M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT

G.O. No. 312 Press ~~Mis.~~

57-58

Dated 8-3- ~~19-1958~~

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 12th March 1858.

No. 57. Read the following letter from T. J. KNOX, Esq., Acting Magistrate of Masulipatam; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Goodewadah, 22nd February 1858, No. 50.

SIR,

Para. 1. I have the honor to submit for the perusal of Government, a decision lately passed by the Head Assistant Magistrate in a case of extortion by a Post Office Overseer.

2. The case has been dismissed, but it reveals a rule in the Post Office Department which must operate injuriously.

3. The Government will observe that an Overseer gets no pay whatsoever in any month if certain rates of travelling have not been maintained by the runners, but as he must live, it appears to me inevitable that in those months he is mulcted of all his pay, he must and it is to be expected that he should make the runners contribute for his subsistence at least, and the tendency of native officials to collect money illegally does not require the stimulant afforded by the temporary poverty this rule creates.

Case No. 7 of 1858, *Masulipatam, Head Assistant Magistrate's file.*

Complainants.

1 Arza Ramasawmy.
2 Vaka Vencatachellum.
3 Conosani Ramasawmy.
4 Allum Ramdoo.
5 Sumgul Ramanah.
6 Arza Tocrapatyraydoo.

Defendant.

Nursingabhan, Tappal Overseer.

Witnesses.

Darlapurty Peda Soobbanah.
Conaculla Puttesaw.

Charge.—Extortion.

The defendant, the Overseer, between Masulipatam and Ventapaulem, is charged with having extorted from each of the complainants the sum of 3 Rupees in all 18 Rupees, threatening them with dismissal in the event of refusal, about 3 months ago, at Lutchmepoorum a village in the Sullapully Talook.

The complainants are all runners on the line of Tappal, the 2 first at Lutchmepoorum, the 3rd and 4th at Yendacoodoor, and the 5th and 6th at Madacoodoor, the 1st received the whole of the money from the others as follows.

He received 3 Rupees from the second.
6 Rupees from the third for himself and the 4th.
6 Rupees from the fifth for himself and the 6th.

To this he added 3 Rupees, and gave the whole amount of 18 Rupees to the defendant.

The 3rd and 5th complainants were present at the time, besides the 2 witnesses.

These two witnesses were under a Ravee tree about 3 yards from the Tappal station, and saw the whole sum counted out by the 1st complainant into the defendant's hand.

The defendant denies the charge brought against him, and says because he is strict with the runners in preventing their cultivating, and in making them attend to no other employment, they have brought the charge against him, with the view of getting him dismissed. He has not had any pay since he received his September's pay in arrears in October. He has been employed 11 months as Overseer and has only received 6 months' pay. The runners failing to run 5 miles an hour in the wet weather and 6 miles in the hot weather, he forfeits his pay.

In this case the chief testimony against the defendant is that of the complainants, but as they must all act from interested motives, and have such facilities for making their evidence correspond, I do not think it trust-worthy.

The evidence of the witnesses is very improbable, for it is not within the limits of probability that the defendant would have received so publicly a bribe from his subordinates, and that too counted Rupee by Rupee, in a loud voice, by the 1st complainant.

The case is therefore dismissed. The position of a Tappal Overseer is a curious one, the present defendant has not received one single Rupee of pay for the last 4 months, they have the power of fining the runners and of dismissing them.

And the runners have the power in their hands, of keeping the Overseer, as in this case, without his pay, for that seems to depend on their (the runners) rate of running, and if they don't run at the rate of 5 miles an hour, the Overseer receives no pay.

The present Overseer I think should be changed from this line, for if he is not, there is not the least doubt, but that he will dismiss every runner who has brought a complaint against him.

The knowledge of this fact must of itself induce the runners to strain every nerve, to get this present charge proved against the Overseer.

The peculiar position of the Overseers towards the runners has called for these remarks.

(True Copy.)

Masulipatam, 19th February 1858. (Signed) T. CHASE,
Head Assistant Magistrate,

(True Copy.)

(Signed) T. J. KNOX,
Acting Magistrate.

No. 58. ORDER THEREON, No. 312; dated 8th March 1858.

Resolved that a copy of the foregoing letter, with its enclosure, be furnished to the Post Master General of this Presidency, and his attention called to para. 3.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

(2)

C3 Inward
R&C

No 312

Resolved that a copy of the foregoing letter, with its enclosure, be furnished to the Post Master General of this Presidency, and his attention called to para 3.

Fort St George
8 March 1858.

Copy to the Secretary of Municipality
Copy to Post Master General