's authority regarding the alleged irregularities in connection with the Ponani canal silt works and Mr. Maylor's intended resignation in consequence of the order referred to. These had been openly discussed with surprise, and two English gentlemen, officers in the Government service, in no way subordinate to Mr. Dumergue, and personal friends of myself and Mr. Maylor, had assured me that the facts were as I reported them, as they had been told them by Mr. Maylor himself. One of them said that Mr. Maylor had asked him not to mention the facts, as, being Mr. Dumergue's Engineer and liable to incur his grave displeasure, he feared that he might lose his appointment if Mr. Dumergue became aware that the facts had been disclosed. The Board perhaps will pardon me for explaining parenthetically that Mr. Dumergue is nothing if not autocratic and keenly resents any opposition or criticism. I need not pause to prove this statement, but am quite prepared to do so if required. This gentleman said he would not have mentioned the facts to me had not the other officer already done so, for Mr. Maylor had apparently not asked him to be silent. I may at once state that, if the Board and Government wish to have the names of my informants, they shall be furnished. As I had for some time been

acquainted with Mr. Maylor and being both Master Masons of the same Lodge, I resolved to ask him myself for the exact facts. I accordingly wrote to him a purely private letter which I marked "strictly confidential and private," dated 19th October 1891, stating what I had heard, asking him if what I had heard was true, warning him that I intended to utilize any facts he might give me, thereby giving him distinct intimation of the purpose for which I wanted information and every opportunity for declining to give it had he chosen not to do so and assuring him that I would not disclose his name unless I had been given a guarantee that he should not suffer for having done so. Mr. Maylor replied in his letter, dated 22nd October 1891, which he marked "strictly confidential and private." As both these letters are stated to have been submitted to the Board and Government, I need not enclose copies, though I have a copy of my letter to Mr. Maylor, dated 19th October 1891, and his reply in original, dated 22nd October 1891. I acknowledged his reply apparently on the 2nd November 1891, but, as I kept no copy of it, I take the date as given by Mr. Dumergue.

5. In writing to Mr. Maylor purely privately I was solely actuated by a desire to verify the statements that had been made to me and which, if true, were very relevant to my opinion referred to at para. 3 *supra*. I never dreamt of "entangling," Mr. Maylor in any conspiracy," nor was I in any way "conscious" that in seeking to obtain from the very best authority on the subject the best possible evidence as to the truth or falsity of what I had heard that I was engaging in a "dishonorable and culpable conspiracy." I thought I was doing what I was bound to do before reporting the statements I had heard, viz., to satisfy myself by taking reasonable and proper care to ascertain that they were substantially correct. It certainly did not occur to one of my original informants who was present when I wrote to Mr. Maylor that I was acting wrongly, for I read my letter to him and he agreed with me that that was the only proper course to adopt to ascertain the exact facts. I acted in good faith and do not see how I could have addressed Mr. Dumergue on the subject as the Board apparently considers I should have done. I very respectfully ask the Board to reconsider this point and to try and place itself in my very difficult position. I wished to establish in support of my opinion that owing to Mr. Dumergue's alleged bias towards certain persons, the inquiry into their alleged misconduct could not fairly be assigned to him. Certain statements I had heard, and these, if true, would have tended to show that bias. I wished to be sure of my facts. How could I have asked Mr. Dumergue to supply information against himself? What probability would there have been of my receiving any answer? Considering the position in which I was placed, it was, I very respectfully urge, impossible for me to have addressed Mr. Dumergue. If I erred in writing to Mr. Maylor, I erred in judgment, but I erred honestly and deeply regret it. I hope I need say no more on this point, beyond assuring the Board that in commencing my letter masonically I had not the remotest intention of "taking advantage of my position as a Freemason." Mr. Maylor's reply was not a masonic reply and certainly his conduct in delivering up letters written and intended to be regarded as "strictly confidential and private" as they were marked was not masonic, nor gentlemanly. I submit, with great respect, that I committed no "moral outrage," most "grave and unpardonable," as alleged by Mr. Dumergue—terms, if permissible at all, apply, I think, with much greater force, to Mr. Dumergue's and Mr. Maylor's own conduct in extracting and delivering, respectively, purely private and confidential letters, which, I submit, are privileged and have no right to be dealt with officially. As Mr. Maylor has himself chosen to remove the privilege accorded by gentlemen to purely private communications marked "private and confidential," I have not felt bound to keep his name out of this report. I think it is scarcely fair for official notice to be taken of any expressions written in purely private letters, which I consider should be honorably protected.

6. The quotation made by Mr. Dumergue in para. 5 of his letter was based on the statements I had heard and which I had taken pains to verify as far as possible by reference to their original propounder Mr. Maylor. The facts reported by Mr. Dumergue at paras. 6 to 9 of his letter conclusively prove that Mr. Maylor

misled not only my original informants but me and that the statements referred to were not as they were told to me. Under these circumstances I gladly withdraw them and beg to express my very great regret that I should have been thus misled. I can only say that I did my best to ascertain the facts and that the responsibility for the inaccuracy rests with Mr. Maylor. I wrote *bonâ fide*, believing that Mr. Maylor's information was true. Mr. Dumergue writes: "The District Board Engineer has not given his professional opinion that the annual allotment of Rs. 6,000 could not, as alleged, have been spent" . . . and that he "did not give his opinion that not half of this allotment could have been spent, as alleged, on the work." I do not dispute Mr. Dumergue's statement, but to justify what I wrote I must quote Mr. Maylor's letter to me in answer to the above:—"I am quite sure that work done on the canal in the way of silt removal could not have cost the District Board Rs. 6,000 annually or the full allotment amount during the time it was carried out by the Ponani Revenue authorities without proper and qualified supervision during Mr. P. Karunakara Menon's *regimé*, and, if more than half this amount was honestly spent in silt removal, I shall be very much surprised indeed. I have no proofs however beyond my opinion and knowledge of the Ponani canal works. I believe P. Karunakara Menon to be a bad lot from what I have heard of him from time to time." I submit that these remarks of Mr. Maylor, relying on which I wrote, bore out the statements which Mr. Dumergue says are incorrect. If so, Mr. Maylor is responsible and not I.

7. Again, as regards my remark that "the District Board Engineer's official report" was "merely filed in the President's office" without any action having been taken, Mr. Dumergue shows that it is incorrect; but, for its incorrectness, Mr. Maylor is responsible. He wrote: "I am not aware of any action having been taken on my report or opinion and have always understood that the papers concerning this matter were filed in the President's office." Mr. Dumergue's criticism at para. 17 is just and shows, I submit, that I took all possible care not to recklessly report any and every statement, but only such as I had reason to believe were correct. I had been informed that Mr. Dumergue had given Mr. Maylor privately to understand that he did not wish further action to be taken. Mr. Maylor, however, informed me that this information was incorrect, stating "I am not aware that Dumergue gave me to understand that he did not wish me to pursue the matter." I accordingly carefully abstained from reporting a statement which I had Mr. Maylor's authority for believing was incorrect. Both in what I stated and in what I abstained from stating I acted *bonâ fide*.

8. With reference to Mr. Dumergue's remarks at paras. 11 and 13, I beg to submit the following facts:—Mr. Dumergue says "whilst it is true that an order" (therein referred to) "was issued, the version given of it by Mr. Stuart is not true." Again Mr. Maylor is responsible for the version I gave and which I believed was true. In my letter to him of 19th October 1891, I asked: "Is it true that D. has officially ordered you never to take the part of your subordinates when complaints are made against them, even when you think them to be in the right?" Mr. Maylor replied: "In reply to your last question I must admit that I have officially received an order to that effect from Dumergue and my reply will shortly be submitted on the matter."

9. Again Mr. Dumergue writes: "It will be seen that Mr. Maylor declares he did not contemplate resigning his appointment in consequence of the order I issued although he was a 'little troubled and discouraged'" and says that when I asserted that Mr. Maylor "had contemplated resigning his appointment," I "clearly sacrificed veracity to my desire for bringing his administration into disrepute." Mr. Maylor wrote to me, as will be seen, with reference to the order, "I expect I shall have to either pocket my pride or resign, but hope for the best," and he had told both my original informants the same. I must leave it to Mr. Maylor to reconcile his statement to Mr. Dumergue with that written to me. I "sacrificed" no "veracity" in the matter and trust the Board will cause these expressions to be withdrawn. I wrote what I had been told and what Mr. Maylor himself led me to believe was true.

10. With reference to Mr. Dumergue's remarks at para. 18 of his letter, I must state that, though Mr. Dumergue may be surprised to learn that the "A. system" is not unknown to me, I never dreamt of "imputing dishonesty" to Mr. Dupen or "dishonesty as well as incapacity" to Mr. Dumergue. Mr. Dumergue's criticism is entirely unwarranted and I trust they will be withdrawn. The remarks in my letter on this point to Mr. Maylor had nothing to do with the subject of my report to the Board, but were made because I wanted information myself as the subject of the state of the Palghat roads was one in which I took considerable interest. Under the system referred to, Mr. Dupen, in my presence and in that of several other gentlemen, official and non-official, had often boasted how much he could fairly make for himself out of the allotments under this system and used to contrast his present fortunate position with his previous condition. The system did not appear to me to afford sufficient public guarantees and I wished to obtain information on the point. I would not trouble the Board with these remarks had not Mr. Dumergue introduced the subject.

11. As I have dealt with the subject of Mr. Dumergue's personal animosity towards me in my reply to his report, dated the 14th December 1891, which will be with the Board on Monday next, I shall pass over his remarks that "nothing has been further from his wishes than to introduce a personal element into the controversy." I need only say that up to the time when he commenced his inquiries about April 1891 we were, as far as I had reason to believe, excellent friends, officially and privately; but from that time up to date he has treated me in a manner which I think the Board and Government will scarcely approve of. I need not remind the Board of the various allegations made against me in connection with certain suits, all of which I was happily enabled to conclusively refute and of which the Board completely exonerated me; neither need I draw attention to Mr. Dumergue's conduct in exhibiting in Madras as the settlement register of a certain desam a menon's copy whilst he was all the time in possession of the authentic register prepared for the press. This document completely negated the erroneous suspicion of fraud that was occasioned in his mind and which he desired the Board and Government to believe really existed by the fact that there were certain uninitialled erasures in the menon's copy, but which I am glad to be in a position to state were not fraudulent erasures, but capable of the most simple explanations, which I have given in my reply. It was after the Board had done me the honour of listening to my verbal explanation regarding certain allegations that had been made, and after I had reason to know that my explanations had been regarded as perfectly satisfactory by at least two Members of the Board, who had listened to them, that I wrote to acknowledge Mr. Maylor's letter of the 22nd October 1891. My acknowledgment was apparently sent on 2nd November 1891, but as I have no copy of it I am unable to refresh my memory as to what I may have written; but I can scarcely have said that "the decision of the Madras authorities had been arrived at" then though I very probably did convey to Mr. Maylor as a friend in a purely private letter the impression that I myself had received on that occasion. It will be remembered that it was not till about that time that I had been given any adequate opportunity of knowing what had been alleged, and directly I knew the general drift of Mr. Dumergue's "note," of which Mr. Clogstoun gave me certain headings, I was aware that the allegations so far as I was concerned could be met.

12. Such being the plain facts, I earnestly trust the Board will modify its opinion that I made "unfounded aspersions on the character of a brother officer on no better grounds, as far as can be gathered from the papers, than mere casual gossip." I have explained why I wrote to Mr. Maylor and the connected circumstances. I considered, as I still consider, apart from the particular instances which I cited on the responsibility of Mr. Maylor, but which Mr. Dumergue has explained, that a searching investigation by some officer entirely unconnected with either the Deputy Collectors or the Uncovenanted Assistant is called for in the matter of the Uncovenanted Assistant's allegations. It was with a view to obtain accurate information for the Board and Government so far as I could do so that I tried to

verify the statements I had heard and which led me to write to Mr. Maylor. It was with the very object of resting my reasons on something more solid than gossip that I thought it my duty to seek reliable information. The information I obtained from Mr. Maylor appears not to have been of that character and I was misled. If I erred in thus acting I trust the Board and Government, to whom I respectfully beg that this explanation may be forwarded at a very early date, will interpret my action less harshly than the Board has interpreted it in the Proceedings above mentioned.

Resolution—dated 24th March 1892, Mis. No. 1869.

Submitted for the perusal of Government.

2. The Board sees no reason to withdraw its censure on Mr. Castlestuart Stuart, the more so as Mr. Stuart's present letter is merely an attempt to justify his conduct and expresses no contrition therefor. In still claiming privilege for his letter to Mr. Maylor, Mr. Stuart betrays a lamentable ignorance of official and unofficial decency.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter, in original, to be returned.

Copy to A. E. C. Stuart, Esq., Special Settlement Officer,
Malabar and South Canara.

ORDER—dated 5th April 1892, Mis. No. 1803, Revenue.

With the first of the papers read above, the Board of Revenue submits certain correspondence, which shows that, in a letter to the Board, dated 19th November last, Mr. A. E. Castlestuart Stuart made grave aspersions on the character of Mr. Dumergue, the Collector of the district in which he is serving. These charges are summarised in para. 3 of the Board's Proceedings. Mr. Dumergue has disposed of Mr. Stuart's accusations in the most complete manner and shown that they were recklessly and maliciously made. He has, moreover, forwarded communications in Mr. Stuart's own handwriting addressed to the District Board Engineer and to the Tahsildar of Calicut, which show that Mr. Stuart has attempted, by underhand means, to obtain information from the Collector's own subordinates with the object of using it to support his attack on Mr. Dumergue. The second paper forwards Mr. Stuart's explanation regarding his conduct.

2. His Excellency the Governor in Council entirely concurs in the Board's view as to the gross impropriety of Mr. Stuart's conduct: not only has he brought reckless and malicious charges against the Collector of the district in which he is serving and been guilty of using very unbecoming language with reference to him, but his method of endeavouring to obtain information from the Collector's subordinates to serve his own purpose was underhand and unworthy of an English gentleman and a member of Her Majesty's Indian Civil Service. Mr. Stuart is a Covenanted Civilian of nearly 13 years' standing and it is incomprehensible how an officer of his position in the service should have so far forgotten what was due not only to the Collector but to his own self-respect as to conduct himself in the unseemly manner disclosed in the papers before Government. Yet in a lengthy explanation, which might have been greatly curtailed with much advantage, or better still not penned at all, Mr. Stuart actually endeavours to justify his conduct, thereby aggravating his offence. If such intrigues were not severely dealt with, it would be impossible for any Collector to administer his district and as Mr. Dumergue aptly remarks "Mr. Stuart's conduct is a grave offence against public policy."

3. Making every allowance for the fact that Mr. Stuart has been kept in suspense for some months whilst an official criticism of a seriously hostile character on the settlement operations, for which he is responsible, was being formulated by Mr. Dumergue and that he is smarting under a sense of what he considers unfair treatment at Mr. Dumergue's hands, his conduct is altogether unjustifiable and there is no palliation whatever for it in any mental disquietude to which he may have been subjected by Mr. Dumergue's inquiries, in the prosecution of which Mr. Dumergue was only doing his duty, while so far as his letters, which have come before Government, show he has refrained from making any personal attack on Mr. Stuart.

4. Such a breach of discipline as Mr. Stuart has been guilty of cannot be passed over without serious notice, but His Excellency the Governor in Council will defer passing final orders regarding Mr. Stuart's conduct until he is in possession of the results of Mr. Dumergue's inquiry into the settlement of escheats in Wynaad; meanwhile Mr. Stuart will be informed that he has incurred the gravest displeasure of Government and that any repetition of such conduct as he has been guilty of will entail his immediate removal from his appointment as Special Settlement Officer of Malabar and South Canara.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
„ Commissioner of Revenue Settlement, &c