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. Dunnegne the despatch from the Secretary of State declining to interfere on behalf of Mr. Dunnegne &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.

O/18—2,000—13-3-93.

Confidential No 36

(1893.)

REVENUE DEPARTMENT.

Current Number. 5220

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

DISPOSED OF BY GOVT ORDER. Mis. 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. Dunnegan's case; remarking that the controversy between Messrs Dunnegan & 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 Hon'ble Mr Saunders.

G.O. No 2747 dt 26-7-93 / 25/7/93

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

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

ch
25 July.

The Board of Rev. Cant Rev.
with copy of para 4 of the despatch
Dsp. 26/7/93

J.W.F. Dunnegan Esq. I.C.S.
with copy of paras 1 & 2 of the despatch
Dsp. 26/7/93

I understand that only para 4 not the first part of the despatch is to be communicated to the Board. effective steps to curtail the unnecessary length of official papers.

726

GOVERNMENT OF MADRAS
4 JUL 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.

Ltr to Govt
Letter to Govt of St. Lucia
No 10.

REVENUE DEPARTMENT.

Current No. 5021 + 5220

From

Dated 189 .

FOR ORDERS.

With the above Current No. Dominica submits a Supplemental Memorial to the Secretary of State. Colonial Members are aware the last mail brought a Despatch from the Secretary of State declining to interfere on behalf of the Memorialist. The Govt is dealt with in accordance with the provisions of the Memorial "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".

Rule XII (3)

The question is whether this Rule applies to the present case. In my opinion it does because the Supplemental Memorial is based on an

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

Entirely erroneous view of
G.O dated 27 April/93
No 346 + contains no
new facts + circumstances
which afford grounds for a
reconsideration of the decision
Mr Brumgen's contention is
that as the SW has in the
case quoted directed a revision
the survey + contract
of August which has since
+ before the very opinion
for expressing which he was
censured at time of the
interference -
The revision of survey ordered
was known + foreseen necessary
as Mr Brumgen admits
because "especially in view
of the effects + evidence
printed not by him, but pri-
marily in consequence of the
High Courts decision in
Appeal suit No 78 1/88
as expressly stated in the
Interpleter appended to the
SW's letter But for that decision
no second revision of survey
could 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 Mr
Brumgen's case - The SW
decision, (secondly) orders
the Board in its remarks that
revision of survey was not
necessary in consequence of the
Land Appeal Court having
decided in the case of
Spurling + Lyttelton
the boundaries of this mining
lot which was at the main
reason for the issue of the
Interpleter - It was because
the High Court decision
necessitated a readjustment
with the Canvas entailed
as a necessary consequence
the registration of fresh titles
+ the repeat survey +
boundary in Richard Jackson
Estate. Revision of
registration + private fences
between lands as proposed by
Surveyors was therefore insufficient

Mr Brumgen ignores altogether
the fact that he was consulted
but no blame is to attach
chargeable to the Survey Dept
beyond, that one altogether a
minor point in the controversy
between the parties
but he prefers to dwell
upon this which he considers
substantiated + charging the
Interpleter in which he knows

As regards the living Notice mentioned
regarding the publicity of the Mineral
Lot reports should not be
considered beyond com-
municating Para 4 of the Interpleter to
[redacted] the Board for information +
guidance. He has called
for a report from the Bd. on the ques-
tion of facilitating the deposit
of Notices in the Bd. Office, after
consulting Mr Ribbentrop - who
may consider the report before taking
action. Mr Ribbentrop, I know,
is of opinion that Notices
are done tricate - one in the
Bd's Office room + the Post Office -
this may give the remedies
sought much of the Notices
that comes to the Post Office.
There are only 2 measures
in my opinion which will ensure
this working effectively - one is to
give Collectors Inspectors of
Land Districts and the other to
appoint the Board with the
Govt Offices in some way.

21/7/93

I would communicate paras 102 of the
Despatch to Mr Brumgen before to transmit
the supplementary memorial.
That document appears to be a perfect
proof of Mr Brumgen's disingenuousness and
of the incurable twist in his mind which incapa-
citates him from taking a straightforward view of any
question. It is simply contrived that a revision

FOR ORDERS.

First copy sent to Press.

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ENCLOSURES TO C. No.

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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 disposal of the admin
tration of the District —

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

As regards the Despatch in
structions are invited as
to the paras 1 & 2 may
be communicated to Mr Stuart
& whether should simply
be informed that the Secretary
of State has decided to
adopt with the advice
by this Govt in his case.
I think he may have the
full text of paras 1 & 2

orders are also requested as
to the action to be taken with
reference to para 4 of the Despatch
The previous remarks to which
Lord Kimberley refers are
apparently those contained in
para 4 of the Despatch No
69 (Jud/93 dated 7 printed in G.O
dated 20 April 93. They do not
seem to have much bearing on
the present case. It is desirable
to prevent officers from being put
to the trouble & Secretary is
further asked to request reasons
the reason why the Monthly Returns
of the District Courts are to be

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

Rm L. Dennys
Capt.

that henceforth 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 do not think it is worth while to remark.
The deputation of a high official from
Local Govt would rather have prolonged
the controversy & would merely have intro-
duced another long report between the
original Heading of the Govt order.

Mco
23/July.

I concur in the above remarks.
I suppose we shall have Mr. Stuart
coming up next to have the censure he
solicited withdrawn, because Mr D. has
been removed from Malabar.
I think para 4. of the despatch Mr be
comd to the Board, & that they write to
Govt, mark. them & digest it.
Memorials is not so much
because subjects are dealt
with often by the Govt Govt
but because large schemes
involving a multiplicity and
intricate questions are
constantly being discussed
come up for disposal in
the Rev Dept.
Perhaps it will suffice to
communicate Mr. Lyall's
remarks to the Dept. of the Govt
for information & send a copy to

2nd July