CONFIDENTIAL.

Revenue (1893) Department.

G.O., No. 2747

Confidential No. 603.

DATED 26 July 1893.

[Despatch Abstract.]

Communicating to the Board of Revenue and to Mr. Dumergue the despatch from the Secretary of State declining to interfere on behalf of Mr. Dumergue &c.

BACK PAPERS.

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

FURTHER PAPERS.

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

0/18—2,000—13-3-93.

Confidential No 36

(1893.)

REVENUE DEPARTMENT.

District Number. 5220

From

The Rt. Hon. the Secretary of State for India.

DISPOSED OF BY GOVT ORDER
No. 2747
Date 26-7-93

Dated 22nd June 1893

Received 14th July 1893

Enclosures Nil

No. 10 Rev.

SUBJECT.

Declining to interfere with the orders passed by this Govt. in Mr J. W. F. Dumergue's case; remarking that the controversy between Messrs Dumergue & Stuart might have been brought to an end at an earlier date if the Govt. had deputed a special officer to investigate on the spot the points in dispute; and expressing a hope that the Madras Govt will take

ABSTRACT.

The Rt Hon'ble Secretary of State in Council.

G.O. No 2747 dated 26-7-93
Rev. 257/93.

Paragraphs 1 & 2 of the Secretary of State's despatch are communicated to Mr J. W. F. Dumergue.

2. Paragraph 4 of the despatch is communicated to the Board of Revenue with a request that it will report the submission of the report called for in G.O. of 20 April 93 no 311 para 3.

Ch
25 July.

The Board of Rev. Land Rev. with copy of para 4 of the despatch
Dispd 26/7/93
Mr J. W. F. Dumergue Esq. I.C.S.
also copy of paras 1 & 2 of the despatch
Dispd. 26/7/93

I understand that only para 4 of the despatch is to be communicated to the Board. Effective steps to curtail the unnecessary length of official papers.

GOVERNMENT OF MADRAS
4 JUIL 93
REVENUE DEPARTMENT

India Office,
London, 22nd June 1893.

Revenue,
No. 10.

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

My Lord,

Malabar. *Memorial from Mr. J. W. F. Dumergue.*

I have considered in Council a memorial from Mr. J. W. F. Dumergue, late Acting Collector of Malabar, together with other enclosures of your Excellency's letter, No. 4, dated the 7th March 1893.

2. I am not prepared to interfere with the orders passed by your Excellency's Government in this case. It is evident that while Mr. Dumergue was placed in a position of great difficulty and embarrassment by the extraordinary proceedings of Mr. Stuart, which are justly condemned in your orders of the 5th April 1892, and while the enquiry entrusted to Mr. Dumergue would seem to have been conducted by him in a manner which was undoubtedly painstaking and laborious, he allowed himself, both in his official correspondence and apparently in his interviews with the authorities of Madras, to indulge in language which was unbecoming his position as the head of an important district. Moreover, there is every reason to infer that the prolonged and acrimonious controversy between the two officers, which must have been very detrimental to the revenue administration of Malabar, is in a great measure attributable to Mr. Dumergue's omission to take Mr. Stuart into his confidence, and to make use of his assistance when he commenced the enquiry into the alleged frauds.

3. In connection with that controversy, I think it right to remark that it might have been brought to an end at an earlier date if your Government had specially empowered some high administrative officer to investigate on the spot the points in dispute between the two officers, and either by his personal influence to induce them to co-operate for the benefit of the public service, or, failing this, to procure the immediate removal of one of them to another district. Instead of this course being taken an interminable paper correspondence was kept up,

occupying much unnecessary time and leading to no good result.

4. I observe that the Revenue Board remark on the wearisome prolixity of some of the papers in the present case. In a recent Despatch, on the subject of proposed additions to the Secretariat of the Revenue Board, I referred to the undesirable length of some of the letters and reports prepared by your officers; and I hope that your Government will take effective steps to curtail the unnecessary length of official papers.

I have the honour to be,

My Lord,

Your Lordship's most obedient humble Servant,

Kimberley

No 8

Revenue.
22nd June 1893.

The Letter to Dr St. George
No 10.

REVENUE DEPARTMENT.

Current No. 5021 + 5220

From

Dated 189 .

FOR ORDERS.

Write the above Current No.
Domicile submits a Supplemental Memorial to the Secretary of State.
Colonial Secretary requests an immediate Despatch from the Secretary of State declining to interfere on behalf of the Memorialist.
The Govr is advised with reference to the decision of the Secretary of State
"When a second Memorial is presented after a decision has already been given by the Authority to which it is addressed and when no new facts or circumstances are adduced which afford grounds for a reconsideration of the case"
The question is whether this Rule applies to the present case. In my opinion it does because the Supplemental Memorial is based on an

Rule XII (3)

I do. withhold the Memorial & tell Mr D. why it is withheld.
24/7

Entirely concurs with C.O. letter 27 April/93 No 346 & contains no new facts & circumstances which afford grounds for reconsideration of the decision

L^d Brassey's letter is entirely to the point & the S/W has in fact directed a revision of the survey & collected & digested the very opinions & expressing which he now entreats at the hands of the Secretary of State.

The revision of survey ordered was known not finally decisive as L^d Brassey appears to assume "especially in view of the effects & costs paid not by him, but mainly in consequence of the High Courts decision in Appeal suit no 78 2/88 as expressly stated in the Antipicta appended to the S/W letter. But for that decision no second revision of survey would have been ordered though in some particular cases it might have been necessary from time to time to correct errors of survey as brought to light.

Para 9 of the Memorial contains the pith of the transaction. The Govt reject, certainly with the Board in its remarks that revision of survey was necessary in consequence of the decision of the High Court in Appeal suit no 78 2/88 & quashing & upsetting the decision of the Collector on the ground that the Board had not given the Rajah an opportunity of being heard. Before the Board could do so the Rajah died. The Board then called for a report from the Collector as to the reasons for facilitating the deposit of Rs 1,000 in the Govt Office, after consulting Mr Ribbentrop - who may omit the report before taking action. Mr Ribbentrop, I understand, is of opinion that Mr Robertson was more than a little - over the Govt Office counter in the Govt office in this opinion the members of the Board concurred & Mr Robertson's report was withheld from the Govt office.

There are only 2 persons in my opinion which with cannot be sitting officers - one is the Collector himself & the other is Mr Robertson, Superintendent of Land Records & Settlement Officer.

21/7/93

I would communicate paras 182 of the despatch to Mr Brassey before to transmit the supplementary memorial.

That document appears to be the best proof of Mr Brassey's disingenuousness and of the incurable twist in his mind which incapacitates him from taking a straightforward view of any question. It is simply untrue that a revision of the Rajah's minority was necessary in consequence of the decision of the High Court in Appeal suit no 78 2/88 & quashing & upsetting the decision of the Collector on the ground that the Rajah was not given

FOR ORDERS.

First copy sent to Press.

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CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. ..

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO

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

N.B.—
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.

as to the jurisdiction of the District —

In the supplementary Memorial it to be sent forward in our Name, with a request to print it with remarks to the above Effect.

As regards the despatch of instructions mentioned in paras 1 & 2 they to be communicated to Mr Stanyon & whether he should simply be informed that the Secretary of State has declined to entertain with the object stated by this Govt in his case.

I think he may have the full text of paras 1 & 2 orders also repeated as to the action to be taken with reference to para 4 of the Despatch the previous remarks to which Lord Kimberley refers an apparently form enclosed in para 4 of the Despatch No 66/Jan/93 dated & printed in G.O. d. 20 April/93. They do not seem to have such bearing on the present case. I see no reason to prevent Officers from being parties to controversy like the present Lieut Stanyon & Dewayne is fortunately not of frequent occurrence. The reason why the Secretary of State & Govt can not properly

of any settlement in the Wynaad has been ordered or that the Madras Government has ascertained Mr D's conclusion as to necessity; and believe that Mr D. knows this perfectly well.

R. K. Dennistoun
Coll.

What course of the despatch might be communicated to the Board of Revenue. I agree with the Secretary's remarks on this subject. Para 3 is hardly just to this Govt. We did all we could to bring the matter to a speedy disposal & to cut short the paper controversy. But I don't think it is worth while to mention it. The deputation of a high Official from the Local Enquiry would rather have prolonged the controversy & would merely have introduced another long report between the original pleadings & the Govt's orders.

Mds
28/July.

I concur in the above remarks. I suppose we shall have Mr. Stuart coming up next to have the charges he preferred withdrawn, because Mr D. has been removed from Malabar.

I think para 4 of the despatch ought to be communicated to the Board, & that they write to Mr Stuart, mark them & dispose of it. Mr Stuart is not to be informed of the despatch.

Questions of this kind between Subjects can only be settled by the Govt. The Board of Revenue & Collectors are not competent to decide such questions as involving a knowledge of intricate questions of Law & conducting long controversies. Cases of this kind must be brought up for disposal in the Govt Dept.

Perhaps it will be right to communicate the Lords Ships remarks to the Board of Revenue for information & guidance.