

Revenue (1892) Department.

MISCELLANEOUS SERIES.

G.O., No. 3351

No 547

DATED 23 July 1892

[Despatch Abstract.]

Declining to modify the censure passed
on Mr. Benjamin

BACK PAPERS.

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

FURTHER PAPERS.

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

Gobt. of {1892} Madras REVENUE..

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on
Mr. Dumergue in G.O., No. 624, dated 17th
June 1892.

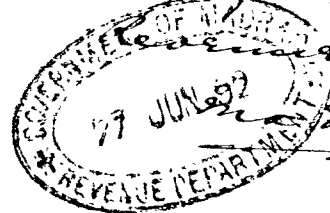
Current number 5709
Confidential no 66

From

The collector of
malabar

To

The Secretary & Secy.
Revenue Dept.
Madras.

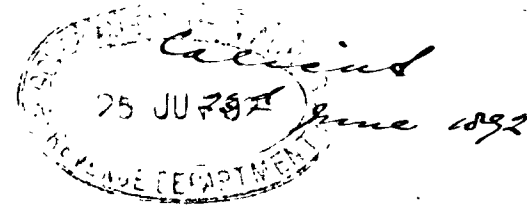


Dated 24 June 1892
Recd.

By

Encl 4

Requests that the censure
passed on the d. collector
in G. O. dt 17 June 1892
may be reconsidered.



my dear Mr. Galton,

I have received
the L. O. regarding the settle-
ment of Eschscholtz today &
have telegraphed asking
for a personal interview
with His Excellency at Pota-
-cammund. On the facts
of the case I have of course
not another word to say
but the censure passed on
me is so severe that I
must venture to protest.

I am held guilty of
disingenuities, and the
ground for this decision

is apparently that my estimate of the loss I was led to believe had been incurred by Government was "an attempt to mislead the Board & Government" (paras 44 & 46 of the G.O.). In this estimate I alluded expressly to the Janmam value and I submit that if I have a horse, which I want to sell for five hundred rupees, and if the horse appear to be stolen before I can sell it, I should not be held dishonourable or disingenuous

if I stated in a Court of Justice that I had lost property worth five hundred rupees. I am held guilty of twisting facts & statements and reference, it seems, is chiefly made to the alleged fact that "all waste lands in the Wajnad were registered by the Survey Department as Government waste". I can prove by Survey records that no such fact exists & the records referred to in para 13 of my letter (page 3).

furnish an instance
that waste lands were
sometimes registered
by the Survey Dept. as private
Jannam. In some
cases it is not stated
in the Survey records
whether waste land is
Government or private,
& I have the authority
of the Deputy Superintending
for asserting that the entry
of Government or private
was made solely in ac-
cordance with the instruc-
tions of the Settlement official.
With regard to statements
which I am said to have

permitted, I would in-
vite attention to para 39
of the G.O. Therein it appears
that Appendices XXI & XXII
refer, "not to claimants
to Reseek lands, but to
reputed Jannams in the
Amsam". But the heading
of Appendix XXI is "list
showing the names of the
reputed Jannams who have
come forward to claim
Jannam rights overlaid
in the Kuppattad Amsam"
and paras 44 & 45 of the State-
ment of facts prove that
both appendices contain

the names of persons who
have preferred private
gammam rights or claims.
Similarly with regard to the
Hautmann and altho nair
(para 37 of the G. O.) I venture
to represent that, however
much I may have been
mistaken, I should not
have been thought guilty
of perversion, if the facts
recorded in paras 88 to 106
in my letter of the 3^d March
1892 printed with G. O. d/3^d
June 1892 N^o 567 had been
considered.

With respect to the spirit
of vindictiveness & personal
animosity ascribed to me,
I submit that the opening
para of the G. O. proves that
so far from seeking this
controversy, I rejected
the Revenue Inspector's
petition & would have
nothing to do with the matter
until I was ordered by the
Board to make an enquiry.

Until I refused Mr Stuart's
request that I should
take steps to prevent an
enquiry, Mr Stuart & I

were on most friendly terms, when Mr. Stuart accused me at the very outset of making misrepresentations, it was I venture I think hardly possible for me to take him into my confidence.

With great deference I must submit that the proper work of the district has, so far from being paralyzed, been brought up to date, as will be proved by the returns. With regard to hostile factions, no one has shared with me the burden & odium of this reckless enquiry and it is with the utmost pain that

I find myself held responsible for the attacks which have been made on myself & my subordinates by Mr. Stuart in retaliation for no wilful injury, but simply because I did my best to obey the orders given me. I could not possibly have any ends of my own to serve in making this enquiry, which as Government has observed, I did not originate but which was forced on me & protracted by causes

beyond my control. Mr Stuart's own declaration regarding the progress of settlement in the district shows that there has been no impediment to settlement. It is true that Mr Stuart has made accusations of obstruction against me to this effect, but when I demanded a full enquiry, the Board recalled the papers & recorded them. Now however, these accusations are admitted without the enquiry for which I asked.

As I recently stated in a letter to the Board which is not before Government, I do not believe any Collector has ever been placed in the position in which I have been placed without redress at the hands of Government. Reference is made in the Govt. order to the censures recently passed on Mr Stuart and as the same decision has been finally arrived at in my case as well as in his, it follows that I, too, am considered

guilty of conduct unworthy
of an officer & gentleman.
Under these circumstances
I trust it will not be con-
sidered disloyalty or
insubordination if I ven-
ture most respectfully
to protest.

Yrs. Sincerely,
W. W. Wynn.

REVENUE DEPARTMENT.

Current No.

D.O. from H. Dumerque

From

Dated 23 June 1892.

FOR ORDERS.

I enclose for perusal
of Hon. Mr. Chamberlain a
D.O. from H. Dumerque
received by this morning's
tapped protesting against
the Sw. ord. on the
Eschint document of
Wynard. The Office is
closed and I cannot
submit a note with
reference to H. D.
Comments on
the D.O. until I can
get the protest from either pay.
In my case a D.O.
protest cannot be asked
25 June 2576

for the papers on
handy. L. D. D. D.
Ends the same point
handy to the whole
this change of hand
is best a hypothesis
and as to the
vigilance + the
disturbance there is no.
The paper is the record.
I presume that the
will admit any
statement that the
Dr. L. D. D. D. D.
submit the whole.

Ch
2576

the

2

1

6

3

2

2

FOR ORDERS.

Calicut
29 June 1892.

1 JUL 92

My dear Mr. Galton,
Since writing my
official letter of 24th Instant
I have had more time to study
the matters referred to therein
& it seems possible that
with regard to the mittil
devasam case I am ac-
cused of disingenuous-
ness because I did not
refer to the Escheat reports
in which some of the mittil
lands had already been
dealt with.

I may perhaps be per-
mitted to state that the
mittil devasam was
mentioned in the ex Revenue
Inspector's petition and

that I referred only to the
report on this case & the
statement of facts.
Seeing that in both these
all the lands in the desam
were said to be conclus-
ively proved ached,
I never imagined that
any of the lands had
been dealt with in any
other report. Until receipt
of the G. O. I never looked
at the reports mentioned
in para 30 thereof. Even
if I had, I submit that
I should have found
nothing to put me right

regarding the malakitt
devaswam lands,
because these were not
dealt with in any re-
port.

Yrs. Sincerely,
W. W. W. W.

REVENUE DEPARTMENT.

Current No.

O.O. from L. Dimey

From

Dated

189 .

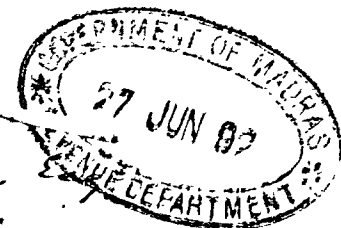
FOR ORDERS.

See
JHL
2/7/92

was
3/92

L. Dimey's letter to
the 24 June is now
in circulation with an
attached paper - his paper
DO is nearly as well
known that he did not
set up his case thoroughly
I think he was charged
with 'disinfecting' the
water of the hotel
Dimey case. Ch.
1/7

Malabar Collectors Office
Calicut 24th June 1892.



From

J. W. F. Dummergue Esq.
Collector of Malabar.

FOR ORDERS.

C. A. Galton Esq.
Secretary to Government,
Revenue Department,
Madras.

Sir,

With reference to para 47 of
G.O. dated 17th June 1892 n^o 624 Revenue,
I have the honor to request, with
the greatest submission, that
the severe censure which has been
passed on me by Government
may, for reasons stated below,
be reconsidered. I have been found
guilty of vindictiveness and per-
sonal animosity; of disingenuous-
ness in twisting facts & statements
with perverse ingenuity against Mr
Stuart; of paralyzing all the proper
work of the district; of allowing
the district to be kept in a ferment
and split into factions, letting

from want of judgment or moderation,
for my own undo as to gratify spite;
of allowing the Settlements to be
impeded & discredited and my
conduct is declared by His
Excellency the Governor in Council
to be unpardonable. Stronger
condemnation could not well
be pronounced and, considering
the vital importance of the
consequences to myself, I trust
that if I can prove that some
facts have been overlooked and
that others are contained in corres-
pondence which has not been
laid before the Government,
my request will not be rejected.
I do not in any way seek a review
of the decision of Government on the
merits of the case; itself and my
remarks will be confined exclu-
sively to the points touching my
conduct.

2. With regard to the first
accusation, vindictiveness &
personal animosity, I would
respectfully invite attention

Mr. Stewart
17th Jan 1892

to the opening paragraph of the
Government order in which it is
shown that I dismissed the
Revenue Inspector's petition and
that I took no steps in the matter
until I was expressly ordered by the
Board to furnish a report. Surely,
if I had entertained any feeling of
vindictiveness or personal animosity,
I would have seized the opportunity
given me by the Ex. Revenue Inspector's
petition. But this was not even
the first petition on the subject
and I had referred a former petition
to Mr. Stewart himself & had dismissed
it also on Mr. Stewart's report. Mr. Stewart
had been a guest in my house &
had invited me to stay with him
at Coimbatore and our relations
were most friendly until I declined
to accede to his request made in
a demi-official letter that I should
take steps to prevent any suggestion
into the petition presented by the
Ex. Revenue Inspector to the Board.
Mr. Stewart's letter was submitted
in original to the Board with my
letter dated 14 January 1892 W. E.

This episode occurred in April 1891 and
in June 1891, almost at the outset of my
enquiry, Mr Stuart accused me of
wilful misrepresentation. Subse-
quently & this, ample material for a
display of personal animosity
was at my disposal & included
an anonymous attack of corruption
made, not only on myself, but on
Mr Dumerque and forwarded to me
by Mr Stuart officially in July 1891.
under the pretence of enabling me
to find out the writer. I have
nevertheless endeavored to keep
my personal feelings in the
background and if all my letters
have not been as conciliatory as my
first report of the 30 June 1891, in
which I expressly imputed more
blame to myself than to Mr Stuart,
I would ask whether I am not en-
titled to some consideration on
the score of grave & unmerited provo-
cation. In the last paragraph
of its resolution dated 28th January
1892 No 613 mis. passport orders on one
of my letters & Mr Stuart's replies,
the Board declared that Mr Stuart

This is I say
the bottom of the
black hole

by the Board

had no justification for the tone of
his letters. A similar opinion was
expressed in the Board's Proceedings
No 1609 of 10th March 1892 and these
opinions were fully endorsed by
Government in its orders dated 3rd
June 1892 No 567 & dated 5 April 1892
No 1803. From all these orders it is
clear that nothing objectionable was
discerned in my letters.

3. I have now for the first
time in all this correspondence
been found guilty of a spirit of in-
dignity and the reason appears
to lie in the complaint frequently
made by Mr Stuart & accepted by
Government that I preferred to
work behind Mr Stuart's back
instead of taking him into my
confidence. On this point I would
invite attention to the following
extract from my demi-official letter
to the Board dated 7 August 1891:-

"With regard to my giving Mr Stuart
a full opportunity of refuting the
charges brought against the settlement
party, I must most respectfully state
my opinion that this course would
be fatal to the enquiry as long as

Sankunni menon is the head of Mr Stuart's office. In this position he would necessarily have access to all the papers & when the Board is aware that the title deeds in Puthi Avassee have lately been stolen from the Sub Court, Calicut, & that Naggi Avas's title deeds were surreptitiously burned inside a room in the Wynad Saluk Cutcherry on the 21st June last, the danger of allowing any one concerned in the enquiry to have access in any degree to the records, is patent. I would also ask that reference may be made to para 22 of my letter to Government dated 30 June 1891 wherein Sankunni menon's indebtedness to claimants before Mr Stuart is proved and to para 23 wherein it is shown that in order to stop this enquiry, he divulged the contents of a confidential letter written by Mr Stuart to the Board. Mr Clapton will remember how information on the last point was given to me at Manjeri on the 22nd June. I am of course completely in the Board's hands, but I would, with submission, remind the Board that the petition containing

charges against Sankunni menon & my Hurur Sheristadar, was sent to me for enquiry & report. If the enquiry is to continue in accordance with the Board's orders conveyed to me in Mr Sims' D.O. dated 13 July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The enquiry will, I trust, be soon completed and I would under all these circumstances suggest that I may be allowed to submit my final report in due course to be dealt with as the Board directs.

On this I received the following letter dated 26 August 1891 from Mr Secretary of the Board, "Your D.O. of 17 Instant has been put before the Board and I am to say that you may conduct the enquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit therefore that I am again entitled to be acquitted on this point just as I have been

acquitted already by the Board,
and by the Government.

4. The second charge of dis-
ingenuities on which I have
~~been found guilty~~ is an indelible
disgrace with which, I submit with
the utmost deference, I should
not be branded unless there is
clear & positive proof. If the Govt.
is convinced that I have not been
actuated by personal animosity,
and I declare most solemnly that
I have not knowingly been so actuated
in carrying out, & the best of my
ability, the orders given me, there
is no motive why I should stoop
to dissimulations or sophistry.
It was not, I submit with great
respect, merely on the petition of a
dismissed Revenue Inspector that I
built up a theory of extensive fraud
but on the records examined in
the Enquiry I conducted under the
order of the Board & on the facts
that the title deeds in Ratti Avas's
case were stolen from the District
Court, Calicut, though fragments of
them were subsequently replaced
& that Raggi Avas's title deeds

were surreptitiously destroyed by
fire inside the Taluk Cutcherry and
manufactured. I was led to think
that if there had been no fraud,
there would have been no such
theft or destruction. As Govern-
ment has decided that there was
no fraud, I was mistaken, but
I venture to submit that the mistake
was at least reasonable & not dis-
-honest.

5. One of the facts which I am
held guilty of twisting with per-
verse ingenuity is that as the
Jannam value of Government
lands in Wynad is Rs 10 an acre,
I have estimated the loss to Govern-
ment at Rs 84,190. This is character-
-ized "as an attempt to mislead
the Board & Government" because
it is improbable that the bulk
of the lands would be purchased.
I submit, however, that I was
merely representing the Jannam
Value as fixed by the orders of
Government and I myself pointed
out (vide last para on page 14) that
the purchase of such lands was
optional. If I had a horse valued

at five hundred rupees, which I wished to sell, & if that horse were or appeared to be stolen before a sale was effected, no Court would find me guilty of dishonour if I stated I had lost property worth five hundred rupees. In para 21 of his letter dated 28th March 1892 No 2618 Mr Stuart shows that up to date 92 applications for the grant of Jannam lands have been received and that Rs 3000 have been deposited as redemption fees. This shows that Government lands in Wynad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8419 acres had been wrongfully registered as private jannam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs 84190 in jannam value which would be lost to Government if the lands remained registered as private jannam. On page 14 it will be seen that I stated distinctly with regard to 1331 acres that "the wrongful entry of the land as private jannam represents,

as already noted, a loss to Government of Rs 13310 in jannam value at the fixed rate of Rs 10 an acre. Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also I submit have been correct and nothing was further from my intention than to mislead the Board & Government.

6. With regard to the fact, alleged by Mr Stuart, that all the waste lands in Wynad were registered by the Survey Department as Government waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a Survey area list, appertaining to the Kalpetta desam & received from the Survey Office Madras, which shows that all waste lands were not registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent N^o III Pudukkottai Madras Survey, and he

Printed at the
Litho Press, K. P. P. P.
K. P. P. P. P. P. P.
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informed me that entries of lands as Government or private in the Survey records were made solely in accordance with instructions given by the Settlement officials. Knowing these facts & knowing that all land in Malabar is prima facie private property, I concluded that where lands were specially entered as Government waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here again I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty in para 11 of the G.O. (p. 39) of making an unfounded insinuation that the difference between the Tahsildars & the Revenue Inspectors' valuations of Putti Avas's property represents loss to Government. It is said that the Revenue Inspectors' valuation is "admitted" to have been arbitrary, but I respectfully submit that that in para 4 of my letter dated 14 December 1931 (p. 4) I

explained that the valuation was made on the basis of title deeds that I did not therefore admit it to be arbitrary & that the statement to that effect was made by Mr Stuart. Again in para 17.T. of my letter (p. 10), I stated that the discovery of the deeds in Putti Avas's house showed that the property had not been transferred & that where the original title had been a mortgage (Kanam) it had become prescriptive. In this opinion I was supported by the local Government Pleader, whom I consulted, & although the opinion has been found by Government to be incorrect, I submit that under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras 26 & 35 of the G.O. pp. 145 & 148) of swelling the number of wrongful entries in the Settlement register by entering all the Survey numbers corresponding with the lands which have been rescheated, although it is known that numerous hills bear the same name and only one was liable

to each. With the utmost deference I must deny most positively that the same name is ever given without some such addition as "eastern", "northern" &c. to more lands or hills than one in the same desam, though the names are repeated in different desams.

At the survey & settlement, a land ~~recheated~~ by name was divided into several survey fields & each survey field retained the original name being distinguished by the survey number. In illustration of this fact I would ask Government to consider whether one hill is likely to measure only 8 cents as Putti Avas "Angadikunnu" (para 6 of G.O. p. 136) is said to measure. The name means "baras hill" and is the hill on which the Kalpetta baras & street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be

made and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of dissingenuousness in identifying to the best of my ability various survey numbers with a land recheated by name although such identification may be wrong.

9. Yet another instance of dissingenuousness is attributed to me in connection with the mittil desam lands (para 31 of G.O. p. 147) and Government has decided that the 40 years rule of possession invoked by me with regard to the lands registered as the private pannam of the mala katti desam, has no application. But I respectfully submit that when I invoked this rule I did not know & had no reason to suppose that when Mr. Stuart wrote that "all" lands in the mittil desam (except 200 acres) should be declared recheate he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be recheate because they "all" belonged to the mittil desam and so the

malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of racheat in respect of these lands also & that therefore the 40 years' rule of possession applied. I am I submit most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place I would submit with the utmost deference that in regard to the racheat claimants in the Kuppattod Ammam (para 39 of the G.O. p. 150) there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI & XXII are not those of claimants to racheat lands but of reputed jammis in the Ammam." With the greatest submission I beg leave to transcribe the heading to Appendix XXI. "List showing the names of the reputed jammis who have come forward to claim jammam rights over lands in the Kuppattod Ammam."

revised
Depy Secy
Para (C N 5752)

* the italics are mine

It is certainly the case that Appendix XXII is headed "List showing the names of the temples in Kuppattod Ammam with the names of reputed trustees of each devaswam" but there is no ambiguity in paras 44 & 45 of the Statement of Facts, which runs as follows: "44. Appendix XX gives the names of all individuals who have come forward to prefer private jammam rights over lands in the Ammam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII shows the names of the temples in the Kuppattod Ammam with those of their trustees who have preferred private jammam claims on behalf of their respective temples". In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI & XXII were claimants of racheat lands.

11. Finally with regard to the case of the Kintthamangalath ^{rais} (para 37 of the G.O. p. 149) I would respectfully ask Government to peruse paras 88 to 106 of my letter dated 3rd March 1892.

printed with G. O. dated 3^d June 1892
n^o 567 Resurre (pp 57 to 60). I venture
to make this request not with
the slightest intention of ques-
tioning the decision of Govern-
ment, but in order that it may
be seen that I had reasonable
grounds for considering the Kautia-
manuplath Nair a claimant of
reclaimed lands & that therefore
I was not guilty of disingenuousness.

12. The third count on which
I have been found guilty is that this
dispute & the manner in which the
controversy has been carried on,
has paralysed all the proper work
of the district. On this I would,
with deference, remind Government
that in the beginning of its order
it has pointed out that so far from
my having originated the controversy,
it was commenced under the ex-
press orders of the Board. Then in its
Proceedings d/ 10 March 1892 n^o 1609 mis.
the Board stated that "Mr Dumergue's
position as collector of Malabar
made it necessary that he should
scrutinise the results of these (the Board's)

Settlement which must have come
before him in his official capacity,
moreover he was directed to hold
the Enquiry by the Board". In para 3
of its order d/ 5 April 1892 the Govern-
ment endorsed the opinion of the Board
and declared that in the prosecution
of these enquiries "Mr Dumergue was
only doing his duty". The scope and
nature of the enquiry were brought
to the notice of the Board & the Govern-
ment by myself personally in
October last; the Government itself
has recognised the fact that the
enquiry was forced on me by the
orders of the Board, has expressed
its opinion, that I have been only
doing my duty & has never yet
found fault with the manner
in which I have conducted the
enquiry. I submit that I
cannot in justice be held respon-
sible for the fact that the enquiry
has now come to be regarded
as a dispute owing to the attacks
which have been made on myself,
my administration & my subordinates.
It was impossible for me to prevent
those attacks & if I had attempted

to do so, instead of courting the fullest enquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for & none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board & in my office-registers will prove that I have steadily cleared off arrears, have reported on cases of long standing, which necessitated the study of records for the past 50 years or more, & have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard & can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this enquiry, I am now convicted of allowing my

district to be kept in a ferment & split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior & sinister motives in carrying out the orders given to him by his superior. His Excellency, the Governor himself & the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the enquiry was complete. I must be left to deny most emphatically that I had any private ends to serve or any spite to gratify. (It is impossible for me to undertake what private ends I can be supposed to have had in view and, if the Government still considers that I had, I am

I submit, in justice entitled to a distinct accusation. In any case I further submit that to disregard the district as a means of serving any private ends or the gratification of spite & thereby to raise the displeasure of Government, would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the reschead enquiry & there was neither ferment nor faction until the substance of the charge, made by Mr Stuart against the Deputy Collectors & myself in his letter of 19 Novr 1891, was published in the Madras Mail of the 10 November 1891. For these attacks & for the publication in the Madras Mail, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers & anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which

has persistently attacked the administration in almost every branch. If it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5 April 1892 Government has, as I have already pointed out, recorded its opinion that I was only doing my duty and, in the same order, declared that administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks

The for. Lr 14 to
date proposed I would
am amply
had W Stuart
known of this
business. I have
not taken into
consideration
Lr 9 of the W.D
Government has
passed.

made by others on myself & my administration, I submit that I am entitled to credit for carrying on, without reproach or reproach letters, the administration of the district in spite of the repeated efforts which have been made to destroy my authority & blacken my character.

16. Government has in the last place convicted me of allowing the Settlement of the district to be impeded & discredited. The discredit cast on the Settlement of Wynad, and Wynad alone, was the result of the Enquiry I made under the orders of the Board. In this Government has decided that I am wrong and I accept the decision most loyally, but I must respectfully deny that I have discredited, attempted to discredit, or in any way interfered, except when my assistance was required, with the Settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of Settlement. On the contrary Mr Stuart has before now

acknowledged with thanks the assistance I have given and the Superintendent of Madras Survey which is a necessary preliminary to Settlement, has made me the same acknowledgments in person & by letter. Mr Stuart has certainly charged me & my subordinates with obstructing Settlement work in the Walluwanad Taluk, but when I requested the Board to call on Mr Stuart to frame specific allegations, the papers were recalled & subsequently recorded. Considering that if the charges were true, I was ready to take the consequences & that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a fresh set of accusations was received and has been sent to the Tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising

Mr. Dummer
has mentioned it
before

What can
be done

my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Valluvanad begun & practically finished & operations have been extended to Ponnani & Kummbranad. In his last administration report Mr Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended & that I should not be convicted on any separate statement which may have been made.

W.D. has a right to ask this. but from the facts of the case it looks as if he is bent on being in the wrong by the ~~authorities~~ ^{Commissioner of the District} ^{Stuart to Mr. Stuart} ^{W.D. has a right to ask this.}

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration & I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily I have kept silence, as long as possible when I was justly entitled to protection,

I kept to make the following extract from my letter to the Board dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr Stuart.

"But after all the chief point of Mr Stuart's attack on myself is my alleged partiality for the two Deputy Collectors & their relatives. The specific charges which Mr Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O. No 1803 of 5 April 1892 & no further reference to the subject on my part would be necessary but for the additional facts recorded in para 12 of Deputy Collector Kannakasa's explanation. Incredible as it may appear, there is no doubt that a first grade pleader, Krishnan Nair by name, was induced by Mr Greene, Asst. Superintendent Survey Party No III, to visit Mr Stuart & was asked by Mr Stuart

Whether Kammakara menon had not
received as deputy magistrate
a bribe in a certain case & whether
I had not commenced an enquiry
against Kammakara menon & dropped
it suddenly & unaccountably.

Mr Stuart was, as remarked by
his unaccounted assistant,
stunned when he was told by the
pleader that the case in question
had been tried not by Kammakara
menon but by another deputy magistrate,
Mr Leggett, who had left the district
some years before I came to it.

"Thus it will be seen that not
only in communication with an
European officer & a Sahsildar
subordinate to myself, but also
in communication with a native
within my jurisdiction, has Mr
Stuart made the gravest asper-
sions on my character, public
& private, that could possibly be
made. When the time comes for
considering Mr Stuart's allegations
that I have throughout my enquiry
into alleged irregularities in the
Rasheed Settlement of Wynad been
actuated by personal hostility
against himself, I trust it will
be remembered that the facts
now mentioned have been known

to me since September last and
that Mr Stuart has since July
last repeatedly accused me of
falsehood & kindred offences.
Notwithstanding this I have re-
frained from the slightest
allusion to Mr Stuart's conduct
until Mr Stuart's own official
action has left me no alternative
means, I believe, as any officer
of Government in attempting
to do his duty & carry out the
orders given him, been sub-
jected to personal attacks made
so wantonly, with such com-
plete absence of provocation
& with such concentrated malice
as those which Mr Stuart has
made on myself. An appeal
to the civil & criminal courts could
have but one result, but I
am debarred by my position
from seeking these means of
redress without the permission
of Government. It would be
hypocrisy on my part to say
that I am induced by any
consideration for Mr Stuart to
abstain from asking for that
permission, but I do not wish
that the disgrace which has been
brought on the service to which

I belong by another of its members should be made a public scandal. nevertheless in submitting this case to the Board & the Government I am confident they will not think that, in demanding the fullest measure of vindication & vengeance, I demand more than justice."

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me & that in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed, was not then before Government, but its style & nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart". The Board however had seen my final

report when it stated on the 10th March 1892 that "Mr. Dumesque, so far as the Board remembers introduced no matter reflecting on Mr. Stuart personally". For every material statement made in my report I have cited the records & in my demi-official letter to the Board dated 7 August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board & Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions & ferment, directly or indirectly, that I have been so dishonourable as to use such means to serve my own end, that I had any ends in view except that of carrying out the orders given me by the Board and that I have in any way impeded settlement or permit it to be impeded. These are the

points in connection with which
my conduct has been pronounced
unpardonable and I must, with
the utmost submission, beg to
observe that they are not
supported by evidence & that
I was not allowed any oppor-
tunity of explanation before
judgment was passed condemning
me in terms which could hardly
have been stronger if I had
been positively proved guilty
of an actual crime or of conduct
unworthy of an officer & a gentle-
man.

19. Considering the urgency
of the subject I have taken the
liberty of addressing the Govern-
ment direct, but a copy of this
letter will be submitted to the
Board tomorrow.

I have the honor to be,
Sir,
Your most obt. servant,

W. Dummer.

Ap. Collector.

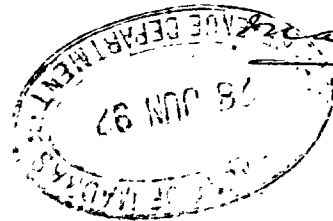
Current Number 57/52.

From

The Collector of Malabar

To

The Secretary to Govt.
Revenue Dept.



Dated 26 June 1892

Recd 28 n

Encl 1.

Requests that the Enclosure
may be substituted for para 10
of the Ap. Collector's letter dated
24 June 1892.

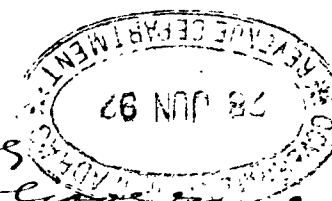
Malabar Collectors Office
Calicut 26 June 1892

From

J.W. F. Dumenque Esq.
Ap. Collector of Malabar.

To

C. A. Galton Esq.
Secretary to Government,
Revenue Department,
Madras.



Sir,

With reference to my letter dated 24th Instant I much regret that in my haste, I made a mistake in para 10 & failed to express my meaning.

I. I now beg leave to submit an amendment of the paragraph & request it may be substituted for the former. It will be seen that the statements now made are not afterthoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

I have the honor to be,
Sir,

Yours most obedt. Servant,

W. Dumenque.

Ap. Collector.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppattad Amsam (para 39 of the G. O. p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in Appendices XXI & XXII are not those of claimants to escheat lands, but of reputed jannies in the Amsam. It is certainly the case that the word "escheat" is not used either in the Appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar Appendices relating to the Tanjore, Peria, Tondarvad, Edavaka & Muppai nad Amsams, the claimants are distinctly described as claimants of "escheat" lands, while in the lists relating to Ganiapattinattam, Pattar, Ellavud, Nalluvud & Porummanur, the word "escheat" is omitted. All the other Appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone and if the lists of

claimants are only lists of reputed
 janmis, they are not complete.
 Similar facts with regard to the
 similar list in which the Kantha-
 mangalath Nair's name was in-
 tered were set forth in para 104
 & the connected paragraphs of my
 letter to the Board of 3rd March 1932
 and in para 10 of its Proceedings dated
 16th March 1932. N^o 1740, the Board appeared
 I think the view I took was reasonable
 & honest. Under these circumstances
 I submit that though my view
 is now found to be incorrect, it was
 not disingenuous.

W. Dunnington.
 ap. collector.

Rev: 5752/92

RATES OF CHARGE FOR INLAND TELEGRAMS

The address (including name of Sender and name and residence of Addressee)
 is transmitted free.

	First 8 words.	Each additional word.
Deferred Message	... 8 Annas	... 1 Anna.
Ordinary "	... 1 Rupee	... 2 Annas.
Urgent "	... 2 Rupees	... 4 Annas.

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

No charge for delivery within a distance of 5 miles.

G.O. No 14878/3442
 Communicated to
 the Union & Settlement
 Office the request
 that the letters referred
 to may be forwarded
 to Government.

Col.
 117

To the Comd^g of the 124th Bn.

117

22

F C¹
 Class INDIAN TELEGRAPHIC Local No.

To (Station)		From (Station)		Original No.	
Words	Day	Hour	Minute		
1	1	10	15	21 JUN 97	

To (Person)
Indian Bureau

From (Person)
Post Office

1 *Received*

2 *at*

3 *Madras*

4 *on*

5 *the*

6 *21st*

7 *of*

8 *June*

9 *1897*

10 *at*

11 *10*

12 *15*

13 *minutes*

14 *past*

15 *the*

RECD. FROM		L. N.		SENT TO		L. N.	
At	Hrs.	Mts.	By	At	Hrs.	Mts.	By

Date **MADRAS FORT 1-7-92** Telegraph Master

(1892)

REVENUE DEPARTMENT.

ABSTRACT.

Current Number 5855.

To:
From
The Secy Collector of
Malabar.

1287
1 July 92

Dated 1 July
Received 12
Enclosures

No.

SUBJECT.

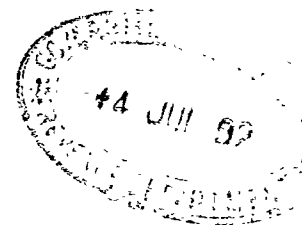
Requesting that the Board
of Revenue (Rev. Secy. L. R. & Agri.)
may be called for his letters
dated 2 February and 10 April 1892.

Revenue 1892 Dept
Board of Revenue
(Revenue Settlement, Land Records
and Agriculture),
MADRAS.

Current Number 5921.

To

The Secretary to Government
Revenue Department.



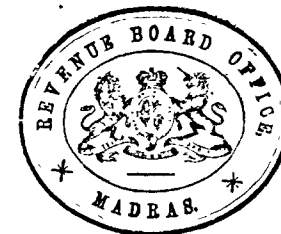
Recd 4 July.
No. of Enclosures. 3.

Proceedings, dated 2nd July 1892
No. 5714 M.S.

Subject.

Submitting to Government as
directed copies of letters from
the Collector of Malabar dated
2nd February and 10th April 1892
regarding the abstraction to
papers of Revenue Settlement
in Malabar
Registered and sent up with the
telegram from the Department.

Submitted by
- 5017 -



Proceedings of the Board of Revenue

(Revenue Settlement, Land Records and Agriculture.)

Dated 6th April 1892.

No. 3358 ———— M's:

Mr E. Gibson

READ..... letter from the Special Settlement Officer, Malabar and South Canara No 2071 dated 25th January 1892 submitting the Supervisors' report regarding certain inaccuracies discovered in the accounts of Kammamam amsham (Wallaswad taluk, Malabar District).

Read also letter from the Collector of Malabar dated 2nd February 1892, No 186 suggesting that Mr Stuart may be asked to report particulars cases of obstructions to settlement work.

Read also letter from the Collector of Malabar dated 7th March 1892, No 208 stating that some of the statements referred to by the Special Settlement Officer have already been furnished and that the others are being

being prepared and will be furnished as soon as ready.

4. Read also letter from the Collector of Malabar dated 9th March 1892 No. 1086 returning certain enclosures called for.

Resolution

The letters read above will be recorded.

2. In all matters connected with accounts much delay and unnecessary correspondence would be avoided if the Special Settlement Officer writes direct to the Tahsildars for the required information. This is the course followed in all the Settlement Parties, and the Board sees no reason why the same course should not be adopted by this Settlement.

3. Mr. Demeryue is requested to instruct his Tahsildars to comply promptly with all requisitions from the Settlement Officer.

(True Extract)

(sd) P. Rajaratna Mudaliar
Secretary

To
The Special Settlement Officer
Malabar & S. Canara.
Collector of Malabar.

(True Copy)

M. J. J. J.
Secretary.

sd. 10/5/92

Reference No. 1892
A. 92.

Malabar Collector's Office
Calicut 10 April 1892

From J. W. F. Demeryue Esq.
Ag. Collector of Malabar

To
The Secretary to the Commission of
Revenue Settlement, Land Records
and Agriculture, Madras.

Sir,

With reference to the Board's Proceedings
* copy attached dated 6th Instant No. 3358 Mr. Shaw the
honour to submit that justice to myself and
my subordinates demands something more than
an order which merely places on record, without
comment, the charges Mr. Shaw has thought
fit to bring and which at the same time
implies what so far as the Board has
been able to make up its mind on the subject,
there is some ground for those charges.

Very truly yours

2. Mr. Stuart deliberately accused me of practising and inculting on my subordinates a policy of obstruction to the work of Settlement and stated that he could make good his accusations by records; he accused the Tahildar of Wallawanad of insubordination and impertinence; he accused the same officer of duping the special Assistant Collector and accused the special Assistant Collector of being duped.

3. The Board in the Settlement Department entertained these accusations and called on me for an explanation. Having done this, the Board was, I respectfully venture to think, bound to decide the case on its merits. In response to my request that Mr. Stuart might be compelled to define and substantiate his accusations, if he could

|| could, the Board reverted the papers and I hoped that this step was taken in order that my request, which was surely not unreasonable, might be complied with. But the order which the Board has now vouchsafed, simply records the papers and directs me to instruct the Tahildar of Wallawanad to comply with Mr. Stuart's requisitions without delay. The latter part of the order creates the impression that, in the Board's opinion, there is some truth in Mr. Stuart's assertions.

4. Granting that Mr. Stuart is entitled to the utmost consideration, there is, I submit no reason why I should be denied such consideration as is required by justice. I have not the slightest wish to prejudice Mr. Stuart with regard to certain other matters which are pending with the Board.

and the present subject has no connection with them. Mr. Stuart alone is responsible for bringing this subject into discussion and with the greatest respect for the Board, I must decline to allow broad cast accusations to be made against myself and my subordinates with impunity for the accuser and without redress for the accused. Under these circumstances I am compelled to request that this letter and the connected papers may be laid before the Full Board.

I have the honor to be

Sir

Yours most obedient servant

(Sd) W. Dumergue

Sq. Collector

(True Copy)

My authority
Secretary

Ref C.M. 136
R. 92.

Malabar Collection office
Calicut 2nd Feb 1892

From

W. Dumergue Esq
Sq. Collector of Malabar

To,

M. R. R.
P. Rajaratna Mudaliar Esq
Dewan Bahadur
Secretary to the Commission of Revenue
Settlement and Director of the Department of Land Revenue and Agriculture.

Sir, I have the honor to acknowledge receipt of the copy of Board's Proceedings No. 6264 mis dated 29th October 1891 with which I have been favoured in reply to my letter - Ref C to R of 1892 - dated 22nd ultimis, on the Board's Proceedings No. 71 mis dated 5th Idem.

2. In para 10 of the former Proceedings Mr. S. E. C. Stuart was ordered to report on the nature of the inaccuracies in certain Revenue accounts and.

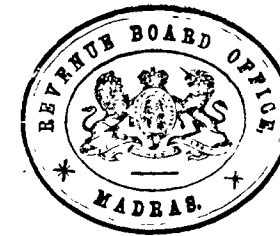
and in para 11 of his letter No. 1666 dated 3rd December 1891 Mr Stuart has, as an integral portion of his report, deliberately brought against me the charge of obstructing and of teaching my subordinates to obstruct, the progress of Revenue settlement in the District.

3. The charge is a serious one because, if it were true, Mr. Stuart would be justified in asking the Board and Government, as he has asked them, not to tolerate my administration of the District but the records of my office show that when Mr. Stuart has desired my support, he has invariably received it. Mr. Stuart however asserts that the contrary can be proved by his records and I am sure that the Board will consider the matter to be one which requires, and in which I am entitled to, the fullest enquiry.

It will at the same time be obvious that Mr.

Mr. Stuart's allegations in their present form are far too indefinite to admit of such enquiry or to enable me to submit remarks on Mr. Stuart's report as directed by the Board. I must therefore ask that Mr. Stuart may be required to furnish specific instances, supported by records, of the obstruction of which he complains. This is not the first time that Mr. Stuart has indulged in a general accusation uncorroborated by evidence, for which I applied in my letter to the Board, No. 183^D dated 4th July 1891, but which I have never received. I have, however, Mr. Stuart states that records are available and he ought therefore to find no difficulty in producing his proofs.

I have the honor to be
Your most obedient servant
(Sd) W. Dumarque
Ag. Collector
(Two copies)
Magistrate
Secretary



Proceedings of the Board of Revenue

(Revenue Settlement, Land Records and Agriculture.)

Dated 2nd June 1892.

No. 574th Mis

Mr. E. Gibson

READ G. O. Revenue Department dated 1st July 1892 No. 1487.

Resolution.

Mr. Dumergues' letters dated 2nd February and 10th April last will be submitted to Government as requested.

2. The first letter was disposed of in Board's Proceedings dated 6th April 1892 No. 3358 mis. The second was ordered to lie over pending the disposal of the complaints of obstruction to settlement work made by Mr. Shant in a voluminous communication which was sent to Government.
- Semi-official

semi officially and has since been forwarded
to Mr. Dumergue for remarks.

(True Abstract)

My dear Sir,
Secretary

To the Secretary to Government, Revenue Department

100
27/1/92

REVENUE DEPARTMENT.

No 5709. Confidential 66
+ 5752

Letter from Chatterjee

Madras

Dated 24 June 1892
+ 26 June

From

FOR ORDERS.

The foregoing letter is a protest
from Mr. Dumergue against
the manner administered in
G.O. dated 17 June 1892.
He says he does not see a
review of the decision of Govt.
on the merits of the case itself
but wishes to make some
remarks on points touching
his conduct.

I am attaching his correspondence
briefly in order -

(2) As regards the accusation
of partiality & personal
animosity he says that this
is disproved by the fact that he
dismissed the petition of the
petitioner & took no ac-
tion on it until required by
the Board to investigate the
complaint. He says that his
relations with the petitioner were
friendly until he declined to
accede to a request made by
the latter. He says that he
should have steps to prevent an
ingress into the Revenue
Department. A copy of
this letter dated 23 March/91

is sent up. There is nothing
in it that I can see which
can be construed into an
attempt to induce L. Dunsen
to suppress the petition. This
occurred in April 1911 and
in June 1911 he stated ac-
cording to his Dunsen of 1911
his representation after word
sentation specifically he reported
an anonymous charge of corrup-
tion against him & the Dunsen
under pretence of wishing him
to trace the writer. I have
heard that this was done
specifically to his Dunsen &
he says that notwithstanding
the course of action he de-
termined to keep his personal
feelings in the background &
points to the minutes of the Board
of 1911 to prove that there was
nothing objectionable in the tone
of his letters.

He explains the reasons why
he conducted his inquiry into
the alleged conduct of Dunsen
and his friends back to say
that this could lead to the ex-
press approval of the Board.

In this connection I would call
attention to the extract from
a letter to the Board dated
19 May last quoted in para-
17 of the minutes. I do

He asked the Surgeons to find
out about it saying that it was
his 'wants' to run in the Post.
As a result of the discussion he
expressed himself 'very dissatisfied
some' at A. S. C. Street.

The letter is no credit to Mr. Stewart, but it is certainly a misrepresentation - will or not - to describe it as Mr. Sumner's done as a request that he should stop to prevent enquiry into the F. Rev. reputation.

I don't know what it is. It was
a country very extremely
atq. W. Stuart's.

~~Indication~~ It was certainly most
of genuine candid officiality,
Wes

Mr. Stuart's conduct was very mean
all through - and has undoubtedly
blown boys exasperating. W

The letter to the Board quoted by us
to assume that no threat was so little
less - to say the least of it - and so com-
pletely in the hands of his office that it
would depend entirely to consult him;
an assumption which was unwarranted.
The Board ought to have seen this &
should not have given the approval
they did.

Yes - It does not matter what his feelings were at the commencement: no matter proposed, it is evident that he went in for "vengeance" and "vindication" assumed the form of vindictiveness - which is a great pity - as he allowed himself to be so far carried away as to lose sight to some extent of his position as Chief of the district. W

Not certain
2d
Rogers is quite as much as
Mr. Tenney, but his position was
different. Whist. 66

I quite agree with the Remarks
of the Lieut. down to the end of
this para. *W.L.*
S. 40 D. 40

I don't think
 so. In another
 case the first jury also
 sented W. St. Mark
 because the W. had
 offered what he did

not see how in the face of
 the friends herein made for
 "The fullest measure of ven-
 rection & vengeance" &c
 H. Deming can discover
 animosity. Whichever way
 I have been his feelings have been
 concerned the inquiry was
 about for him to pretend
 to deny that subsequently he
 was ~~not~~ attracted by a spirit
 of indelicacy -
 There is great reason for
 H. Deming in this for his
 stunted opinions than
 acted in the most undelicate
 way therefore to be
 chiefly responsible for the fail-
 ure which has been caused
 in his labors -
 H. Deming however has
 a position of great responsibility
 and he must be judged
 accordingly - He found a
 hard lot. A few so disre-
 spect have been directed towards
 he not chosen to work be-
 hind his stunts back. He
 is chosen for H. Deming
 to shield himself behind the
 authority given by the Board
 for this cause - the Board
 are wrong I think but it
 possibly had not a full know-
 ledge of what its sanction

inquire also of the facts that
led to her that is to say the
faction the women subse-
quent good progress in his
diet during the past 2 years.

Sawyer can list other than
occasionally the Surveyor.
to enter lands as well.

As far as any other parties
(page 6/10) has been printed
re: the L. D. Hunter's statement
regarding his participation in the
Survey Register for Kalgan
Green mentioned could
attest to the truth of the
statement of any other.
Do not think it was written
that in the present in the present
as then attested to
'best' nearly as first
accepted - do not in any
way affect the price of the
agreement.

The competition lists sent up
have no bearing on the question
as they are not the Survey
register & I do not know what
L. D. Hunter means by saying
that Hunter's plan is for a
private in the Survey records
were made solely in accordance
with instructions given by the
Scottish Office officials. We can
ask (ask) when I wanted
to know it. General instruction
may have been issued by the
Scottish Office for the guidance

W. Cardozo says (saying)
W. D. Hunter the Survey Officer
has been doing perfectly - long
he can't know any light on the
statement - let it be as the
fact that was right and
to be known on it? L.H.

It is true that this statement means
that it was in accordance with the instructions
of the Scottish Office that the Survey party
was to be guided as to whether land was
to be taken or not. It is not in regard
to particular cases that they followed
particular instructions. General instructions
of the kind were undoubtedly given; but

it looks from the case of L. D. Hunter's
statement to indicate that it means
that such particular entry was made
under instructions from the settlement.
L.H.

of the Survey Officer who was
conducting the revision Survey
in 1880 under his instructions
control but very early as
to whether land was or was not
discovered by the Settlement
Office.

I don't think it is as simple
the case as presented by D. Hunter.
W. D. Hunter

Para 7. As regards the value
to be of the property left by Peter
Cowan.
The admission as to the valuation
less of the valuation was his
statement but this does not affect
the question. L. D. Hunter
ought to have known that the
estimate of valuation was
absurd and in putting it
forward he was either being
generous or stupid; he can
take his choice.

There is a great deal of
difference - all the difference
between being mistaken and
being stupid. He has not been
given the chance of taking his
choice.
L. D. Hunter is certainly not stupid.
The inference is fairly founded.
I think so too.
W.

Para 8. L. D. Hunter was not
charged by law with being
sincere in the identification
of land. He did not do so.
Accusation as to whether the land
he had been taken was charged
to him and by his statement
by entering in the Survey records
corresponding with land which
had been taken although it
was known that such a statement
was the same name and that all
was or like to be corrected
was made by L. D. Hunter.

para 9. Dr. Dumezil was
not charged with disingenuous-
ness. Because he wrongly
invoked the 40 year rule of
possession but for his whole
line of argument and especially
for his reply in para 3
to IV. with the book on
H.E. Stokes' note there is
ample ground for charging
disingenuousness on his side in this
case.

I think that in
standing out for proof of 40
year possession Dr. Dumezil
was right.

The 40 year rule had no application
at all to non-tenant land. He knew
it, but put himself in the same
category as stated in para 7 over.

W (66)

Para 10. Dr. Dumezil has
misunderstood the argument
advanced in para 3 of the
G.O. He has discovered his
mistake & sent an amended
para 10. The Appendixes XXI
& XXII to the statement 2
claims relating to Kuppatt
Concom do not purport to
show claimants of excluded
lands.

It is not clear why Dr. Dumezil
did not use the word 'excluded'
in the list of claimants appen-
dixing to the Proprietorship
Pledge. Claimant Hallen and
Pronounced Concom
because the statement of facts
in respect of the other claimants
has a later date than the
G.O. of March 17/05
allowing the procedure.

I think that Dr. Dumezil shows
that the absence of the word 'excluded'
from the list of the Appendixes, by
himself, shows that the claim-
ants were not forced to use
justified to excluded lands.
Dr. Dumezil is very inquiring
itself being into excluded and lands
to show it to do. I think
Dr. Dumezil himself.
As these claims were made in
reference to the statement of facts
(see Kuppatt statement of facts)

in proprietorship	20 April 05
Pledge?	
Kuppatt	31 Aug 05
Elcom at	10 Aug 07
Hallen and	1 Sept 07
Pronounced	15 Aug 08

In that case he assumed - with
all claimants to the exclusion of the other
proof of their titles. As "written" are

Dr. Dumezil is a victim of
his own want of accuracy.
The point accepted by Dr.
Dumezil was because it did
not understand the question
there has been no oversight on
the part of G.O. which has
seriously prejudiced Dr. D.
Dumezil.

Para 11. With regard to the
the Kuppatt statement have
Dr. Dumezil was for to
para 10. para 10 to 1062
his letter dated 3 March 92
printed with G.O. dated 3
June 92. There is nothing
in these paragraphs which
tends to impair the claim
of G.O. in para 3 of the
of the 17 June. Dr. Dumezil
was misled by his own
own language & can only
be taken into but he was not
accused of disingenuousness.

Lastly Dr. Dumezil objects
to the statement that the
paper work of the District was
paraphrased. The District has
been too strong an expression, but
that it was given by the District
can be understood. Of course it was
not meant that all work was
stopped. The District has been kept up to
date & means cleared off.
This however is quite well known
to the District. The correspondence which Dr.
Dumezil.

Absolutely paralyzed many have
been too strong an expression, but
that it was given by the District
can be understood. Of course it was
not meant that all work was
stopped. The District has been kept up to
date & means cleared off.
This however is quite well known
to the District. The correspondence which Dr.
Dumezil.

Fruit note

It was recently submitted to the Board the Resolution 2. Well known that has been allowed to obstruct the functions of the Department by an attempt being made by L. D. to prevent the Board from doing its duty.

I am from information as sufficient to show that a faction spirit was prevalent at the time L. D. was in power. It is true that L. D. is not responsible for the trouble but he was a party to it. He took no steps to check it. It is true that L. D. is not responsible for the trouble but he was a party to it. He took no steps to check it.

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There is a fact as I can see nothing in L. D.'s position which should induce you to consider it as a matter of policy. The time in which it has been expressed and I think it was sufficient to pass an order to that effect. It seems unnecessary to state in each point now raised in detail.

There is a 2nd. L. D. is not responsible for the trouble but he was a party to it. He took no steps to check it. It is true that L. D. is not responsible for the trouble but he was a party to it. He took no steps to check it.

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I quite agree with the fact. The papers amply showed obstruction by the Technical Superintendent of a kind which should not have been permitted. The matter was officially reported to the Board. L. D. is not responsible for the trouble but he was a party to it. He took no steps to check it.

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2

REVENUE DEPARTMENT.

Current No. 5055-5721

From

Dated

189

FOR ORDERS.

L. D. is not responsible for the trouble but he was a party to it. He took no steps to check it. It is true that L. D. is not responsible for the trouble but he was a party to it. He took no steps to check it.

not complied with his request. The Board says this letter of the 10th inst. was ordered to be over-ruled the disposal of the complaint of obstruction made with threats. Charges against the Librarian & Williams made. It is very strange that Dr. Dineen has not written about the time of the letter from the Librarian to Dr. Stewart or of his friends in not taking any action of them. The Librarian's question did not need further production but they seem to wish to have it. In any event they cannot sufficient ground for the Librarian's instant removal from his post. They were sure by his threats at different times to be before the Division. When the passed them on to the Librarian they are stereotyped reply that they had been forwarded to the Librarian for his instruction.

18th September 1892. The Librarian's letter is not clear, but it is evident that if Dr. Dineen took no action on Mr. Stewart's first complaint it was because the 18th inst. was the paper. He therefore has not to blame for his impossibility that the Librarian's action was as intended as Mr. Stewart's letter. I have not read his complaint so am not aware of the charges made. But what I can say is his name is Dr. Dineen. (5709) unfair to Dr. Dineen as he is practically prejudging him in respect of the charge of factional behaviour. Dr. Stewart's administration of the Div. has that the same period of Dr. Stewart's conduct. Dr. Stewart has decided to influence the passing of facts into the Librarian's (with which it has nothing to do directly) as I should have been. The most serious charge of the Librarian is Dr. Dineen's conduct in connection with the Exchange matter. It is the basis that I consider than this complaint of Mr. Stewart's - which Dr.

Dr. Dineen has not yet, so far as I know had, the opportunity of replying. By the Librarian's action that the question of letters to Dr. Stewart is all permanent - & that for another Dr. Dineen took possession of the question of the Librarian's conduct of this matter. This may be true, or it may not, but I shall be much surprised if there is not another side to the story. But I protest against Dr. Dineen's conduct in the matter being based on a complaint that he has not been able to send in his reply. The papers have been sent to him, he has been asked to reply to - but they are my bulky & his reply will probably take some time to send it. I think it is unwise to proceed with judgment in connection with Dr. Stewart's complaint. Dr. Stewart has withheld his answer & has not done so. His action I say is a strong expression of prejudgment & therefore unfair to Dr. Dineen. He may think that has been said of him but it has not yet been proved. I am, Sir, Yours faithfully, J. J. G.

It is extremely unlikely that Dr. Dineen would have done this without advice. There was not one letter sent of this description forwarded to Dr. Stewart at different times last year. Dr. Dineen must be very sure he can resist these letters and as he can establish this I do not wish to see that Dr. Stewart's explanation can be made to offer. The Librarian has been sent to the Librarian for explanation but I find that Dr. Stewart can justify his reply. The Librarian's reply is very bulky & his reply will probably take some time to send it. I think it is unwise to proceed with judgment in connection with Dr. Stewart's complaint. Dr. Stewart has withheld his answer & has not done so. His action I say is a strong expression of prejudgment & therefore unfair to Dr. Dineen. He may think that has been said of him but it has not yet been proved. I am, Sir, Yours faithfully, J. J. G.

5/1/92

Second note
FOR ORDERS.

to be clear his plan
sincerely to remove the
same at once.

Mr. Dumergue does not say
that he saw the letters at the
time that they were charged
to him. He has promised to him
and does not say a word
as to the action he took
personally. He took some
trouble, however, to state after
wards, in his report on the
Resolution for explanation.

I respectfully submit that
the facts I have here stated
justify what I wrote in
my note of the 20th June
and that I am not guilty of
the charge of having prejudged
the case.

As regards the way in which
the document was handled
I am sure that Mr. Stuart
has testified to in his
last administrative report.
No attention is invited to
the fact that Mr. Stuart was
revising the same from during
the 3rd & 4th quarters of 1911-1912.

Mr. Dumergue's protest

I observe, in reply to my last colleagues
remarks, that the decision of the Board in
the Graham case, by which I suppose he
means Vol. 17 June 1912 No. 624 was not taken
based on the correspondence about the
of Wallman's obstruction, which it is to
be expected my colleagues did not read.
Because he thought it was the Board's
to deal with that matter. There would
of the evidence presented to the Board
in the 6th quarter certainly did refer to
this correspondence, viz. the word "the
impediment" in the last line of item
47. I certainly maintain that the
providence, whatever Mr. Dumergue might
kind to say about it - should not allege that
it was entirely fictitious which is hardly
the case - simply justified the
mention of these words. The remarks of
the Secretary in describing the correspon-
dence are perfectly accurate.

Further it is clear from the letters now
sent out by the Board that they relate to
a complaint of Mr. Stuart as to the inac-
curacy of certain accounts furnished by
the Tuke of Wallman, and that the Board
connected with this matter, are entirely dis-
tinct from those on which, according to my
last colleagues, we have formed a previous
decision. I maintain nothing more.

Mr. P. J. 5 March 1912

No 170. Station at 10 p.m. 1
There are 25 rings in the
set by Mr. Stuart during the
3rd quarter

Mr. P. J. 15 June 1912 No
436. June 7. Station at
20 rings were inspected
by him during the 4th quarter

I think the Secretary was perfectly justified
in the remarks he made, & to which
exception has been taken. The facts of
the incident letters of the Tukeholder
having been sent by him to Mr. Stuart,
and from then Mr. Stuart to the Collector
through Mr. Dutton are on evidence.
And so is the fact that Mr. Stuart's letter
which accompanied them remained for
months unanswered by the Collector.
No explanation can get over these facts.
I can only suppose Mr. Dumergue did
not look at them, which is the most
charitable view I can take of Mr. D's
conduct. The other papers referred to
in Mr. D's correspondence with the
Board have no connection with the
ones I have alluded to. But these
papers bear but very slightly on the
question passed - and I quite agree
with what Mr. Stokes says on this point.

W
17 July

The remarks I have scribbled on
back of my card are a misappre-
hension - I am sorry for
disfiguring the record.

Ch
707

... by Mr. Dumergue
as far as the disposal of the com-
plaints by the Board which came
under our notice. Whether the Board
recalled the papers dealt with
... of the 6th quarter of 1911-1912
... Mr. Dumergue wrote his letter
of the 2 Feb. 1912. ...
... letter is a very important document
irrefragably demonstrating a gross
... of Mr. Stuart's charges of
obstruction. It has been lying of them
before him in the letter from Mr.
Stuart which at various dates
Dec 9th March 1912 was submitted
to his order by Mr. Dutton and
which he took no notice of
taken any. ...
been to his attention as he himself
to write Mr. Stuart's letter and
have had information from Mr. D
as to the fact that the letter was
often seen of a kind which he had
passed without notice. ...
day was spent in review and I
affirm the incident and obstruc-
tion by the Tuke. It is no longer
him to further offences of the same
kind.

W
17 July

The remarks I have scribbled on
back of my card are a misappre-
hension - I am sorry for
disfiguring the record.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read C. 5709. Copied into 66.

Read in abstract.

C. 505-5-5921. 5752

Read again 5709/92 - 5752/92

Read again 5752/92 - 5752/92

Read again 5752/92 - 5752/92

Read again 5752/92 - 5752/92

Read again 5752/92 - 5752/92

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Read again 5752/92 - 5752/92

Read again 5752/92 - 5752/92

J. W. F. Brumby Esq. Es.
Commr. of Land Revenue
Commr. of Revenue.

15/7

17 June/92 no 624

20 July

18 July

21/7/92

fully engaged to dinner.

just representations and

regrets that he can see

no ground for altering his

decision in modifying the

assessments based on S.O. no

17 June/92 no 624

23RD JULY 1892, MIS. NO. 3351, REVENUE.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition? But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as *Government* waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as *Government* or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttill devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttill desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttill devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the

* The italics are mine.

heading to appendix XX.: "List showing the names of the reputed janmis **who have come forward to claim janmam rights* over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which run as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinad amsams, the claimants are distinctly described as claimants of "escheat" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnannur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kanthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ--again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Ed. E. Fernandez.

When given for copying _____
When copied _____ } 189
When examined _____
When signed _____

AD AGAIN G.O., No.
189

DATED

REVENUE No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

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

A A A A A A A

N.B.—

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

Encl. XII
Govt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on
Mr. Dumergue in G.O., No. 624, dated 17th
June 1892.

23RD JULY 1892, MIS. NO. 3351, REVENUE.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as Government or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Ayva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttal devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttal desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttal devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the

heading to appendix XXI.: "List showing the names of the reputed janmis *"

* The italics are mine. *who have come forward to claim janmam rights* over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppahod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinnad amsams, the claimants are distinctly described as claimants of "escheat" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnád, and Porunnnanur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kánthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Exd. E. Fernandes.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. E. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as Government waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as Government or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as Government waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary; but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is ever given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttal devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttal desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttal devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of reputed janmis in the amsam." With the greatest submission I beg leave to transcribe the heading to appendix XXI.: "List showing the names of the reputed janmis * who have come forward to claim janmam rights over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of all individuals who have come forward to prefer private janmam rights over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees who have preferred private janmam claims on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that; in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinad amsams, the claimants are distinctly described as claimants of "*escheat*" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnád, and Porunnanur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kánthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Exd. E. Fernandes.

G.O. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891; and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as Government or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttal devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttal desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttal devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the

* The italics are mine.

heading to appendix XXI.: "List showing the names of the reputed janmis * *who have come forward to claim janmam rights* over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinad amsams, the claimants are distinctly described as claimants of "*escheat*" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnamur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kanthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Ed. E. Fernandes.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

GOVTY RECORD

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. . . . I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as Government or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttal devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttal desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttal devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the

* The italics are mine.

heading to appendix XXI.: "List showing the names of the reputed janmis * *who have come forward to claim janmam rights* over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44. and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of reputed janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinnad amsams, the claimants are distinctly described as claimants of "escheat" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnamur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kánthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
,, the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Ed. E. Fernandes.

G.O. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

OOHY RECORD

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No: 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as Government waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as Government or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as Government waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttal devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttal desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttal devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 450), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of reputed janmis in the amsam." With the greatest submission I beg leave to transcribe the heading to appendix XXI.: "List showing the names of the reputed janmis *"

* The italics are mine.

who have come forward to claim janniam rights over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk; but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a fresh set of accusations was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Pálghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponáni and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinad amsams, the claimants are distinctly described as claimants of "*escheat*" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnannur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kanthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
,, the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Ed. E. Fernandes.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

COOTY RECORD

23RD JULY 1892, MIS. No. 3351, REVENUE.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation; for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891; and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 23rd January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as Government waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as Government or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as Government waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is ever given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttal devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttal desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttal devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the heading to appendix XXI.: "List showing the names of the *reputed* janmis * who have come forward to claim janmam rights over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Pálghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponáni and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892; and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinnad amsams, the claimants are distinctly described as claimants of "escheat" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnád, and Porunnannur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kánthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Govt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

23RD JULY 1892, MIS. NO. 3351, REVENUE.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request; with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 23rd January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry. I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as *Government* waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as *Government* or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one *in the same desam*, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttill devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttill desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttill devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the

* The italics are mine.

heading to appendix XXI.: "List showing the names of the *reputed* janmis * who have come forward to claim janmam rights over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1841, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me; and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinnad amsams, the claimants are distinctly described as claimants of "*escheat*" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnannur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kanthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Ed. E. Fernandes.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. . . . I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vile* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as Government or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttal devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttal desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttal devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed janmis* in the amsam." With the greatest submission I beg leave to transcribe the

** The italics are mine.*

heading to appendix XX: "List showing the names of the reputed janmis ** who*

have come forward to claim janmam rights over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which run as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Pálghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponáni and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* jannis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinnad amsams, the claimants are distinctly described as claimants of "*escheat*" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnád, and Porunnannur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed jannis, they are not complete. Similar facts with regard to the similar list in which the Kánthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Exd. E. Fernandes.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry, on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as *Government* waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as *Government* or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttal devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttal desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttal devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the

* The italics are mine.

heading to appendix XXI.: "List showing the names of the reputed janmis * *who have come forward to claim janmam rights* over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable; and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinaḍ amsams, the claimants are distinctly described as claimants of "*escheat*" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnanur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kānthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Ayva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Ayva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Ayva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Ayva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as Government waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as Government or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as Government waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Ayva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Ayva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is ever given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttill devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttill desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttill devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed janmis* in the amsam." With the greatest submission I beg leave to transcribe the

* The italics are mine.

heading to appendix XXI.: "List showing the names of the reputed janmis * *who have come forward to claim janmam rights* over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart;—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinnad amsams, the claimants are distinctly described as claimants of "*escheat*" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnannur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kanthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Exd. E. Fernandes.

Govt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as *Government* waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as *Government* or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttal devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttal desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttal devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the

* The italics are mine.

heading to appendix XXI.: "List showing the names of the reputed janmis * *who have come forward to claim janmam rights* over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinad amsams, the claimants are distinctly described as claimants of "escheat" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnatur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kánthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
,, the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Ed. E. Fernandes.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued.

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on
Mr. Dumergue in G.O., No. 624, dated 17th
June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background; and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as *Government* waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as *Government* or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttill devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttill desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttill devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the

* The italics are mine.

heading to appendix XXI.: "List showing the names of the reputed janmis * *who have come forward to claim janmam rights* over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1841, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinad amsams, the claimants are distinctly described as claimants of "escheat" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnannur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kanthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
,, the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Ed. E. Fernandez.

Govt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as Government waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as Government or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as Government waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttal devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttal desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttal devaswam and as the Malakatt devaswam lands were included in these lands; it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the

* The italics are mine.

heading to appendix XXI.: "List showing the names of the *reputed* janmis * who have come forward to claim janmam rights over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Pálghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponáni and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records; and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinnad amsams, the claimants are distinctly described as claimants of "*escheat*" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnád, and Porunnanur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kánthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
,, the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department; dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore; and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as Government waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as Government or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as Government waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is ever given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents, as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttill devaswam lands (para. 31 of G.O., p. 147); and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttill desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttill devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed janmis* in the amsam." With the greatest submission I beg leave to transcribe the

* The italics are mine.

heading to appendix XXI.: "List showing the names of the *reputed janmis* * who have come forward to claim janmam rights over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands:

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Unconvenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinad amsams, the claimants are distinctly described as claimants of "escheat" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnanur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kanthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Ed E Fernandez.

Govt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as Government waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as Government or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as Government waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is ever given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttill devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttill desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttill devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the heading to appendix XXI.: "List showing the names of the reputed janmis *"

who have come forward to claim janmam rights over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1841, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Mappinad amsams, the claimants are distinctly described as claimants of "escheat" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnanur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kanthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Exd. E. Fernandes.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as *Government* waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as *Government* or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is ever given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttal devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttal desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttal devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the

heading to appendix XXI.: "List showing the names of the *reputed* janmis"

* The italics are mine. *who have come forward to claim janmam rights* over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts; but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinad amsams, the claimants are distinctly described as claimants of "escheat" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnatur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kanthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

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on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing anyone concerned in the inquiry to have access in any degree to the records is patent. . . . I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as *Government* waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as *Government* or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttal devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttal desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttal devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the

* The italics are mine.

heading to appendix XXI.: "List showing the names of the reputed janmis * *who have come forward to claim janmam rights* over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 159) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinad amsams, the claimants are distinctly described as claimants of "escheat" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnatur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kanthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740; the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
,, the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Ed. E. Fernandes.

G.O. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as Government waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as Government or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as Government waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Ayva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttill devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttill desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttill devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the

heading to appendix XXI.: "List showing the names of the reputed janmis *"

who have come forward to claim janmam rights over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1841, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinnad amsams, the claimants are distinctly described as claimants of "escheat" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnamur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kánthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
,, the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Ed. E. Fernandes.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. . . . I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as *Government* waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as *Government* or *private* in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one *in the same desam*, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Ayva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttal devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttal desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttal devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed janmis* in the amsam." With the greatest submission I beg leave to transcribe the heading to appendix XXI.: "List showing the names of the reputed janmis *"

* The italics are mine.

who have come forward to claim janmam rights over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:—

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1841, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncoovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinnad amsams, the claimants are distinctly described as claimants of "*escheat*" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnanur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kanthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. . . . I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as Government or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttal devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttal desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttal devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the

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heading to appendix XXI.: "List showing the names of the reputed janmis *who have come forward to claim janmam rights* over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam, in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567; Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry. I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Ayva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

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13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1841, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Pálghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponáni and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinnad amsams, the claimants are distinctly described as claimants of "escheat" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnád, and Porunnannur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kánthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Ed. E. Fernandez.

G.O. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. - A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as *Government* waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as *Government* or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Ayva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttill devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttill desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttill devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the heading to appendix XXI: "List showing the names of the reputed janmis * who have come forward to claim janmam rights over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last, repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinad amsams, the claimants are distinctly described as claimants of "escheat" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnatur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kánthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Ed. E. Fernandes.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. . . . I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as *Government* waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as *Government* or *private* in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttal devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttal desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttal devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the

* The italics are mine.

heading to appendix XXI.: "List showing the names of the *reputed* janmis." *who have come forward to claim janmam rights over lands in the Kuppathod amsam.*" It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights over lands in the amsam in response to the notice issued by me inviting them to do so.*"

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims on behalf of their respective temples.*"

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Pálghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponáni and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* jannis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinnad amsams, the claimants are distinctly described as claimants of "*escheat*" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnannur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed jannis, they are not complete. Similar facts with regard to the similar list in which the Kánthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
,, the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Exd. E. Fernandes.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892; and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong; as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as Government waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as Government or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as Government waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttill devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttill desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttill devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the

* The italics are mine. heading to appendix XXI.: "List showing the names of the reputed janmis * who have come forward to claim janmam rights over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute; and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry. I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my denii-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinad amsams, the claimants are distinctly described as claimants of "*escheat*" lands, while in the lists relating to Ganapathivattam, Rutadi, Ellornad, Nallurnad, and Porunnamur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kanthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records; and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
,, the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers; and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing anyone concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as *Government* waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as *Government* or *private* in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttill devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttill desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttill devaswam and as the Malakatt devaswam lands were included in these lands; it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of reputed janmis in the amsam." With the greatest submission I beg leave to transcribe the

* The italics are mine.

heading to appendix XXI.: "List showing the names of the reputed janmis * who have come forward to claim janmam rights over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of all individuals who have come forward to prefer private janmam rights over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees who have preferred private janmam claims on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinad amsams, the claimants are distinctly described as claimants of "escheat" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnanur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kanthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar; to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as Government waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as Government or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as Government waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents, as Putti Ayva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttill devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttill desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttill devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed janmis in the amsam.*" With the greatest submission I beg leave to transcribe the

* The italics are mine.

heading to appendix XXI.: "List showing the names of the reputed janmis *who have come forward to claim janmam rights over lands in the Kuppathod amsam.*" It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights over lands in the amsam in response to the notice issued by me inviting them to do so.*"

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims on behalf of their respective temples.*"

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinnad amsams, the claimants are distinctly described as claimants of "escheat" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnannur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kánthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
,, the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Ed. E. Fernandez.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as Government waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as Government or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as Government waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttill devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttill desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttill devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the

* The italics are mine.

heading to appendix XXI.: "List showing the names of the reputed janmis *

who have come forward to claim janmam rights over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1841, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Unconvenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning:

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinnad amsams, the claimants are distinctly described as claimants of "*escheat*" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnannur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kanthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Exd. E Fernandez.

Gobt. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as *Government* waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as *Government* or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one in the same desam, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttal devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttal desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttal devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the heading to appendix XXI.: "List showing the names of the reputed janmis *"

who have come forward to claim janmam rights over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights over lands in the amsam in response to the notice issued by me inviting them to do so.*"

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims on behalf of their respective temples.*"

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1891, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a fresh set of accusations was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point; this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* jannis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinnad amsams, the claimants are distinctly described as claimants of "escheat" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnad, and Porunnannur, the word "escheat" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed jannis, they are not complete. Similar facts with regard to the similar list in which the Kanthamangalath Nair's name was entered were set forth in para. 104 and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
,, the Commissioner of Revenue Settlement, L. Records, and Agriculture.

Ed. E. Fernandes.

G.O. of {1892} Madras
REVENUE.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1892, Mis. No. 3351.

JULY.

Declining to modify the censure passed on Mr. Dumergue in G.O., No. 624, dated 17th June 1892.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 24th June 1892:—

With reference to para. 47 of G.O., dated 17th June 1892, No. 624, Revenue, I have the honour to request, with the greatest submission, that the severe censure which has been passed on me by Government may, for reasons stated below, be reconsidered. I have been found guilty of vindictiveness and personal animosity; of disingenuousness in twisting facts and statements with perverse ingenuity against Mr. Stuart; of paralysing all the proper work of the district; of allowing the district to be kept in a ferment and split into factions, either from want of judgment or moderation, for my own ends or to gratify spite; of allowing the settlement to be impeded and discredited; and my conduct is declared by His Excellency the Governor in Council to be unpardonable. Stronger condemnation could not well be pronounced, and, considering the vital importance of the consequences to myself, I trust that, if I can prove that some facts have been overlooked and that others are contained in correspondence which has not been laid before the Government, my request will not be rejected. I do not in any way seek a review of the decision of Government on the merits of the case itself, and my remarks will be confined exclusively to the points touching my conduct.

2. With regard to the first accusation, vindictiveness and personal animosity, I would respectfully invite attention to the opening paragraph of the Government order in which it is shown that I dismissed the ex-revenue inspector's petition and that I took no steps in the matter until I was expressly ordered by the Board to furnish a report. Surely, if I had entertained any feeling of vindictiveness or personal animosity, I would have seized the opportunity given me by the ex-revenue inspector's petition. But this was not even the first petition on the subject, and I had referred a former petition to Mr. Stuart himself and had dismissed it also on Mr. Stuart's report. Mr. Stuart had been a guest in my house and had invited me to stay with him at Coimbatore, and our relations were most friendly until I declined to accede to his request made in a demi-official letter that I should take steps to prevent any inquiry into the petition presented by the ex-revenue inspector to the Board. Mr. Stuart's letter was submitted in original to the Board with my letter, dated 14th January 1892, No. E. This episode occurred in April 1891, and in June 1891, almost at the outset of my inquiry, Mr. Stuart accused me of wilful misrepresentations. Subsequently to this, ample material for a display of personal animosity was at my disposal and included an anonymous attack of corruption made, not only on myself, but on Mrs. Dumergue, and forwarded to me by Mr. Stuart *officially* in July 1891, under the pretence of enabling me to find out the writer. I have nevertheless endeavoured to keep my personal feelings in the background, and if all my letters have not been as conciliatory as my first report of the 30th June 1891, in which I expressly imputed more blame to myself than to Mr. Stuart, I would ask whether I am not entitled to some consideration on the score of grave and unmerited provocation. In the last paragraph of its resolution, dated 28th January 1892, No. 613, Mis., passing orders

on one of my letters and Mr. Stuart's replies, the Board declared that Mr. Stuart had no justification for the tone of his letters. A similar opinion was expressed in the Board's Proceedings, No. 1609, dated 10th March 1892, and these opinions were fully endorsed by Government in its orders dated 3rd June 1892, No. 567, and dated 5th April 1892, No. 1803. From all these orders it is clear that nothing objectionable was discerned in my letters.

3. I have now, for the first time in all this correspondence, been found guilty of a spirit of vindictiveness and the reason appears to lie in the complaint frequently made by Mr. Stuart and accepted by Government that I preferred to work behind Mr. Stuart's back instead of taking him into my confidence. On this point I would invite attention to the following extract from my demi-official letter to the Board dated 17th August 1891:—

With regard to my giving Mr. Stuart a full opportunity of refuting the charges brought against the settlement party, I must most respectfully state my opinion that this course would be fatal to the inquiry as long as Sankunni Menon is the head of Mr. Stuart's office. In this position he would necessarily have access to all the papers, and when the Board is aware that the title-deeds in Putti Avva's case have lately been stolen from the Sub-Court, Calicut, and that Naggi Avva's title-deeds were surreptitiously burned inside a room in the Wynaad taluk cutcherry on the 21st June last, the danger of allowing any one concerned in the inquiry to have access in any degree to the records is patent. . . . I would also ask that reference may be made to para. 22 of my letter to Government dated 30th June 1891, wherein Sankunni Menon's indebtedness to claimants before Mr. Stuart is proved, and to para. 23, wherein it is shown that, in order to stop this inquiry, he divulged the contents of a confidential letter written by Mr. Stuart to the Board. Mr. Clogstoun will remember how information on the last point was given to me at Manantoddy on the 22nd June. I am, of course, completely in the Board's hands, but I would, with submission, remind the Board that the petition containing charges against Sankunni Menon and my Huzur Sheristadar was sent to me for inquiry and report. If the inquiry is to continue in accordance with the Board's orders conveyed to me in Mr. Sim's demi-official dated 13th July last, I must ask permission to conduct it in the usual way or to be absolved from responsibility for the results. The inquiry will, I trust, be soon completed, and I would, under all these circumstances, suggest that I may be allowed to submit my final report in due course to be dealt with as the Board deems fit.

On this I received the following letter, dated 26th August 1891, from Mr. Meyer, Acting Secretary to the Board:—"Your demi-official of 17th instant has been put before the Board, and I am to say that you may conduct the inquiry in the way you propose." Thus it is proved that the course I took was expressly sanctioned by the Board. I respectfully submit, therefore, that I am again entitled to be acquitted on this point just as I have been acquitted already by the Board and by the Government.

4. The second charge of disingenuousness on which I have been found guilty is an indelible disgrace with which, I submit with the utmost deference, I should not be branded unless there is clear and positive proof. If the Government is convinced that I have not been actuated by personal animosity, and I declare most solemnly that I have not knowingly been so actuated in carrying out, to the best of my ability, the orders given me, there is no motive why I should stoop to disingenuousness or sophistry. It was not, I submit with great respect, merely on the petition of a dismissed revenue inspector that I built up a theory of extensive fraud, but on the records examined in the inquiry I conducted under the orders of the Board and on the facts that the title-deeds in Putti Avva's case were stolen from the District Court, Calicut, though fragments of them were subsequently replaced, and that Naggi Avva's title-deeds were surreptitiously destroyed by fire inside the taluk cutcherry at Manantoddy. I was led to think that, if there had been no fraud, there would have been no such theft or destruction. As Government has decided that there was no fraud, I was mistaken, but I venture to submit that the mistake was at least reasonable and not dishonest.

5. One of the facts which I am held guilty of twisting with perverse ingenuity is that, as the janmam value of Government lands in Wynaad is Rs. 10 an acre, I have estimated the loss to Government, at Rs. 84,190. This is characterised "as an attempt to mislead the Board and Government" because it is improbable that the bulk of the lands would be purchased. I submit, however, that I was merely

representing the janmam value as fixed by the orders of Government, and I myself pointed out (*vide* last para. on page 14) that the purchase of escheat lands was optional. If I had a horse valued at five hundred rupees which I wished to sell, and if that horse were or appeared to be stolen before a sale was effected, no court would find me guilty of disingenuousness if I stated I had lost property worth five hundred rupees. In para. 21 of his letter, dated 28th March 1892, No. 2618, Mr. Stuart shows that up to date 172 applications for the grant of janmam sanads have been received and that Rs. 3,000 have been deposited as redemption fees. This shows that Government lands in Wynaad are being gradually acquired. I was wrong, as now decided by Government, in considering that 8,419 acres had been wrongfully registered as private janmam, but holding the opinion I did, it was, I submit, the natural conclusion that these lands represented Rs. 84,190 in janmam value, which would be lost to Government if the lands remained registered as private janmam. On page 14 it will be seen that I stated distinctly with regard to 1,331 acres that "the wrongful entry of the land as private janmam represents, as already noted, a loss to Government of Rs. 13,310 in janmam value at the fixed rate of Rs. 10 an acre." Had my conclusions regarding the wrongful registry of lands been correct, this declaration would also, I submit, have been correct, and nothing was further from my intention than to mislead the Board and Government.

6. With regard to the fact, alleged by Mr. Stuart, that all the waste lands in Wynaad were registered by the Survey Department as *Government* waste and the displeasure evinced by Government on the ground that I did not perceive the error and did not make any inquiries, I beg to enclose a survey area list, appertaining to the Kalpetta desam and received from the Survey Office, Madras, which shows that all waste lands were *not* registered by the Survey Department as Government waste. I beg leave further to state that I made particular inquiries on this point of the Deputy Superintendent, No. III. Party, Madras Survey, and he informed me that entries of lands as Government or private in the survey records were made solely in accordance with instructions given by the settlement officials. Knowing these facts and knowing that all land in Malabar is *prima facie* private property, I concluded that, when lands were specially entered as *Government* waste, the entry had a special meaning. The Government has now decided that I was mistaken, but here, again, I submit that the mistake was made in good faith and is not a proof of disingenuousness.

7. I am further found guilty, in para. 11 of the G.O. (p. 139), of making an unfounded insinuation that the difference between the tahsildar's and the revenue inspector's valuations of Putti Avva's property represents loss to Government. It is said that the revenue inspector's valuation is "admitted" to have been arbitrary, but I respectfully submit that, in para. 4 of my letter dated 14th December 1891 (p. 4), I explained that the valuation was made on the basis of title-deeds, that I did not therefore admit it to be arbitrary, and that the statement to this effect was made by Mr. Stuart. Again, in para. 17 of my letter (p. 10), I stated that the discovery of the title-deeds in Putti Avva's house showed that the property had not been transferred and that where the original tenure had been a mortgage (kanam) it had become prescriptive. In this opinion I was supported by the local Government pleader, whom I consulted, and although the opinion has been found by Government to be incorrect, I submit that, under the circumstances stated, it does not raise even a presumption of disingenuousness on my part.

8. I am further found guilty (paras. 26 and 35 of the G.O., pp. 145 and 148) of swelling the number of wrongful entries in the settlement register by entering all the survey numbers corresponding with the lands which have been escheated, although it is known that numerous hills bear the same name and only one was liable to escheat. With the utmost deference I must deny most positively that the same name is *ever* given without some such addition as "eastern," "northern," &c., to more lands or hills than one *in the same desam*, though the names are repeated in different desams. At the survey and settlement, a land escheated by name was divided into several survey fields and each survey field retained the original name, being distinguished by the survey number. In illustration of this fact I would

ask Government to consider whether one *hill* is likely to measure only 8 cents. as Putti Avva's "Angadikunnu" (para. 6 of G.O., p. 136) is said to measure. The name means "bazaar hill" and is the hill on which the Kalpetta bazaar and street stand. The other survey numbers bearing the same name are only parts of the same hill. If my credit with Government is not altogether destroyed, I trust this statement will be accepted as I know the situation. Otherwise, I trust inquiry will be made, and the correctness of my assertions will be proved. Under these circumstances, I must express a hope that I shall be acquitted of the imputation of disingenuousness in identifying, to the best of my ability, various survey numbers with a land escheated by name, although such identification may be wrong.

9. Yet another instance of disingenuousness is attributed to me in connection with the Muttal devaswam lands (para. 31 of G.O., p. 147), and Government has decided that the 40 years rule of possession, invoked by me with regard to the land registered as the private janmam of the Malakatt devaswam, has no application. But I respectfully submit that, when I invoked this rule, I did not know and had no reason to suppose that, when Mr. Stuart wrote that "all" lands in the Muttal desam (except 200 acres) should be declared escheat, he meant only "most" of the lands. As he had declared that "all" the lands were conclusively proved to be escheat because they "all" belonged to the Muttal devaswam and as the Malakatt devaswam lands were included in these lands, it was, I submit, only reasonable for me to conclude that there was proof of escheat in respect of these lands also and that therefore the 40 years rule of possession applied. I am, I submit, most unfortunate if I am to be judged on statements made subsequent to my report and inconsistent with the statements before me when I wrote that report.

10. In the next place, I would submit, with the utmost deference, that in regard to the escheat claimants in the Kuppathod amsam (para. 39 of the G.O., p. 150), there is an oversight which has prejudiced me seriously. It is stated that "a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands but of *reputed* janmis in the amsam." With the greatest submission I beg leave to transcribe the

* The italics are mine.

heading to appendix XXI.: "List showing the names of the reputed janmis * *who have come forward to claim janmam rights* over lands in the Kuppathod amsam." It is certainly the case that appendix XXII. is headed "List showing the names of the temples in Kuppathod amsam with the names of reputed trustees of each devaswam," but there is no ambiguity in paras. 44 and 45 of the statement of facts, which runs as follows:

"44. Appendix XXI. gives the names of *all individuals who have come forward to prefer private janmam rights* over lands in the amsam in response to the notice issued by me inviting them to do so."

"45. Appendix XXII. shows the names of the temples in the Kuppathod amsam with those of their trustees *who have preferred private janmam claims* on behalf of their respective temples."

In both these quotations the italics are mine. These facts will, I venture to hope, prove that so far from my being in the least disingenuous, I was fully justified in considering that the 36 persons entered in appendices XXI. and XXII. were claimants of escheat lands.

11. Finally, with regard to the case of the Kanthamangalath Nair (para. 37 of the G.O., p. 149), I would respectfully ask Government to peruse paras. 88 to 106 of my letter dated 3rd March 1892 printed with G.O., dated 3rd June 1892, No. 567, Revenue (pp. 57 to 60). I venture to make this request, not with the slightest intention of questioning the decision of Government, but in order that it may be seen that I had reasonable grounds for considering the Kanthamangalath Nair a claimant of escheat lands and that, therefore, I was not guilty of disingenuousness.

12. The third count on which I have been found guilty is that this dispute, and the manner in which the controversy has been carried on, has paralysed all the proper work of the district. On this, I would, with deference, remind Government that, in the beginning of its order, it has pointed out that, so far from my having

originated the controversy, it was commenced under the express orders of the Board. Then, in its Proceedings, dated 10th March 1892, No. 1609, Mis., the Board stated that "Mr. Dumergue's position as Collector of Malabar made it necessary that he should scrutinize the results of that (the Wynaad) settlement, which must have come before him in his official capacity. Moreover, he was directed to hold the inquiry by the Board." In para. 3 of its order dated 5th April 1892 the Government endorsed the opinion of the Board and declared that, in the prosecution of these inquiries, "Mr. Dumergue was only doing his duty." The scope and nature of the inquiry were brought to the notice of the Board and the Government by myself personally in October last; the Government itself has recognized the fact that the inquiry was forced on me by the orders of the Board, has expressed its opinion that I have been only doing my duty, and has never yet found fault with the manner in which I have conducted the inquiry. I submit that I cannot, in justice, be held responsible for the fact that the inquiry has now come to be regarded as a dispute owing to the attacks which have been made on myself, my administration, and my subordinates. It was impossible for me to prevent those attacks, and if I had attempted to do so, instead of courting the fullest inquiry, I would most undoubtedly have laid myself open to suspicion.

13. With regard to the work of the district, I submit, with the greatest respect, that no evidence has been called for and none is on record to show that it has been paralysed, while the evidence which is available in the quarterly returns to the Board and in my office registers will prove that I have steadily cleared off arrears, have reported on cases of long standing which necessitated the study of records for the past 50 years or more, and have brought the work actually up to date. As my reward for doing this, in one of the heaviest districts of the presidency, I am condemned unheard, and can only appeal to the justice of Government.

14. Notwithstanding the declaration made by Government that I have only done my duty in conducting this inquiry, I am now convicted of allowing my district to be kept in a ferment and split up into factions for want of judgment or moderation, for my own ends or for the gratification of spite. With regard to these alternative motives, I must submit that it is a cruel proceeding on the part of Government to ascribe, on mere supposition, to one of its servants, who has never yet had reason to suppose that he was regarded with suspicion or distrust, ulterior and sinister motives in carrying out the orders given to him by his superiors. His Excellency the Governor himself and the Chief Secretary to Government are aware that, in consequence of the aspersions which had been made on my character, I wished to remain in the district only till the inquiry was complete. I must beg leave to deny most emphatically that I had any private ends to serve or any spite to gratify. It is impossible for me to understand what private ends I can be supposed to have had in view, and, if the Government still considers that I had, I am, I submit, in justice entitled to a distinct accusation. In any case, I further submit that to disquiet the district as a means of serving any private ends or the gratification of spite and thereby to raise the displeasure of Government would have been an act of folly of which I never thought I should be considered capable.

15. As a matter of fact, nothing was known definitely in the district about the escheat inquiry, and there was neither ferment nor faction until the substance of the charges made by Mr. Stuart against the Deputy Collectors and myself, in his letter dated 19th November 1841, was published in the *Madras Mail* of the 10th November 1891. For these attacks and for the publication in the *Madras Mail*, I submit that I cannot justly be held in any degree responsible, any more than I can be held responsible for paragraphs in the local newspapers and anonymous petitions of which there have been many. I know of no faction in the district in this matter except the one which has persistently attacked the administration in almost every branch, and if it can be proved or if even a reasonable suspicion can be established that I have in any way countenanced any ferment or any faction, I shall willingly take the consequences, but until this is done, I must most respectfully yet earnestly protest against condemnation. So lately as the 5th April 1892, Government has, as I have already pointed out, recorded its opinion that I was only doing my duty, and, in the same order, declared that

administration would be impossible if the intrigues dealt with therein were continued. Had there been, a little more than two months ago, any disturbance in the district from any ferment or faction of my creation, Government would undoubtedly have noticed it. From the fact that none was noticed, it may, I venture to think, be concluded that there was none. So far from being condemned on account of attacks made by others on myself and my administration, I submit that I am entitled to credit for carrying on, without reproach or reproof hitherto, the administration of the district in spite of the repeated efforts which have been made to destroy my authority and blacken my character.

16. Government has, in the last place, convicted me of allowing the settlement of the district to be impeded and discredited. The discredit cast on the settlement of Wynaad, and Wynaad alone, was the result of the inquiry I made under the orders of the Board. In this, Government has decided that I am wrong, and I accept the decision most loyally, but I must respectfully deny that I have discredited, or in any way interfered, except when my assistance was required, with the settlement of any other part of the district. There is, I submit, no evidence that I have, directly or indirectly, impeded the progress of settlement. On the contrary, Mr. Stuart has before now acknowledged with thanks the assistance I have given, and the Superintendent of Madras Survey, which is a necessary preliminary to settlement, has made me the same acknowledgment in person and by letter. Mr. Stuart has certainly charged me and my subordinates with obstructing settlement work in the Walawanad taluk, but when I requested the Board to call on Mr. Stuart to frame specific allegations, the papers were recalled and subsequently recorded. Considering that, if the charges were true, I was ready to take the consequences, and that otherwise they ought not to be made with impunity, I ventured to protest, but no orders have been passed. A few days ago, however, a *fresh set of accusations* was received and has been sent to the tahsildar for explanation. Before the explanation is considered, I submit that an opinion cannot be formed, but Government has already condemned me, characterising my conduct as unpardonable. During the two years I have been in Malabar, the settlement of Palghat has been completed, that of Walawanad begun and practically finished, and operations have been extended to Ponani and Kurumbranad. In his last administration report Mr. Stuart himself testifies to the rapidity with which work has been done during the past year. Under these circumstances I venture to submit that I am at least justified in asking that judgment may be suspended and that I should not be convicted on any *ex-parte* statement which may have been made.

17. Much of the voluminous correspondence on this case has been necessitated by the attacks which have been made on me and my administration, and I would ask the Government to consider whether it was possible for me to do anything but defend myself. As a proof that I have refrained from increasing the correspondence unnecessarily and have kept silence, as long as possible, when I was justly entitled to protection, I beg to make the following extract from my letter to the Board, dated 19th May 1892, forwarding the explanations of the Deputy Collectors. At the same time, I must ask Government to do me the justice of considering the facts stated in this extract in connection with the theory of personal spite on my part towards Mr. Stuart:—

But after all the chief point of Mr. Stuart's attack on myself is my alleged partiality for the Nair Deputy Collectors and their relatives. The specific charges which Mr. Stuart framed under this head as well as the methods he adopted for obtaining information have been disposed of in G.O., No. 1803, dated 5th April 1892, and no further reference to the subject on my part would be necessary but for the additional facts recorded in para. 120 of Deputy Collector Karunakara Menon's explanation. Incredible as it may appear, there is no doubt that a first-grade pleader, Krishnan Nair by name, was induced by Mr. Greene, Assistant Superintendent, Survey Party No. III., to visit Mr. Stuart, and was asked by Mr. Stuart whether Karunakara Menon had not received, as Deputy Magistrate, a bribe in a certain case, and whether I had not commenced an inquiry against Karunakara Menon and dropped it suddenly and unaccountably. Mr. Stuart was, as remarked by his Uncovenanted Assistant, stunned when he was told by the pleader that the case in question had been tried not by Karunakara Menon, but by another Deputy Magistrate, Mr. Leggatt, who had left the district some years before I came to it.

Thus it will be seen that not only in communication with an European officer and a tahsildar subordinate to myself, but also in communication with a native within my jurisdiction, has Mr. Stuart made the gravest aspersions on my character, public and private, that could possibly be made. When the time comes for considering Mr. Stuart's allegations that I have throughout my inquiry into alleged irregularities in the escheat settlement of Wynaad been actuated by personal hostility against himself, I trust it will be remembered that the facts now mentioned have been known to me since September last and that Mr. Stuart has since July last repeatedly accused me of falsehood and kindred offences. Notwithstanding this, I have refrained from the slightest allusion to Mr. Stuart's conduct until Mr. Stuart's own official action has left me no alternative. Never, I believe, has any officer of Government, in attempting to do his duty and carry out the orders given to him, been subjected to personal attacks made so wantonly, with such complete absence of provocation, and with such concentrated malice as those which Mr. Stuart has made on myself. An appeal to the civil and criminal courts could have but one result, but I am debarred by my position from seeking these means of redress without the permission of Government. It would be hypocrisy on my part to say that I am induced by any consideration for Mr. Stuart to abstain from asking for that permission, but I do not wish that the disgrace which has been brought on the service to which I belong by another of its members should be made a public scandal. Nevertheless in submitting this case to the Board and the Government I am confident they will not think that, in demanding the fullest measure of vindication and vengeance, I demand more than justice.

18. In conclusion I venture to express the earnest hope that the facts which I have brought to notice will induce Government to reconsider the censure it has passed on me, and that, in respectfully asking for such reconsideration, I shall not be considered guilty of disloyalty or insubordination. Only a short time ago Government itself declared that I had only done my duty. It is true that the final report on which the present censure has been passed was not then before Government, but its style and nature are the same as of those letters in which Government stated that I had "refrained from making any personal attacks on Mr. Stuart." The Board, however, had seen my final report when it stated on the 10th March 1892 that "Mr. Dumergue, so far as the Board remembers, introduced no matter reflecting on Mr. Stuart personally." For every material statement made in my report I have quoted the records, and, in my demi-official letter to the Board, dated 17th August 1891, I particularly asked that every statement might be tested by those records. If I had intended to deceive the Board and Government on any point, this assuredly is not the course I would have taken. With regard to the work of the district, I can prove by records that, so far from having been paralysed, it has been brought up to date. I deny that I have fomented factions and ferment, directly or indirectly, that I have been so dishonorable as to use such means to serve my own ends, that I had any ends in view except that of carrying out the orders given me by the Board, and that I have in any way impeded settlement or permitted it to be impeded. These are the points in connection with which my conduct has been pronounced unpardonable, and I must, with the utmost submission, beg to observe that they are not supported by evidence, and that I was not allowed any opportunity of explanation before judgment was passed condemning me in terms which could hardly have been stronger if I had been positively proved guilty of an actual crime or of conduct unworthy of an officer and a gentleman.

19. Considering the urgency of the subject I have taken the liberty of addressing the Government direct, but a copy of this letter will be submitted to the Board to-morrow.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to Government, Revenue Department, dated Calicut, 26th June 1892:—

With reference to my letter dated 24th instant, I much regret that, in my haste, I made a mistake in para. 10 and failed to express my meaning.

2. I now beg leave to submit an amendment of the paragraph and request it may be substituted for the former. It will be seen that the statements now made

- are not after-thoughts, but are to the same effect as statements made in a similar case in my letter to the Board dated 3rd March 1892.

Amended Para 10.

10. In the next place I would submit, with the utmost deference, that in regard to the claimants in the Kuppathod amsam. (para 39 of the G.O., p. 150) there is an oversight which has prejudiced me seriously. It is stated that a reference to the statement of facts shows that the 36 names comprised in appendices XXI. and XXII. are not those of claimants to escheat lands, but of *reputed* janmis in the amsam. It is certainly the case that the word "escheat" is not used either in the appendices or in the statement of facts, but throughout the escheat settlement reports the word is inserted or omitted indiscriminately. In similar appendices relating to the Vayitri, Peria, Tondarnad, Edavaka, and Muppinad amsams, the claimants are distinctly described as claimants of "*escheat*" lands, while in the lists relating to Ganapathivattam, Putadi, Ellornad, Nallurnád, and Porunnannur, the word "*escheat*" is omitted. All the other appendices relate, as shown either by their headings or in conjunction with the statement of facts, to escheat matters alone, and if the lists of claimants are only lists of reputed janmis, they are not complete. Similar facts with regard to the similar list in which the Kánthamangalath Nair's name was entered were set forth in para. 10¹ and the connected paragraphs of my letter to the Board dated 3rd March 1892, and in para. 10 of its Proceedings dated 16th March 1892, No. 1740, the Board appeared, to think the view I took was reasonable and honest. Under these circumstances I submit that, though my view is now found to be incorrect, it was not disingenuous.

READ—again G.O., dated 1st July 1892, No. 1487, Revenue.

ABSTRACT.—Communicating to the Commissioner of Revenue Settlement telegram from the Acting Collector of Malabar, with the request that the letters referred to may be forwarded to Government.

READ—also Proceedings of the Board of Revenue (Revenue Settlement, Land Records, and Agriculture), dated 2nd June 1892, No. 5614, Mis.

ABSTRACT.—Submitting to Government, as directed, copies of letters from the Collector of Malabar dated 2nd February and 10th April 1892, regarding the obstruction to progress of revenue settlement in Malabar.

ORDER—dated 23rd July 1892, Mis. No. 3351, Revenue.

His Excellency the Governor in Council has very carefully considered Mr. Dumergue's representations and regrets that he can see no grounds for altering his decision or modifying the censure passed in G.O., dated 17th June 1892, No. 624.

(True Extract.)

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

To J. W. F. Dumergue, Esq., C.S.
To the Commissioners of Land Revenue.
„ the Commissioner of Revenue Settlement, L. Records, and Agriculture.