

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	109	Press
	13-16	<u>Mis.</u>
Dated	26-1-1919	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 1st February 1859.

Read the following papers.

No. 13. From J. J. COTTON, Esq., Civil and Session Judge of Masulipatam; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort St. George, dated 25th October 1858, No. 503.

SIR,

Agreeably to the Extract Minutes of Consultation, under date the 9th October 1858, I have the honor to re-transmit my Memorial* (in triplicate) to the Honorable the Court of Directors in manuscript as therein directed.

* The Memorial was printed in Consultation of 12th October 1858, No. 50.

No. 14. From W. KNOX, Esq., Collector and Magistrate, Masulipatam; to W. H. BAYLEY, Esq., Acting Secretary to Government, Fort St. George, dated 12th November 1858, No. 387.

SIR,

1. I have the honor to report in answer to the call for information contained in Extract No. 1527. Minutes Consultation, dated 30th Ultimo, regarding the present Nazir of the Court at this station, P. Ponnumbalum Moodiliar.

2. It appears from the records that this individual was Tahsildar of Bunder for about 19 months. He was then suspended by order of the Commissioner. The Special Assistant, Mr. Bird, tried him Magisterially in 13 cases, but he was released in all.

3. He was tried for malversation in revenue matters in 4 cases. In the first the Assistant's decision was modified by the Collector whose decision the Commissioner confirmed, but the Court reversed it.

4. In the next case he was fined 17 Rupees, the Special Assistant acquitted him in one case, and the Collector reversed his conviction in the fourth.

5. There were several other charges brought against this party which were not gone into, he was dismissed from the service from the date of his suspension, 28th April 1851. He petitioned, but Government in Extract Minutes Consultation, dated 28th October 1854, declined to interfere, and he was not again employed until he was made Nazir. Mr. Cotton, has forwarded me an extract of his letter to the Court of Sudr and Foujdaree Udalut, in which he goes fully into the circumstances of this appointment.

6. I further submit extract from the Return of persons suspended or dismissed, sent by Mr. Lushington, to Mr. Elliot. The proceedings of the Foujdaree Udalut to which he alludes are not on record.

Extract from a letter to the Acting Register to the Court of Sudr Udalut, dated 19th October 1858.

7. * * * The name of the present Nazir of this Court is Paudee Poonamballa Moodiliar, alias Poonappah, that he was Head of Police and Tahsildar of the Bunder Talook of Masulipatam, in the early part of 1851, but *not* in 1852. That in the former year he was placed on trial in no less than 13 cases, before the late Session Judge on charges preferred originally before the Special Assistant Magistrate, on every one of which he was acquitted, and such acquittal was approved by the Judges of the Foujdaree Udalut, upon an appeal (if such it might be called) made through the Government to them by the Revenue authorities, and further that several of the prosecutors and witnesses in the above case were convicted by Mr. Dowdeswell, the then Session Judge, of wilful and corrupt perjury, some of whom were however subsequently released by orders from the higher Court.

8. A reference to the records of these cases, and the Extract from the Proceedings of the Court of Foujdaree Udalut, dated 7th July 1852, will afford detailed information on the above.

9. P. Poonamballa Moodiliar was also the subject of proceedings held by the same Special Assistant Collector, and was sentenced to pay a considerable fine, for alleged bribery, &c., which sentence was subsequently reversed in Appeal on the grounds of the palpable fabrication of the evidence, and for other reasons recorded in the proceedings of the Civil Court in Revenue Appeal No. 14, 1854.

Fort St. George, Judicial Consultation, 1st February 1859.

10. P. Poonamballa Moodiliar remained out of Government employ from 1st April 1851 (previous to which he had served in various situations of responsibility and trust under the Government for a period of upwards of 23½ years) until the 16th May 1857, when on a deliberate consideration of all that had passed, I appointed him to his present situation in which he has since remained.

(True Extract.)

(Signed) J. J. COTTON,
Civil Judge.

(True Copy.)

(Signed) W. KNOX,
Collector and Magistrate.

Extract from the Return of persons suspended or dismissed in the District of Masulipatam, from the commencement of, and in connection with the Commissioner's investigations.

Names of the persons suspended or dismissed.	Office.	Amount of pay.	Date of suspension or dismissal.	Cause of suspension or dismissal.	Date of appointment to the office.	Whole period of employment in the Public Service.	Remarks.
1	2	3	4	5	6	7	8
181 Bunder Talook. P. Ponnumbalum Moodiliar.	Tahsildar of Bunder.	100	28th Apr. 1851.	The circumstances attending the committal of this servant to the Sessions Court on various charges of bribery and gross abuse of Police authority, and his acquittal there are well known to the Commissioner. The Foujdary Udalut, however, recorded their opinion that some of the charges were not without foundation. Four revenue trials were held against him. He was convicted in three, and acquitted in one. The Collector reversed one of the remaining, and the Commissioner confirmed the remaining. There were 6 other distinct charges against him not taken up involving the corrupt receipt of Rupees 565-8. The boldness and utter absence of scruple with which this man carried on his exactions during his short incumbency, are facts as notorious as his energy and ability.	1st Octr. 1849.	22-5-17	

Masulipatam,
Collector's Cutcherry,
28th September 1858.

(Signed) T. D. LUSHINGTON,
Collector.

(True Extract.)

(Signed) W. KNOX,
Collector and Magistrate.

No. 15.

MIMUTE.—MEMORIAL OF MR. J. J. COTTON.

The information which has been called for regarding the Nazir of the Masulipatam Court, has recalled to my recollection, circumstances connected with his former service which show him to be a person unfit to hold a place of trust, such as that to which he now stands appointed.

At the time that I was ordered to investigate the affairs of the Masulipatam district in 1850, this man was head of Police of the town of Bunder. Complaints of oppression and malversation were so numerous against him, that he was suspended from office, and he was committed to the Sessions Court for trial on several charges by the Special Assistant Collector.

Of these charges he was acquitted, and Mr. Cotton considers that he was justified thereby in promoting him to the post of Nazir.

Fort St. George, Judicial Consultation, 1st February 1859.

But the failure of a prosecution does not necessarily relieve the accused from moral blame. The circumstances under which the Nazir was acquitted, formed the subject of a special correspondence, and are also detailed in Mr. Bird's general report of his proceedings, bearing date 21st February 1852, paras. 4 @ 20.

The Nazir when head of Police was accused of numerous acts of oppression and extortion. Two of these related to persons residing in another province who did not themselves, in the first instance, complain.

The information casually obtained, was transmitted for enquiry to the Magistrate of Rajahmundry, before it was possible for any of the parties concerned to communicate with each other. The facts were fully established by this preliminary investigation. But at the trial of these, and

some ten or twelve other charges which did not come on for several months afterwards, the evidence broke down owing to causes explained in correspondence referred to. Such as the inexperience and imperfect proceedings of the Special Assistant, the want of a public prosecutor, the local influence of the accused, professional assistance engaged in his behalf, the sympathy of the Court Amlah, the tampering with the witnesses, &c.

But there can be no doubt as admitted by the Foujdaree Adalut, that "in some of the cases Proceedings, para. 7. there was reason to believe the charges to be founded on truth, and that the ends of justice had been defeated."

Under such circumstances, the loss that has been sustained through the Nazir's irregular conduct, is hardly a matter of surprize.

11th January 1859. (Signed) WALTER ELLIOT.

No. 16. ORDER THEREON, No. 109; dated 26th January 1859.

Resolved that the Memorial, received with the foregoing letter from Mr. J. J. Cotton, be forwarded to the Right Honorable the Secretary of State for India, in reference to paras. 33 and 34 of the Despatch from this Government, to the Honorable the Court of Directors, dated 7th September, No. 13 of 1858.

(Signed) T. PYCROFT,
Chief Secretary.

1858-59 24/8/1858 1/12/1858 1/12/1858

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Resolved that the Memorial received with the above communication do lie on the table for the prescribed period of 20 days and that it be then forwarded to the ~~Public~~ ~~Secret~~ of State for ~~the~~ ~~consideration~~ of India, and in reference to paras 33 & 34 of the Despatch of this Govt. & the ~~double~~ the Court of Directors dated 7th Sept 1853 of 1858.

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Agreeably to the Extract Minutes
of Consultation under date the 9th October
1858, I have the honor to retransmit
my Memorial (in triplicate) to the
Honorable the four Directors in Ma-
nualipatan as therein directed.

Manualipatan
Billa Court
25th October 1858

I have the honor to be,
Sir,
Your Most Obedient Servant

[Signature]

Civil & Session Judge
Rangoon

* The Memorial was printed in Consultation
on 12th October 1858 - J.S.

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to the party Nazim.

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The case is under wh. the Nazim

From Register of Malakka to the Chief
dated 13 March 1852 R.D. No 294
with notes. fr. Mr. E. Hard, Special
Agent. No 21 Feb. 1852
E.M.F. 20 April 52 with minutes
of the members of Govt. R.D. No 354
E. R. Fong. Adalat 7 July 1852
E.M.F. 22 July 52 R.D. No 777.

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formed the subject
of a special comm. &
and are also detailed
in Mr. Hard's general
report of his proceedings
bearing date 21st February 1852
paras 4 & 20 -

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cused of numerous acts of oppression & extortion
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to communicate with each other. The facts were fully
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afterwards

Minute

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(1) afterwards, the evidence broken down owing to
various causes explained in cor. referred to - such as
the inexperience and imperfect proceedings of the
local officers, the want of a reliable process
of taking evidence, the local influence, the professional assistance
of the local counsel, the sympathy of the court towards
him.

P.º para 7

11/1/59

2d to 2d/8. July. 14 of 1859

In Dr. to Cons. 1st February
Judicial. 1859. Sept

Minute

by the Hon. W. Elliot Esq

Sl. No 109

4th Jan/59.

No. 125

Bringing to notice certain
circumstances connected with the
former service of the Magr of
the Masulipatam Court, which
show him to be a person un-
fit to hold a place of trust
such as that to which he now
stands appointed.

157 Jan/59.
1822

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Judicial Department.

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Extract from the Minutes of Consultation

Dated 26 January 1859.

Read the following papers:

From Mr. J. I. Cotton - Civil and Session Judge of Masulipatam	{	(Here entered 25 th Oct. 1858. 1858)
From the Collector and Magistrate of Masulipatam.		
Minute by the Honble. Walter Elliot Esq.	{	12 th Nov - 58
	{	11 th Jan 1859.

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Resolved that, the
Memorial, received with the
foregoing letter from Mr.
J. I. Cotton be forwarded
to the R. Hon. the Secy. of
State for India, in refer-
ence to paras 33 and 34
of the Despatch from
this Govt. to the Honble
the

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The Court of Directors, of
14th Sept. No. 13 of 1838.

J.P.

To J. J. Cotton Esq. C. Secy. of Massachusetts - Sept. 28.

W. C. Hall
Clerk

W. L. & Sons 248 1/2 St. N. Y. N. Y.
of 1859.

8 23 2000 1st July.
Friedrich 1859. Department.

No. 109

Extract Mins. Cons.

Dated 20 January 1859.

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