

Revenue (1892) Department.

MISCELLANEOUS SERIES.

G.O., No. 2890

No 538

DATED 17 June '92

[Despatch Abstract.]

Ordering that the Rajah of Bobbili be addressed in regard to Mr. Mark's pension by the Rajah of Bobbili -

BACK PAPERS.

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

FURTHER PAPERS.

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

Jeypore,
Vijay District,
May 15th 1892

To:- W. A. Willock, Esq;
Agent to the Governor,
Vijayanagaram.

Sir,

In obedience to the Reference C.O.W.
no 1664 under G.O. dated 3rd May 1892, I have the
honour to state:-

I left Bobbili in August 1881 -
the 20th I think - to join in Waltair my new appoint-
-ment of Tutor to the Minors of Gopalapore and
Merangi. Nothing whatever was said about a
pension or a reward when I left, but, nearly two
years afterward in the beginning of April 1883 -
the 4th as near as I can judge from my Agents' accounts
(The Rajah of Bobbili's letter I have left in England) -
Rs 4000 were sent to me, much to my surprise,
with a letter from the Rajah of Bobbili, stating
that Rs 6000 of this sum was a gift, and that
Rs 1000 was a year's pension, and that he intended
to give me a similar sum every year. His letter
I sent off immediately to the Editor of the Madras Mail,
and it was published with a short comment by
the Editor under the heading of, "A grateful pupil,"
about the 14th April 1883. In March 1884 when
I was leaving my appointment of Tutor to the Minors
of Gopalapore and Merangi, and proceeding to
England without employ, the Rajah of Bobbili came
into Vijayanagaram, where I was then living, to take
leave of me. He on that occasion gave me Rs 1000, a

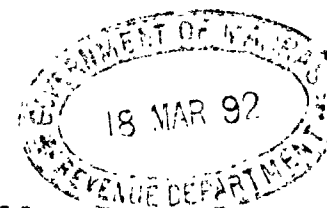
years pension. In April 1890 he sent me Rs 4000, arrears of pension which I at once returned, saying that so long as I was employed, I would not draw any pension. The Rajah wrote back, On your own principle you are entitled to Rs 1500, for you were out of employ in England. I reported the whole matter to Mr Willock, Agent to the Govt, Vizagapatam, and on his saying there could be no objection to my receiving the money, I accepted Rs 1500 for the year & half I was out of employ.

The letter quoted from me was a private one to Mr Creighton I believe, and has been used without my sanction. Knowing only the Creighton's view of their case, & from sympathy with Mr Creighton who was for a time my Assistant in the S.P.G. College, Tanjore, and whom I have known from 1866 I said more in it, ^{- drawing a stronger parallel, -} than I ought to have done. I was the private servant of the Rani of Bobbili; and after she dismissed me, I became with the knowledge, and approval of, Mr Garstin, C.S.E., then Collector and Governor's Agent, Vizagapatam, the private servant of the Rajah of Bobbili; and if he chose to reward me for services rendered, as both Mr Garstin and Mr Willock well know, under difficult circumstances, no one can find fault ^{with me} for receiving openly such reward. I know no reason why I should not now receive the pension, save that as I am fairly well off and do not need it, I refuse to draw it, so long as I am employed.

I have the honour to be,
Sir,
Your most Obedt Servant,
Smarak,
Junior to
The minor Rajah.
Tanjore.

India Office,
London, 25th February 1892.

Revenue,
No. 4.



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

MY LORD,

Case of Mr. Creighton.

In my Despatch, No. 9, dated the 13th of November 1890, I informed your Excellency's Government I was not prepared to interfere in behalf of Mr. J. Creighton, who had memorialised against the decision of Lord Connemara's Government. I now forward, for your information, copy of a further letter from Mr. Creighton and of the reply I have caused to be sent.

* From Mr. Creighton, dated 3rd February 1892.
To ditto, dated 24th February 1892.

2. There is, however, one point in Mr. Creighton's letter, which should be cleared up in case further question should arise. It is stated that Mr. Marsh, now serving under the Madras Court of Wards, asked for and secured a pension from his late pupil the Raja of Bobili. In the memorial forwarded to me by the Madras Government in September 1890, the memorialist, Mrs. Creighton, says:—

“Mr. Marsh, the tutor to the Raja of Jeypore, is allowed to draw a pension from the Raja of Bobili (his former pupil), and still retains his appointment as a servant of the Court of Wards; and in a letter I received from him last week he remarks,—

“It appears to me to be very unjust that I should be allowed to receive a pension from Bobili and still retain my appointment under the Court of Wards, and that Mr. Creighton in exactly similar circumstances should be made to suffer so much for merely accepting the offer of the Zemindar of Ramnad.”

I should be glad to learn what is the truth about the alleged pension from the Bobili Raja to his late tutor. At paragraph 7 of the Board's Proceedings dated the 9th August 1890 it is said that “the Court of Wards has no information” regarding Mr. Marsh's pension from the Bobili Raja. But the facts should be ascertained, and it should clearly be stated wherein the circumstances of Mr. Creighton's intended pension from the Ramnad

Zemindar differ from the circumstances of Mr. Marsh's pension from the Bobili Raja.

I have the honour to be,
My Lord,
Your Lordship's most obedient humble Servant,

L. W.

ENCLOSURES.

No. 1.

Sir,

12, Almeida Street, Islington, N.,
3rd February 1892.

It has just occurred to me that it may be well to recapitulate some of the chief points of my case so as to clear up any doubts with regard to it.

1. The letter of the Rajah of Ramnad offering me a pension, a copy of which was forwarded to the Secretary of State for India with my wife's memorials, was sent to me after he had attained his majority and taken charge of his estate, and when the Madras Government and the Court of Wards had nothing more to do with him—when, in fact, he was a perfectly free agent and his own master in every sense of the word. He left me in April 1889 to go to Ramnad for his holidays, and never returned again, the Court of Wards having permitted him, without any reference to me, to remain on his estate till October, when he was installed as zemindar.

2. The suggestion or insinuation of the Court of Wards that I asked for this pension and accepted presents from the Rajah whilst he was a minor under my charge is utterly and entirely false. I never broached the subject in any shape or form, or even so much as hinted at it in the remotest degree, and never accepted any presents. The pension was offered to me of the Rajah's own free will, and, as I believe, from motives of pure gratitude for what I had done for him. I might, like the tutor to the Rajah of Parla Kimedi who was recently under the same Court of Wards, have become manager of my former pupil's estate with a great flourish of trumpets, for the post was offered to me. Had I accepted it, the Court of Wards could not have interfered with me, and I should now have been in receipt of a thousand a year instead of occupying my present unenviable position.

3. There was no reason why I should refuse the pension offered to me. I was bound by no covenant and by no agreement either expressed or understood. I had nothing to look forward to, as the appointment carried no pension with it; my salary was but Rs. 600 a month (including Rs. 100 given me for good service and for the extra trouble and responsibility of two additional minors); and my engagement was terminable when the supply of minors coming under the Court of Wards failed.

4. Only on good and sufficient cause being shown could I be deprived of my appointment as guardian and tutor to minors under the Court of Wards. As long as I continued to perform my duties satisfactorily (and this I invariably did) I could continue to hold that appointment. This was fully understood and recognized by the members of the Court of Wards who engaged me. The members who took upon themselves to dismiss me in the high-handed fashion in which they did were all new to their duties but one—Mr. Whiteside—the member who for some inscrutable reason bore such ill-will to me. Is it likely that any sane man would give up a good post in England and go out to an appointment in Madras, when he was liable to be dismissed at a moment's notice, as I was, and for no assignable reason? The Court of Wards undoubtedly exceeded their powers in my case and acted illegally, and in this they were backed up by the Senior Member of Council,

Mr. Stokes. All my attempts to obtain an inquiry have been burked by these same gentlemen, and in consequence all justice has been denied me. How could it be otherwise, when the circumstances of the case are considered? And why do these gentlemen resist to the utmost all my efforts to have the real facts made public? Their action is only explainable on the supposition that there is something in the background they wish to conceal. And of this I have ample proof.

5. At the time the Court of Wards treated me with such flagrant injustice—they refused, be it remembered, to listen to a word I had to say; “We decline to discuss the matter” was the curt reply I got to my remonstrance from the first member of the Court—I was guardian to the Kangundi minor zemindars and could not be dismissed off-hand, as the enclosed commission under the official seal and signature of Mr. Le Panu, the Collector of the district to which these minors belonged, will show.

6. The Court of Wards took advantage of the absence of Lord Connemara from Madras on tour to get rid of me, and insisted upon my leaving before he returned. Lord Connemara, I am given to understand, was anything but pleased with their summary mode of procedure, but they brought their influence to bear upon him, and, with the assistance of Mr. Stokes, misrepresented matters, and prevented his granting an interview and a hearing.

7. No reasons were assigned by the Court of Wards for their arbitrary procedure, at least not to me. They declined to give me any information when I requested them officially to do so, and refused six months’ pay in lieu of notice, though by custom and by well understood agreement I was justly entitled to it. No other grounds can be assigned for their extraordinary behaviour but personal spite on the part of one of the members, of which I have the clearest proof, and the desire on the part of another to provide for an incompetent relative; a man in the Salt Department, who took ten years to pass a simple departmental examination, and yet is thrust with unseemly haste into my appointment—one for which he had no single qualification. If the Court of Wards thought I was wrong in accepting what the Rajah offered me after he came of age, why did they not tell me so? Surely it was open to them, if they had not been bent upon getting rid of me at all hazards, to say that they could not permit me to accept anything while in their service, and there the matter would have ended. There was no secrecy about the Rajah’s offer, my friends knew of it, and the Rajah himself had desired that he might himself inform the Court of what he had done.

8. If further proof be needed of the arbitrary and unjust action of the Court of Wards in my case, there is the startling fact that they still retain in their service Mr. J. Marsh, tutor to the minor Rajah of Jeypore, who is in receipt of a pension from a former pupil, the Rajah of Bobbili, a pension which he asked for. If my action was deserving of such extreme measures, on what grounds is he retained? Is there one law for him and another for me? Or, are the members of the Court of Wards controlled by their personal feelings only without any regard to right and justice in the discharge of their public duties?

9. I was Inspector of Schools under the London Diocesan Board of Education when the Court of Wards telegraphed for me, and asked me when I could go out to Madras. A second telegram, after I had wired my reply, informed me that the vacancy would not occur for six months, it being necessary to give Mr. Sewart, the then incumbent, that period of notice, thus proving what I have stated above that six months’ notice was customary, for he had no written agreement. I went out to Madras in accordance with the spirit of the telegram, and

was duly installed in the appointment, by a resolution of the Court of Wards, on the same terms as Mr. Gell, who had died whilst holding the office, and who, when first appointed, had come to me to be initiated in his duties.

10. When I took charge of the institution for minors at Madras it was in a wretched condition, as my wife’s memorials indicated, and a veritable sink of iniquity. My immediate predecessor had been a mere stop-gap, and moreover, as one of the members of the Court of Wards remarked to me, he was not a gentleman. He was ignorant of the language of the country, and the subordinates did as they pleased. The steward, a wily native, was to all intents and purposes tutor; he had the control of everything, and, as I discovered, was cheating the establishment out of something like two or three hundred rupees per mensem. All this I reported to the Court of Wards at the time, and the steward and others were dismissed, the Court, or rather Mr. Whiteside, not desiring a criminal prosecution for fear of disclosures regarding the management of the institution. I organized the whole establishment and put everything on a satisfactory footing, and was complimented for the skill and tact I displayed. Not only did I draw up a scheme for the education of the minors, but I formed a riding school under a non-commissioned officer of the Governor’s Body-guard, and introduced drill, gymnastics, tennis, cricket, and shooting as part of their training. At my suggestion, too, the minors were taken periodically on long tours through North India, Ceylon, and other parts. In fact, as everyone acknowledged, I made the institution a model place of training for Indian noblemen.

11. Mr. Stokes and the Court of Wards, not satisfied with unjustly depriving me of my appointment, deliberately set themselves to vilify my wife and me to the Rajah, and to induce him to withdraw his offer of a pension, the former threatened him with the grave displeasure of Government if he dared to give it, and when he said he did not like to break his word, actually wrote to him and told him he need not be afraid of breaking his word of honour. And this to a Native in whom for years I had been doing my best to implant a regard for truth and honour!

12. Further, Mr. Stokes threatened to ruin me and prevent my getting an appointment either in India or England by inserting something against me in the Fort St. George Gazette—a foolish, empty boast to frighten the Rajah and give him a great idea of the power of such a high official. And Mr. Grose, a member of the Court of Wards, and also a member of the Syndicate of the Madras University, twice prevented my getting an examinership, an office I had held whilst tutor, and thereby caused me a loss of two thousand rupees. And why? Because I had had the temerity to call in question the action of the Court of Wards. Such are some of the lengths to which these gentlemen can go.

I am, &c.,
J. CREIGHTON.

W. J. Maitland, Esq.

No. 2.

Sir,

India Office,
24th February 1892.

With reference to our interview of the 25th January, and your letter to me of the 3rd instant, I am desired by Lord Cross to inform you that the papers in your case have again been examined, and that he sees no ground for interfering with the decision arrived at by the

Government of Madras and confirmed by the Secretary of State in Council after a careful consideration of all the circumstances as presented in the two memorials from your wife.

This decision was communicated to the Government of Madras on the 13th of November 1890, and any further representation from you in the matter must be submitted through that Government.

I am to return herewith the enclosure to your letter of the 3rd instant, under reply.

I am, &c.;
W. J. MAITLAND.

J. Creighton, Esq.

N^o 13

Confidential

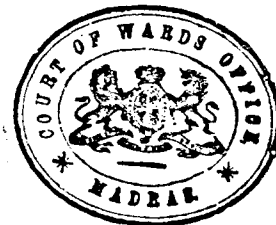
Revenue

25th February 1892

The
Letter to Fort St George
N^o 4 & Enclosures

Recd. 15th March 1892

Confidential



Proceedings of the Court of Wards.

Dated 2nd June 1892.

No. 177

READ the following papers:—

(1) Court's Proceedings dated the 28th April 1892, N^o 1397.

(2) G.O. dated the 3rd May 1892, N^o 2245 Misc.; & reference thereon dated the 6th May 1892.

(3) G.O. dated the 23rd May 1892, N^o 2526.

(4) Letter from the Collector of Vizagapatam submitting Mr. Marsh's report regarding his pension from the Bobbili Rajah.

Resolution

Mr. Marsh's letter enclosed in the last paper read above will be submitted to Government with reference to its order dated the 3rd May 1892, N^o 2245 Misc.

2. The circumstances under which

which Mr. Creighton obtained a pension for several lives and some valuable presents from the Rajah of Ramnad on the eve of his minority are detailed in paras. 10-13, 19 & 20 of Court's Resolution dated the 9th August 1890, N^o. 2002 recorded in G.O. dated the 10th Sept^r 1890, N^o. 722 Revenue.

3. From the report now submitted it will be seen that the circumstances under which Mr. Marsh obtained a pension from the Rajah of Bobbili, who was not a ward under the Court, are entirely different, as shown below, from those under which Mr. Creighton got his pension:—

(1) The pension was granted to Mr. Marsh some two years after his connection with his ward ceased.

(2) It was voluntary and not due to solicitation or undue influence.

(3) Mr. Marsh was the private servant of the Rajah of Bobbili when he "earned" the pension.

(True Extract)

For Secretary

To The Secretary to Government, Rev. Dep.
With Mr. Marsh's letter & with
two orig. enclosures & c^d.

Confidential 1892.

Court of Wards,
MADRAS.

To The Secretary to Govt
R.D.

Current number 5011

Confidential number 57

Recd 3rd June

Proceedings, dated 2nd June 1892,
No. Enclosures 3.

13 JUN 92
Subject
REVENUE DEPARTMENT

Submitting the report
called for regarding Mr.
Marsh's pension from the
Bobbili Rajah.

A telegram from Mr. Marsh
is awaiting reply at present
to be sent to the Court.

REVENUE DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read C. No. 5011.

Order. No. 2890 dt 17.6.1892.

Ordered ~~that~~ that the

11/6/92
9/June 11/6/92
Right Hon: Mr. Laing for India
be addressed.

To the Court of Wards. 11/6/92

My Lords:

11/6/92
with 2 Encls.

Adverting to para 2 of
your Lordships' despatch
of 4th Revenue dated 25th Feb.

11/6/92
9/June 11/6/92
lest we have the honor to
forward a report from the
Madras Court of Wards ^{Subjunctive}
and a communication from
Mr Marsh addressed to the
Collector of Vizagapatnam rel-
ative to the circumstances
under which ~~he~~ ^{he} ~~is~~

obtained a pension from the
Rajah of Bulbali. Your Lord-
ship will observe, from para
3 of the Court's report, that
Mr Marshall's case is entirely
different from that of

Mr Creighton. (Copy 2 are now sent to the 4th & 5th
2nd & 3rd are sent to the 1st & 2nd in respect to
we have the honor to be of the 13th & 14th

Ch
4/6

RS
4/6

Ordered that the following
telegram be despatched to
the Supt.

(Your telegram of 18 May)
Creighton. (Further information)
(only just received. Report
(will be forwarded by the mail
of 15 instant).

Ch
4/6

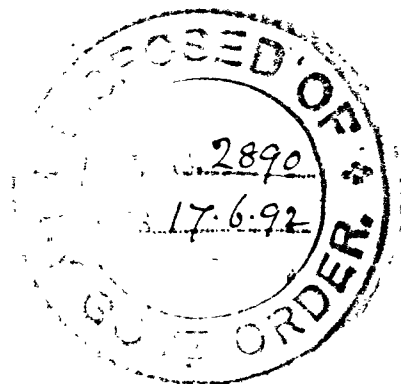
The telegram has been despatched

a Cincinno
b Madido
c Peccanti
d Churarium
e Paroccia
f Geribant
g Sicubi

C. No. 5011

Draft despatch
Telegram to staff
regarding Mr. Mearns
pension

The Hon. Mr. Carson C.D.
The Hon. Sir Henry
Stokes K.C.S.D.



When given for copying _____
When copied _____
When examined _____
When signed _____

189

READ AGAIN G.O., No. _____
189 ,

DATED

CURRENT No.

5

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

D

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

N.B.—

A = Copy in full.
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P = Copy abstract only.
Q = Copy heading only