

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	655	Press
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113-115		
Dated	17.5.1861	~~19~~

29/30

Not to be folded or roughly handled

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17th May 1861.

Read the following papers:—

No. 113. From THOS. SYDNEY SMITH, Esq., Advocate General, to the Chief Secretary to Government, Fort Saint George, dated 1st May 1861.

I have the honor to forward for the information of His Excellency the Governor in Council the following report of the cases, three in number, in which I prosecuted on behalf of Government at the second Criminal Sessions of 1861.

Para. 2. The Sessions began on the 16th April, and two of the cases, viz., Nos. 10 and 25, the former being a charge of murder by Ramasawmy a Private of the Sappers, who shot his Jemadar Parasooramen on parade—the latter a case of child-stealing, were disposed of early in the Sessions, the prisoners being found guilty on the clearest evidence.

3. The Sepoy was sentenced to be hung, and the sentence has been already carried into effect. The three prisoners convicted of kidnapping, viz., Khader Bee, Mahomed Gouse, and Marcem Bee, were sentenced each to one year's imprisonment with hard labor.

Para. 4. The third case is the only one that requires any particular remark. The charge, No. 34 in the Calendar, was against Patrick J. Shannon, an Overseer in the Public Works Department, and one Y. Abbaya his writer, for embezzling public monies. They were committed by Mr. Dykes, Collector and Magistrate of Nellore. The substance of the charge is that, in his accounts, Shannon entered money as paid for certain work which in fact was never done. One case which relates to a tank at Dontali is stated in so utterly confused a manner that I found it impossible to understand it; I therefore took the other which relates to the Siddavarapadu tank, and prosecuted on that. Shannon and the others were acquitted, and most properly; and I felt it was useless to offer the same evidence again upon the other Indictments.

5. I never indeed expected a conviction; indeed I had grave doubts of Shannon's guilt; and, whether he be guilty or not, wholly or in part, I have very little doubt that his accuser, a Bramin named Tulapura Vencata Subbaya (whom Mr. Dykes describes in one case as aged twenty-two years, but in the next as twenty-four years old) is guilty to a very considerable extent, either as principal or accomplice. He contradicted himself very grossly in the witness-box, and was in my opinion wholly undeserving of credit.

6. On the 3rd November 1860, Captain Ritherdon wrote an order in the Station Book to the effect that Shannon was to pay for the work done at Siddavarapadu tank, but he named no sum. Captains Greenway and Ritherdon, upon measurements made on the 18th March 1861, depose that the utmost value of that work was Rupees 28-13-8. The Bramin was the Ghomas-tah employed at that work, and must have known this, but he says that in November Shannon actually paid, in his presence, Rupees 55 for this very work. If so, there was an end of the charge of embezzlement as to this sum; for, if paid away by Shannon, however negligently or wrongfully, it was not embezzled. The Bramin goes on in his deposition to say that Shannon (without his, the Bramin's knowledge!) caused his writer to charge Rupees 52-7 more, for work that never was done, there being no "pits" and no signature of his to the "pit register" for this Rupees 52-7, but only for the Rupees 55. He afterward adds however that he *does not know* if the Rupees 52-7 was really paid or not!

7. Now it follows from the statement of the Engineers that the pits for Rupees 55, and the Bramin's signature for the same, must have been fraudulent, if in fact work for only Rupees 28-13-8 was really done.

8. Shannon stated that he paid away the Rupees 55 and the Rupees 52-7 on this Bramin's information, after looking at pits which he then pointed out, but has since filled up; and that the Rupees 52-7 was paid to a man whom the Bramin brought forward as a Contractor. It is charged in Shannon's account as paid on the 13th November; Shannon sent in his accounts with that entry to Captain Ritherdon on the 2nd December; no measurement is made till the 18th March. The difficulty of satisfying a Jury that this long interval can be so accounted for as to leave no opening favorable to Shannon, is obvious. As for all that the Bramin says Shannon said, or ordered, it goes for nothing, as the Bramin knows no English, and Shannon speaks only English.

*Proceedings of the Madras Government, Judicial Department,
17th May 1861.*

9. The Bramin moreover never began to inform until after a lapse of several weeks; and in the Dontali case he admits that leaves had been "extracted," or "torn out" from accounts which he only produced to Mr. Dykes on the 5th March; Shannon's case being that the parts torn out show the payments now disputed!

10. I therefore felt beforehand that it was very questionable whether Shannon is guilty of any thing worse than negligence, and undue reliance on this Bramin's statements. The Bramin I think is guilty on his own showing, added to the depositions and measurements of the Engineer Officers.

11. I cannot however conclude this report without pointing out to Government the extraordinary way in which the Magistrate has mismanaged this case, showing an ignorance of the rudiments of the duties of a Magistrate, and of the law of evidence, almost incredible, and exhibiting a melancholy prospect for any Europeans whose lives or liberties may hereafter come to be dealt with by Mr. Dykes. Mr. Dykes I have always understood to be an excellent Revenue Officer (and indeed his zeal in the present case was only too great) but as a Magistrate he undoubtedly has much to learn.

12. I forward a copy of the depositions, in corroboration of my remarks.

13. Mr. Dykes had before him two intelligent Engineer Officers in support of the charges against Shannon; and had he let them, in the usual way, make their own statements without interruption, I doubt not the result would have been a clear connected story.

14. Instead of this however, Mr. Dykes seems to have first superintended their measurements, and then, having mastered the case, as he evidently imagined, he proceeds to extract it piece-meal by questions which he records verbatim, leading to a result so involved and confused that it must be read to be appreciated—cramping the depositions moreover with such superfluous phrases of politeness as—"you have been kind enough to give the precise purport &c., &c.—will you now be good enough to give me similarly the precise meaning you attach &c.," all which extreme politeness is not only unusual and out of place in judicial matters, but very expensive, when it has to be paid for at so much per folio. Mr. Dykes' questions moreover are, many of them, so extremely leading and suggestive, as directly to prompt the answers—a mode of interrogation which a Magistrate should carefully refrain from, as eminently unfair to the person accused.

15. The passage above given affords also an instance of Mr. Dykes' utter ignorance of that primary law of evidence that written documents must speak for themselves. He puts the documents into the hands of the witnesses, and makes them state the "purport" thereof, and the "precise meaning" which "they attach" to particular phrases, and records the whole at full length:—not a word of it being admissible as evidence. He also asks the witnesses for their opinions and conclusions—"tell me what you understand by" so and so.

16. In another place, page 5, Mr. Dykes himself gives evidence when and from whom he received certain accounts; in another, page 7, after the prisoner has asked a question, Mr. Dykes asks another, founded upon a *supposed admission* by the prisoner, which the prisoner *never made*; and he winds up by letting the prisoner make a "*deposition*," as he calls it, *against himself*, but which in reality consists entirely of answers to a *severe cross examination* by Mr. Dykes, without any previous caution to the prisoner, such as the law *imperatively requires*, that his replies would be written down, and might be used against him.

17. This last point is a very serious one indeed, and would elicit very severe censure from the bench, if it came under the notice of the Judges of the Supreme Court.

18. I have lastly to observe that though Shannon arrived at Madras on the 11th or 12th of April, and forthwith took out Subpoenas for his witnesses, which the Sheriff forwarded to Mr. Dykes in the usual course on the 13th April, Mr. Dykes seems to have made no reply to the Sheriff's communication for many days, so that on the 21st, nothing was known here in Madras on the subject, and in consequence, on application by the prisoner's Counsel, the trial was postponed by the Court till the 30th April—Captains Greenway and Ritherdon being thus kept away for a very unnecessary length of time from their duties in the Public Works Departments, and myself put to much inconvenience.

*Proceedings of the Madras Government, Judicial Department,
17th May 1861.*

19. I have also to observe that though Mr. Dykes was quite correct in forwarding the prisoner Shannon, as a European and British subject, to Madras for trial before the Supreme Court, I am at a loss to understand why he should have sent the two Native prisoners, Natives of Nellore apparently, to be tried at Madras instead of before the Sessions Judge of the District.

No. 114. From J. W. B. DYKES, Esq., Magistrate of Nellore, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Krishnapatam, 26th April 1861, No. 19.

I have the honor to acknowledge the receipt of your telegram directing that the witnesses for Mr. Sub Overseer Shannon should be sent to Madras without delay, and in reply beg to state, that the Subpoenas in this case were served on nine of the twelve witnesses, cited on the 18th, 20th and 23rd instant.

2. The Subpoenas were received at this Office on the 16th, and despatched the same day, and the delay between the date of receipt, and the date of serving is not more than might be looked for with reference to distance, &c.

3. Of the three witnesses on whom the Subpoenas were not served, one had been sent by myself as a witness in the case and is now at the Supreme Court; and the other two are absent from their villages, one being reported to have gone on a pilgrimage to Tripaty, and the other to some other place in the south.

4. From report I understand that five of the witnesses started to attend the Supreme Court four days ago, and I will at once send Peons to see that the other witnesses have also left, as well as accompanying them on the road.

No. 115. ORDER THEREON, 17th May 1861, No. 655.

The Advocate General submits his report on the cases, in which he prosecuted on behalf of Government, at the second Criminal Sessions of 1861.

2. Paragraphs 2 and 3 of the report will be communicated to the Military Department, and paragraphs 4 to 10 to the Public Works Department.

3. Resolved also that copies of the same paragraphs 4 to 10 and of paragraphs 13, 14, 15, 16, 17, 18, and 19 of the letter be communicated to Mr. Dykes, Magistrate of Nellore, and that his attention be directed to the observations of the Advocate General as to the manner in which the case against Shannon has been prepared.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Case No. 2 of 1861.

Deposition of 1st Witness.

I Thomas Greenway solemnly swear in the presence of Almighty God that what I shall state shall be the truth the whole truth and nothing, but the truth.

Signed in God

T Greenway Capt

The witness has been admonished under C 5 Section XVIII Regulation VII of 1862

Sworn before me this 7th March 1861

J W B. Dykes

Magistrate and Justice of the Peace

Your father's name? ———— John Greenway

Your Religion? ———— Christian

Your age? ———— 41 years 7 months

Your profession? ———— Captain in the Army & Acting District Engineer

Your residence? ———— Calcutta

NB In the first instance the witness was sworn by mistake on a

Book that was not the Bible but this mistake being discovered before the evidence was given, as regards the preceding details had been duly rectified to the above details from the corrected to. J W B. D.

Question - In the form it will give you good as to inform me what I am to understand by the entries shown in the column headed "Quantity" which immediately follows the column headed "description of materials" If you were to visit a cantt, Ammanahar, for instance and find in the station Book an entry as in the station book now shown you of 5572 cubic yards of earth work under date November 9 and again of 963 1/2 under date December 28 would you understand that it was work that had been done or that it was work to be done?

Answer - unquestionably that it was work that had been done and I should expect to see it.

Question If you found on enquiry that the work had not been done would you consider it a sufficient ground if the subordinates in charge of the work were to tell you so? ~~that the work had not been done~~ but if you will turn to my pit register or my field book you will find that the requisite details in support of the entry are not shown there?

Answer - certainly not. I should not consider at all that it was a satisfactory reply.

Question - Then the entry in the column "Quantity" is invariably intended to convey the impression that so much work had been done & had been executed, if it were possible, the officers who inspected the work, and it would be easy to fill up the pit register and field book to correspond

(1)

4

Correspondence once inspection was over and there would be nothing to check the fraud? or can you give me any measures by which such attempt at fraud could be checked?

Answer. Within a reasonable time after the completion of any work it can be detected with tolerable accuracy, whether the due amount of work has been done by measurement in comparison with the estimate.

Question. But suppose as in the case of Bontali, between the execution of the work and any final inspection the monsoon shall have taken place, the work done is earth work and a portion of the pits have dug in the dry bed of the tank and subsequently submerged the work on the bund being liable to be washed down by rain and the pits in the bed of tank more or less filled up could you then decide within a considerable amount whether the quantity shown in the Station Book as done before the monsoon has been really done or not?

Answer. In such a case the margin of error would of course be enlarged, but even then an officer of experience would be able to detect whether any extensive fraud had been committed.

Question. That is to say, his attention being specially directed to that question or would he of his own accord set himself to verify these previous entries?

Answer. As a general rule works are not inspected after the monsoon has passed over them, but if an officer did visit the work under such circumstances, not having had it in his power to visit it before, and was aware that a large sum had been laid out on it, he would if the appearance did not agree with the alleged outlay at once go into details and be able to form a tolerably accurate notion as to whether the work had been faithfully performed or not.

2. With regard to the work just mentioned the Bontali work will you be so good as to inform me whether on the complaint of the Sumastar Tachier Venkata Subbaya any measures were taken by your department to ascertain to what extent earth work had been really executed in the repair of this bund.

Answer. I had up the papers before myself at the district office for enquiry and I went out to Bontali myself and measured the work. At that time the Station Book was not for the coming I measured the work on the 16 of January. I made pit by my measurement that about 249 Ryrees worth of work had been done upon the bund. As Captain Retendon had a better knowledge of the work before any repair was done to it than I had, I requested that officer for greater certainty to make an independent measurement of the work himself which he did and the results he arrived at agreed tolerably with mine.

Question. - You state that the Station Book was then missing will you be so good as to inform me before measuring the work whether you made any enquiry of Mr Shannon as to what was the

the extent that it had been shown in the Station Book.
 Answer. No. I went purposely, one to measure the work and the
 Station Book not being for the coming I measured the work with
 reference hardly to what the Constable had told me had been
 done, and also in order to satisfy myself on this point, I made bank
 measurement only, in which I placed much more confidence than
 in his measurement when some time had elapsed since the pits
 were dug.

Question. You have been kind enough to give me the precise
 purport of certain entries in form 11 will you now be good enough
 to give me similarly the precise meaning that you attach to the
 corresponding entries in cash amounts. If for instance as in Grant's
 manual 117, heaps of laterite are exhibited under the head "description
 of charges" and Rs 23 at 12 + pice 3 are shown under the head of
 "Amounts" does that mean that 117 heaps of laterite have been
 duly brought into store and paid for or could it stand for any
 thing else?

Answer. Entries in the cash book represent bona fide receipts
 and payments, and nothing else whatever.

Q Will you be so good as to look at the cash book of J Venkaya
 Sub-overseer in the Nillore range of this district and for 1860/61
 and tell me what you understand by the entry under date the
 23 September 1860 of the 1120 Cubes yards of earth's work, at one

Anna per Cube yard making a total Rs 75, which deducted from
 the previous balance in hand leaves 977 Rs 9 at + 2 pice on that date
 in the hands of Sub-overseer - Does that mean the earth work had
 been duly executed or can it stand for any thing else -

Answer. This entry cannot be understood to mean any thing
 more or less than that so much money was paid on that date
 for so much work done.

Question by Mr Shannon. Do you ever know any instance of
 advance on account of work being shown in the 11 form? or is
 it ever usual to enter in it.

Answer. It is perfectly permissible to make an entry of advances
 in form 11 in the right hand column, as shown in Grant's
 Book in the column "Receives" advances or payments.
 No other questions.

I Greenway Esqr
 Sworn before me this 7 March 1861.

J W B Esqr
 Magistrate and Justice of the Peace

Resumed on the 18 March 1861.

Q. Do you remember on what date you received a letter from
 Captain Rutherford reporting that a complaint had been preferred
 against Mr Shannon of having made false entries in his
 accounts?

A. I think either on the 7th or 8th January

Q. I then ordered Mr Shannon to bring his cash book and records

to my office at Kellore and I examined the cash book there on the 15th when he and rest of the parties were present. I examined the cash book at the same time. The book up to that time had been in his possession.

Q Now show me the progress report from Mr Shannon for the month of December despatched on the 1st of January and received by Captain Ritherdon on the 3rd when I am informed, will you be so good as to explain what you would understand by the entries of R 207.8.5 as exhibited on the Duntali book and R 55.3.2 on the Amancharla book in the column headed "this month"?

A From that Report I should understand that the said two items exhibited the actual cash value during the month upon the work in question.

Q Be so good as to look at the 2 station books and inform me whether the entries shown therein correspond with the work shown in the progress Report for December.

A In the Amancharla station book there is an entry showing work equal to amount of entry in the column of "progress Report" afore said; but no entry of such payments having actually been made in the Duntali Book, there are entries to the amount of work equal to a portion only of the entry of money in the Progress Report, but corresponding exactly with the amount of work shown in the columnary remarks of the progress Report; but the station book

shows no entry of the payment having actually been made!!

Q Be so good to look at the cash book of Mr Sub-overseer, Shannon and state whether the entries in the progress Report forwarded to Captain Ritherdon on the 1st of January and received by him on the 3rd correspond with the cash book which you received from Mr Shannon a fortnight later? J.W.D.

A They do not.

Q They should agree should they not?
A Certainly,

I Greenway, Captain A.D.E.
Sworn before me this 18 March 1864.
J.W.D., Esq.
Magistrate & Justice of the Peace

Case No 2 of 1864.

Deposition of 2nd Witness

I Aug^t William Ritherdon solemnly swear before the Almighty God that what I shall state shall be the truth the whole truth and nothing but the truth.

So help me God
Aug^t Ritherdon

The Prosecutor has been admonished under C.S. XVIII Regulation VII of 1802.

Sworn before me this 13th February, 1861.
I M B D J Res.

Magistrate and Justice of the Peace

Your father's name — George Rutherford.

Your Religion — Catholic

Your profession — military, 1st aide District Engineer

Your age — 36 years.

Your residence or occupation — Kellore

On 5th of January 1861, T Venkata Subbiah Gumatiah of Pontali Tank and Channappa nair of Pontali Village made a complaint before me that Mr Shannon had entered sums in his progress Report as expended during the month of December 1860 which sums had never been paid. I asked the Gumatiah for the books of the work and he said that they were with Mr Shannon. I reported the circumstances to the District Engineer and directed Mr Shannon to proceed to Kellore and report himself to the District Engineer. I was then myself at Watkapalli and sent orders to Mr Shannon by letter. Captain Greenway investigated the complaint and finding that Mr Shannon could not produce the proof of the payment of Rs 107-8-5 as required by the rules of the Department he directed me to conduct the case before the Magistrate. Of this Rs 107-8-5

a portion was money purporting to have been paid to the parties making the complaint. According to the Cash book, and the examination made by the District Engineer, a sum of Rs 107-8-5 appears to have been paid. It was not then in the cash chest.

Question. What are the vouchers required by the rules of the Department in support of payments made.

Answer. The mark or signature of the parties receiving payment in the station. Book, form II, supported or attested by the witnesses.

Question. Was the station book examined to ascertain whether the requisite signatures had been obtained or not.

Answer. On asking Mr Shannon for the book, he said that the Gumatiah taken away, the Gumatiah being the proper man to have the book, and this Gumatiah T Venkata Subbiah being one of the men who made the complaint.

Question. Will you be so good as to look at the book which I now give you (and which was delivered into my keeping on the evening of the 5th instant by the individuals who I was informed was Talpur Venkata Subbiah) and then let me know whether this book at the station book in question and whether it does or does not contain the requisite vouchers of the payment of the disbursing sum.

Answer. These are the books of the Pontali tank. They do not show payments entered in Mr Shannon's cash book.

Augt Rutherford

Taken before me this 13th Feb 1861.

I M B D J Res.

Magistrate & Justice of the Peace

By cash book it seems there has paid. & what in cash chest

Signatures in books of Payee required

Magistrate gives evidence

The books of Pontali Tank do not show the payments in Shannon's cash book

The Prosecutor has been admonished under C.S. XVIII Regulation VII of 1802.

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Answer. The mark or signature of the parties receiving payment in the station. Book, form II, supported or attested by the witnesses.

Question. Was the station book examined to ascertain whether the requisite signatures had been obtained or not.

Answer. On asking Mr Shannon for the book, he said that the Gumatiah taken away, the Gumatiah being the proper man to have the book, and this Gumatiah T Venkata Subbiah being one of the men who made the complaint.

Question. Will you be so good as to look at the book which I now give you (and which was delivered into my keeping on the evening of the 5th instant by the individuals who I was informed was Talpur Venkata Subbiah) and then let me know whether this book at the station book in question and whether it does or does not contain the requisite vouchers of the payment of the disbursing sum.

Answer. These are the books of the Pontali tank. They do not show payments entered in Mr Shannon's cash book.

Augt Rutherford

Taken before me this 13th Feb 1861.

I M B D J Res.

Magistrate & Justice of the Peace

By cash book it seems there has paid. & what in cash chest

Signatures in books of Payee required

Magistrate gives evidence

The books of Pontali Tank do not show the payments in Shannon's cash book

Resumed on the 7th March 1861.

2. Will you be so good as to examine the cash book of your subordinate Venkay a sub-overseer and inform me what you understood (when you examined the book on the 5 of October last) by the entry on the 23 of the preceding month under the head of Dotali Cantt Rs 1120 Cubic yards of earth at one Anna per cubic yard Rs 70 which deducted from the previous balance in hand Rs 1047-9-2 left that day in the hands of sub-overseer Rs 977-9-2.

Answer. I considered it a payment for work done.

Question. Should it not also have been shown in the station book?

Answer. It should have been.

Question. Can you inform me whether it was shown in his progress reports.

|| Answer. Yes it should have been. It was shown.

Question. On reference to the progress report received from your office I find in the column of remarks that the 70 Rs shown for 1120 Cubic yards of earth work duly paid for and work in progress. Did you understand from this that the execution of general estimate was in progress or Rs 70 worth of work was in progress.

Answer. I understood that the remainder of the estimate was going on but the 70 Rs work was done.

2. When you measured the Dotali work at the request of Captain Greenway had you seen the station book and the entry of 2520 Cubic yards and 5/12" which I now show you, would you have understood therefrom that the 2520 Cubic yards and 5/12" had been executed or could it in your opinion have stood for any thing else.

Answer. It signifies work done and nothing else.

Question by Mr Shannon. If you had measured the work and found it short of the quantity shown in form W, but agreeing with my pit register No. 920 5/12 and I explain to you that the balance had been entered with a view to recovering a previous advance would that not be considered by you as satisfactory explanation.

|| Answer. I don't think I should understand the arrangements.

Question by Mr Shannon. My reasons for entering this advance for work to be done was all entered in one entry with a view to recovering the sum of Rs 70 outstanding advance paying the contractor Rs 30 binding him by contract agreement to perform the Rs 100 work in the month of January. This money was not paid but supposing the money to have been paid and you to have visited the work, and this explanation to have been given before you commence measuring, would it have been a satisfactory explanation.

Answer. I should expect for what was entered; but if the explanation were given before I began measuring, I should consider the entry an incorrect one, but I fancy Mr Shannon wishes me to say what he told me, that he had measured and paid for every work done, and still kept sub-overseer Venkay a advance.

Marginal note: This evidence of the contents of a letter document

Subordinate Rs 70 of work was done

Magistrate's statement!

Advance of Rs 70 I understood about the advance that the man was only
 to get 30 Rupees, the old contract to be cancelled and a new one signed for.
 a hundred to induce the man to go on with the work which is the same
 thing as paying him hundred Rupees and deducting the 70 Rupees from it.
 Question. When Mr Shannon gave you this explanation after the complaint
 had been made, did he inform you of the entries in the station book that I
 now show you which had been entered before the complaint was made
 and showed an amount of work done and which is now admitted had not
 been done.

Answer. Mr Shannon was asked to show me the book, and to show me
 what he really had paid.

Question. Could he not have shown you in the cash book?

Answer. He could.

Question. Did he admit then that the money entered in the station book
 for work done has been really paid?

Answer. There was in the station book, and it should be shown in the
 right hand side which has been removed. I cannot remember whether
 Mr Shannon told me that the entries had been made in the left hand side
 as regards quantity and value in the manner he now states.

Question. You stated just now that it was to recover an advance you
 understood from Mr Shannon that the arrangement had been made.
 Did you understand that the advance was the sum shown in Venkaya's
 cash book of the 23 September?

Answer. Yes I understood so which when I saw the cash book.

I understood to be bona fide statement for work done, but after Mr Shannon's
 explanation I saw it was not the case. I have heard been otherwise paid
 the discovery was made before Mr Shannon's explanation within a
 month of the payment being made and I fancy he was written to on
 the subject on the 23 of September.

2 Was any local enquiry made when this discovery took place to
 ascertain whether the work had been performed for which the payment
 was made by Venkaya?

Answer. No local enquiry was made. I don't remember whether it was
 before or after monsoon. Capt. Rutherford

Question. When you were hearing this question with Mr Shannon
 Did Mr Shannon show you his field book and did you compare it
 with your measurements?

Answer. Yes I had it in my hands a few fitts at first. I compared
 with my measurements.

2 Did you compare the total results obtained by your measure-
 ment with the total results shown in his field book?

Answer. Not at the time. I may have done it since.
 2 On the fact of how much Mr Shannon was to pay or had paid
 for that work was to be shown by the right hand sheet of form U
 in the station book the right hand sheet of form U being now missing.
 It would be shown in form U and also according to my
 accounts in form X for I have an entry in an abstract account of
 Rupees

Rupes 52. 15. 9 as paid in this tank for earth work done by coolies. It is not stated in what month. The result of my measurement shows that 1971 Cubic yards of earth work and $2\frac{1}{2}$ Cubic yards of rough stone had been completed. The earth work included 136 Cubic yards on the channel ^{which} I did not measure for 1010 yards by pit measurement and 825 yards by bank measurement. The latter being what I supposed to represent the bits then 6 feet under water!!

Aug^r Rutherfordson

Sworn before me this 7 March 1861

I M. B. Dykes

Magistrate and Justice of the Peace

Resumed 18 March 1861.

Question. Will you be so good as to look at the Progress Report for the month of December 1860 of works in charge of Mr P. J. Shannon Sub-overseer S. P. M. Girdina Taluqq Villore range and inform me from whom you received this report? When you received it and where you were when you received it?

Answer. I received it from Sub-overseer Mr Shannon on the 3^d of January at Allum. I remember the date having entered it on the docket previous to sending it to the office to be registered.

Question. Do you remember when the Complainant Talpura Venkata Subbaya came to you and made a complaint against Mr Shannon?

Answer. He came to me on the 5th at Esatkapalli that is today.

Two days after I received the said report.

Question. Will you be so good as to look at the letter to your address which I now produce from Sub-overseer Mr Shannon bearing date the 5 January and inform me what was the purport of this letter and what you know about it?

Answer. I received it on the 6th at Esatkapalli applying for his December accounts to be returned for correction. I received it from Mr Shannon. I infer so because it bears his signature in the same way as I inferred having received from Mr Shannon the Progress Report for December.

2 In your evidence given on the 18 February you have stated that Captain Greenway had investigated the complaint in the first instance and finding Mr Shannon could not produce the requisite proof of the payment of Rupees 107. 8. 5 you brought the case to this office on Capt. Greenway's instructions. This sum was with reference to the ~~the~~ cash book was it not and not with reference to the ~~the~~ Progress Report?

Answer. Rs 107. 8. 5 was the sum which I found to be really in dispute and regarding which I therefore complained.

2. Look at the progress report for December and see what the sum entered there as expended on the Bontali tank in the month of December.

Magistrate calls on P. J. Shannon to produce a letter in his hand - the State what he knows of it. !!

Answer. Rupees 207. 8. 5

2. This is the progress report was it not which Mr Shannon requests you on the 6th January to be returned to him for correction.

Answer. It is by his letter of the 5th that is the progress report which I had been informed by the Gunmaster on the 5th instant that the expenditure had been incorrectly entered.

2. How is the expenditure on the Dotali tank entered in Mr Shannon's cash book for the month of December.

A. Rs 107. 8. 5

2. When did this cash book come into your possession.

A. I cannot tell the exact date but it would be after the 10 of Jan'y 1861.

2. There is therefore no means of knowing whether the entry in the cash book made on the 31 of December at all purports to have been made or subsequently.

A. I cannot say to my own knowledge.

2. From the entry in the progress report you could have no doubt that in the month of December Rs 207. 8. 5 had been paid for work done.

A. I understood that sum to have been paid away at the time of receiving that report.

2. From the cash book on the other hand state what did you ascertain from further enquiry.

A. From the cash book I found that Rs 107 8 5 had been paid away.

2. Did you examine the cash chest

A. I did not examine the cash chest myself but on receiving the Complaint I reported the whole circumstances to the district Engineer and he I believe had examined the cash chest on Mr Shannon making his appearance.

Rs 55.3.2 in Progress Report 2. In the same Progress Report I observe an entry of Rs 55 3. 2 expended during the month on the Amancharla tank - Is that entry borne out by a payment in the Cash book.

A. It is not

2. From the receipt of the progress report was it to be presumed by you that this payment had actually been made.

A. Certainly

2. The work shown in the progress report above referred to on the Dotali and Amancharla tanks corresponds, does it not with the entries in the cash book.

A. It does, and so bear each other's out, but when I see the cash book I infer to money had not been paid, because there is no entry in the payment side or signatures of the parties having received the money.

Aug⁵ Rutherford Capt'n
1st aft S.C.

9.

Resumed the same day

2. The Progress Report and cash book should agree should they not
A. yes They should agree

Augt Retherdon Captain

1st Aft. S.E.

Sworn before me this 18th March 1861

J. M. B. Sykes

Magistrate & Justice of the Peace.

Case No 2 of 1861.

1st Deposition of 3rd Witness (translation)

The 18th February 1861

Deposition given on solemn affirmation by Talapura Venkata Subbaya, son of Talapura Chintambaram and inhabitant of Dantali a Bramin of Smarthwa sect aged 22 years and Gunasta employed on the Tank repairs.

Question. You forwarded some on the 6th January 1861 by Tappal an Arzi complaining that Mr Shannon had embezzled money & on the 5th Feb^y you appeared before me and produced a station book by which you stated you would prove the particulars of your complaint - What have you now to say on the subject

Answer - Mr Shannon and his writer came to Dantali on the 28th December and measured all the work done to the Tank and went away - The name of his writer is Subbaya - Ramaswami his private writer also came with them - They then went to the Tent in the Village and there took the two books which were with me and without making any disbursements they came with the books to Kellere - The coolies who did the work at Dantali and the contractors together with myself came to Kellere where we waited for 5 or 6 days - no money was paid to the coolies - Seeing the contractors Viz Rapura Aikadu, Thunka Ramadu Venkataradu, Gattali Subbaya, and Katta Permmallee said that the work done by them was not good and that he will not pay them the money. He called me in, and had the entry of 55 Rupees written on the Amasherla book by his private writer - This took place on the 6th day after his coming from Dantali - The two books were with him alone - He caused 180 Rs to be written in the Dantali Tank book - He told me to get some marks of signatures made in it as if they received the money to have the put up, as if the work was done and have the signatures of witnesses including that of myself entered for the money being paid by Mr Shannon & said this - He had 180 Rs. written by the circular writer - Subbaya in the Dantali book

Question you state that Mr. Shannon told to have pits dug, what does he mean that he told to cause pits to be made because no work had been done.

Answer. No work being done at Amancherla, he said that the pits should be newly dug up in order to show the expenditure of 55 Rs which was entered in the accounts and which was taken by him for January feast and that the marks of signatures he made to show that the money was received. Abhaya, a Mr. Shannon's writer told me that 55 Rs were entered in the monthly accounts forwarded to Capt. Retherdon and therefore I had to get the marks of signatures made in the Amancherla station book as if those 55 Rs were paid. I saw the monthly accounts being prepared in Mr. Shannon's office. This account was despatched from that office. I don't see whether 55 Rs was written in it or not nor whether Mr. Shannon signed it. Rama Sawani the private writer having written 55 Rs debited as expended in the Amancherla station book gave it to my hand and told me to get the marks of signatures made. I told that I will not get it done so and I will not get the pits dug. He told me also to write in the register that the pits were dug. Then without signing in the Amancherla station book which was handed to me I took it immediately to Capt. Retherdon and gave it to him and told him all this. Then the

Dontali book was with him (Mr. Shannon) Abhaya the writer having about 10 days ago sent for me said that they will give me Rs 30 i.e. they will pay 10 Rs more than the 20 Rs formerly promised to be given and they requested me to sign in the Dontali book as if the money was paid. Thus saying he gave the book to my hands without signing I ran away with it and after 2 days I produced it before you (the magistrate) at that time Mr. Retherdon was not present in the Town and consequently I did not give it to him.

Question Were the 55 Rs shown in Amancherla book or the 180 Rs shown in Dontali book paid or not to the coolies who did the work.

Answer. The money was not at all paid to the coolies. Some work worth 40 Rs was done at the Calingala of the Amancherla tank for which he then wrote in the accounts of November that work was done to the extent of 199 Rs and that the money was paid. Besides this the earth work of the tank and of the rapada was done to the extent of 58 Rs which he stated in the accounts that also 55 and odd Rs work was done by contract and so entered 110-Rs in the accounts and forwarded it in November. No work except that of 55 Rs was done nor was the money in excess paid.

Question. by the 1st Prisoner

who

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Who were the persons present when Mr Shannon had the steam
engine in the Ammanhera and Dowlah boats

Answers none but my self -

Question. at what hour and in what place did abbaya handover to you the Santali book who were then present

✓ On Lever. Alabaya gave the book to me about 4 Godas (native hours) before sunset on the South of the mosque situated in the South of the Barracks when mala Mallavadee Pulladee and one Rappur Chennavadee were there. They have white hair by sun light, the other Prisoners stated that they have no questions to put Question by the 1st Prisoner. Did Mr Shannon pay any money on the day you produced the two books.

Anderson No

Question by 1st Prisoner - Was the repair of the Contali tank done by contract or by cooly labour

done by Contractor or by daily wages.
 Answer. Of the whole 180 Rs. Venkaya the Sub Over-see gave
 on the 15 September at Nellore to the charge of Chummananaidu
 the uncle of the Village muntiff 70 Rs. for payment to the mudders
 or Contractors according to this advance mudders did the work and
 received the money i.e. they did not take the money by daily wages.
 They drew the money as for contract work and executed work.

for the advance 70 Rs. Besides this they have also executed the remaining work of 100 Rs but though the money was not paid it was written in the station book as paid as the money was not paid I said that I will not get the marks of signatures made besides the 70 Rs which were first paid the subsequent 110 Rs were never received.

were never received.
 In question by the 1st Prisoner. Did you enter in the book the work
 done for the said 70 Rs.

Answer Red centered it in the book

Question In what month do you enter it.

Question In what month did you enter it.
Answer. I entered it in the accounts of January and also in the weekly reports. The work was done some time before the first
rain

rr Question. Why did you not enter it when the work was done

An error. I did not enter it then, because it did not appear in my book that any advance was given for it.

Question: What is the difference between a question and a statement?

Answer I herewith produce ~~the~~ ~~one~~ ~~which~~ was written in the Dentali book on the 8 November but which was subsequently torn up. Instead of this account another was written in the book I produce it also for your perusal

no questions by the Prisoners

at 0 questions by the system.
I have heard that and find it correct
what's wa

I have heard this and find it correct
Instruction - by the 1st Preloner. What was the cause of the haker
or

15
For account you have now produced having been torn out.

Answer Because the work done for the advance made by Venkaya the sub-overseer was written on a part of the paper and saying it would not be accepted it was torn. Besides the fact of 70 Rs being given as advance not having been written in that book and with a view that the work done for it must not be exhibited in the book he tore it.

Signed Talaburu Venkatasubbaya
Solemnly affirmed before me this 18th February 1861.

Signed J. W. B. Sykes,

Sultan of the Peace and Magistrate

Re Sumed on the 25th February 1861

Question In the deposition you gave on the 18th instant you stated the particulars of Dontali Amancherla and Sedavara pradu together now state only the Particulars of Dontali

Answer While I was going on with the work of the tank of Amancherla I received orders from Captain Rotherham to conduct the work of Dontali tank also and for which an estimate was sanctioned on the 28 August Captain Rotherham came to Amancherla and after showing me the work to be done there he took me to Dontali and directed that I should conduct the works of that tank according to the estimate and that Mr Lincham will come and give the requisite books. He then went away Mr Lincham did not come a few days afterwards Venkaya the sub-overseer came and gave me the station book of Dontali at that time.

I was going on with the repairs of Dontali tank. He came but once. I cannot say how much work was done up to the time. He approved of the work done by me and gave an advance of 70 Rs to continue the work. The stone work of Calingula of that tank was done to the extent of 100 Rs and earth work to an extent of 140 Rs. Subsequently the bund revetment to an extent of 22 1/2 Rs was done. Tamping to an extent of 20 Rs and earth work to an extent of 70 Rs.

Question From what you now state it appears that earth work was done to a total extent of 210 Rs was this all done to the bund alone.

Answer This sum is the extent of earth work done to the bund and to the breach of the Warava supplying channel of the tank. The total work done is all at Rs 352 8.

Question From the above it appears that deducting the Rs 70 said to have been given as an advance to Chola-mariyadu the sum of the money left there remains a balance of Rs 282 8. " was this balance paid to you or not state what was done regarding it.

Answer Besides the 70 Rupees given by Venkaya Mr Shannon disbursed in the month of November Rs 198 to Amancherla as regards the remaining money Mr Shannon being at Coimbatore said through his writer that

that the account for the 207 Rs to be disbursed on the works of Dintali tank were forwarded to the Superior Authorities that as they are in want of money for the expenses for the January festival he would not make any disbursements for the present and that if the works be done hereafter he would pay the money. In the items above detailed camping to an extent of 10 Rs was not included and it should therefore now be included. According to my present calculations it appears that earth work to an extent of Rs 220 camping to an extent of 30 Rs work to the calingula Rs 100 revdment to the bund Rs 2 1/2 work to the Varava or supplying channel Rs 8 was done making a total of all Rupees 380-8 .. deducting from this the sum disbursed to Amancherla there is a balance of Rupees 182-8 .. From this Rs 70 on account of the advance made by Sub Overseer Venkaya being deducted there remains Rupees 112-8 .. due to us on asking Mr Shummon about this amount he told me through his writer that he had taken the money for his use on account of the January festival and that he would pay the amount in the next month.

Question by Vakil of the 1st Prisoner - You now state the work was done to the extent of Rupees 380-8 .. Is this entered in the book?

Answer Yes it is.

I have heard the deposition and it is correct.
 Signed Talapura Venkata Subbaya
 Solemnly affirmed before me this 25 February 1861
 Signed Mr B Dykes

Magistrate & Justice of the Peace
 True translation
 Mr B Dykes
 Magistrate & Justice of the Peace

Case No 2 of 1861.

2nd Deposition of 3rd Witness (translation)

The 28th February 1861.

Deposition given on solemn affirmation by Talapura Venkata Subbaya son of Talapura Chitambaram a Gumasta in the Tank an Inhabitant of Dintali aged about 22 years and a Prasann of Siva sect.

Question What were the irregularities committed in the case of Amancherla Tank state them in detail.

Answer No work was done at Amancherla since the month of November. Captain Richardson appointed me in August as Gumasta to carry on the breach work of Amancherla Tank as he died. Mr Dintali Mr Linchan and his writer have issued orders from Captain Greenway for a contract for the earth work of that breach to the village munsiff of Amancherla. I superintended the work. I do not know the amount of contract. The estimate for the calingula was Rs 199. The contract was given to a Vuddar and he performed work to the extent of Rs 40 only that is to say stone work up to the end of November. This

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This work for the Rupees 40 was stone work alone. The earth work done to the breach is not included in it. While the work was done to the extent of only 40 Rs it was written in the accounts that work was done in full to the extent of Rupees 199 to the Calingula. The estimate for the earth work came to me afterwards. Before its receipt the contractor having performed the earth work of the breach Mr. Shanmugham the accounts in November and disbursed the money afterwards. no earth work was done in the months of November and December and whilst this was so they entered in the account that work had been done to the extent of Rupees 55, and told me to sign it. This item 55 Rupees was written in the station book and monthly - my account I did not sign the book. I have seen now in the station book the entry of 55 Rs. They told me that they have taken the said 55 Rupees for the January festival and therefore requested me to sign for any one as having taken the money. I took the book with me and delivered it over to Captain Retherdon. Stone work was done to the Calingula it was not entered in the station book. I saw them enter in the accounts that work was done in full to the Calingula to the extent of Rs 199. Half a yard was entered as the height of the stone work of the Calingula whereas in truth it was only 1/8 of a yard - Mulumudi Venkateswara did that work. 205 cubic yards was written as the work done to the Calingula and for -

Rs 199 work done to Calingula - of Rs 40 really done

Rs 55 entered (where?)
Rs 199 entered

Stone work done - Rs 40 entered

1/2 yard entered - 1/8th really

205 cubic yards
Rs 199 entered

by measurement of 80 yards
and
40 ft
17 1/2
13 3/4
10
81 1/4

which Rupees 199 was written as expended. According to my measurement it appears that 70 yards of old stone and 10 yards of new stone which makes a total of 80 yards of work was done and the value of which seems to be 40 Rs. Rupees 17 1/2 for constructing the old stones Rupees 13 3/4 for constructing the 10 yards new stone and Rupees 10 for Churnam to Captain Retherdon did not measure this. There was an old Calingula there before and its stones amounted to 70 cubic yards. I have with me an estimate signed by Captain Retherdon. The Calingula work was not built to the extent of 205 cubic yards. The old Calingula formerly there was removed and its stones mixed together towards building the new one.

No question by the Prisoners

I have heard the deposition and it is correct
Signed, Talapura Venkateswara
Solemnly affirmed before me that 28 February 1861.

Signed, Mr H Dykes
Justice of the Peace and Magistrate

True Translation
Mr H Dykes
Justice of the Peace and Magistrate

Case No. 2 of 1861.

Deposition of 4th Witness.
[translation.]

The 18th February 1861.

Deposition given on solemn affirmation by Pubbidetti Venkatasubbaya -
Setti Son of Pubbidetti Krishachalam Setti a Homati of Ramaraja Religion, by
profession a Writer under Mr. Sage aged about 19 years and an inhabitant of Vellore.
Question. Do you know of Mr. Shannon's having paid money to the Village
Munsiff of Dontali?

A. I do. On the 31st of December Rs. 80 were paid by Mr. Shannon in his
Bungalow at Vellore to Papasani Chennapanaidu the Village Munsiff, he having
contracted for the work to the Tank of Dontali, towards the Contract. It was then
about 1 P.M. No receipt was taken from the Munsiff for the payment of that sum,
but the Village Munsiff put his mark in the Station Book in acknowledgment of
its receipt some witnesses signed the Book and some affixed their marks thereto. I,
Ramaswamy Naidu the private writer of Mr. Shannon and Venkatasubbaya the
Gumasta of Dontali tank signed the Book. Besides the said 80 rupees money was
also paid to others. About 7 or 8 rupees were paid on the same date to the Coolies whose
names I do not know. Rs. 5 were also given to the Gumasta Venkatasubbaya who
is now before you and Rs. 5.12. to the Head Cooly Raghavulu.

Question - Who made the entry of that sum in the Station Book?

A. I do not know. The Munsiff received the money in his duppati or cloth.

At that time Mr. Shannon's private Writer myself the Gumasta of the Dontali tank the
Contractor the Village Munsiff, Mahomed Khajee a Gumasta and Mr. Shannon's
public writer Abbaya were present.

Q. You have stated that the entry was made in the Station Book. Is it in the
same Book which is now shown you?

A. There are no signatures in the Book, which I now see. The entry was
formerly written in this Book and certain sheets in it appear to have been destroyed
subsequently. After the departure of the men who received the money we went away from
the Bungalow. An entry was made in the Station Book as having paid Rs. 180 -
and the Book was signed. of which 80 Rupees were paid at that time. The Contractor
asked for the remainder 100, Mr. Shannon said that Rs. 70 being the advance made
by Venkaya is to be deducted from that sum and a Contract to be executed for the
remaining 30 Rs. The writer 2nd Prisoner interpreted these words to them. Upon this
they went outside and came back again and said that as it was time for their
meals they would go to take them and return and they went away.

Q. Did you hear Mr. Shannon say anything about any advance?

A. No.
Q. By the Vakil, Where was the Station Book of Dontali when they went
of 1st Prisoner } away?

A. They took it away with them.

I heard the deposition read over to me and it is correct.

[Signed] Pubbidetti Venkatasubbaya

Taken

Taken on solemn affirmation this 26th February 1861.

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/Signed/ J. W. B. Dykes
Justice of the Peace and Magistrate.

/True Translation/
J. W. B. Dykes
Magistrate and Justice of the Peace.

Case No 2 of 1861.

Deposition of 5th Witness.
/translation/

The 18th March 1861.

Deposition given on solemn affirmation by Amancharla Venkanna son of Amancharla Narasanna a Bramin of Smartha Religion by profession a Karmam of Amancharla Village aged about 40 years and an inhabitant of Amancharla.
Question. After Mr. Shannon had measured the work executed on the tank of your Village (Amancharla) in the month of November, had any work been done in the subsequent month?

Answer. After the rains Mr. Shannon came and measured the work. No work has been executed since.

No questions by the Prisoners.

I have heard the deposition and it is correct

/Signed/ Karmam Amancharla Venkanna.

Question. By whom was the Calingula work in the tank of your Village done?

Answer. One Mulumudi Vidda Venkateshugadu did it.

Question. Was any Contract for earth work given to the said Venkateshugadu?

Answer. I do not know. The Munsiff had contracted for the earth work.

No question by the Prisoners.

I have heard the deposition and it is correct.

/Signed/ Karmam Amancharla Venkanna.

Solemnly affirmed before me this 18th March 1861.

/Signed/ J. W. B. Dykes.

Justice of the Peace and Magistrate.

/True Translation/

J. W. B. Dykes

Justice of the Peace and Magistrate.

Case No 2 of 1861.

1st Deposition of 1st Prisoner

Deposition given on the 13th February 1861 before the Magistrate of
Nellore by Patrick J. Shannon.

Your Father's name? F. J. Shannon

Your Religion? Protestant

Your profession? Sub Overseer D. P. W.

Your age? 39 years.

Your residence or occupation? Nellore at present.

Question. You have now heard the charge brought against you and it rests with you to make any statements you may have to make at once, or else, should you prefer that course, defer making any reply till the parties who have presented the complaint against you, shall have been fully examined?

Answer. In the month of September 1860, when after the demise of Mr. Lushan a Sub-overser Vankial was put in charge and he made payment of Rs. 70 at Doutali in the month of September last - but for work done, or advance for work to be done I cannot say - It was entered as I remember (on account of work) On the 8th of November I visited the Village, my first tour of inspection and finding the pit merged I measured the tank bund & paid accordingly - I then asked the Gomastah J. Vencatasubiah who is now complaining, who was the man the Rs. 70 advanced to - He told me that he was not present, when it was made and he therefore does not know, but he added that nothing had been paid for the work that I had measured and it was to be paid for in full - I accordingly paid Rs. 198. 13. at Amancharla, I think, on the 10th November payment being made some to Contractors some to Gomastah and some to Coolies - In the month of December 1860 from 2nd to 15th the Gomastah was absent - I could not make the payment in consequence, but after he joined, he reported that the Estimate was nearly Rs. 400 - worked out - and I visited the village on the 28th of December 1860 for the purpose of inspecting the work - I measured the whole work done and instead of the whole of the Estimate being worked out, I found that only Rs. 57. 8. 5 of Earth work Rs. 22. 8. - Stone work and other small sundries had been executed - which I duly paid for. The total amount being Rs. 107. 8. 5 which was paid to the several individuals shown in the accounts.

Question. From how many of those individuals did you take receipts?

Answer. I took receipts from the Contractors for the Earth and Stone work, which made Rs. 80. . 5 and for the remainder being small sums, I took no receipts it not being usual. In addition to the above sum of Rs. 107. 8. 5. I had to dispose of the advance made in September of Rs. 70. which they told me that if I stopped from the payment of Rupees 107. 8. 5 the work would come to a stand still - I therefore determined to continue it - making a total advance of Rs. 100 of which the original 70 Rupees were to be at once recovered, and a net advance of Rs. 30 granted - when they heard this, they closed the Books, saying they will come again and going off with the Station Book, they never returned me the Book since.

Question. Did you recover Rs. 70?

Answer. No I never did.

Question. Where were you when you paid for the earth and stone work &c. in all Rs. 107. 8. 5?

Answer. The money was paid in Nellore on the 31st December 1860 in my own house.

Question. Is there any entry in your Cash Book of the previous advance of Rs. 70?

Answer. No - It was entered in the Station Book, when I first took charge.

Question

Question - Can you show any Vouchers in the Station Book for the subsequent payments of Rupees 107-8-5?
Answer - It appears they have not signed the Book.

P. J. Shannon
Taken before me this 13th February 1861
J. W. B. Dykes
Magistrate and Justice of the Peace
Returned on the 19th February 1861.

Question - You stated that at the end of December you went to Duntali, you measured the work executed and you found the sum due Rs. 107-8-5 of which, you paid you state Rs. 80-0-5 to the Contractors for Earth and Stone work and took receipts - who were the Contractors or Contractor? How was the money paid? and who took the receipt and on what was the receipt taken?

v { A. The Contractor was the Moonsiff of Duntali. I took the money myself out of the Cash Chest and paid it into the Moonsiff's cloth and the Gomastah who is now Com-plainant held the pen and signed for the Moonsiff in form N. in the Station book, ~~but the Station Book~~ which I now show, will not show this payment for leaves had been extracted and instead of my name being shown between the work done and the amount paid, the Columnary payments has been brought close up to the Columns showing the value of work done, though they have been obliged to leave still standing the word "paid" which was written on the first half of the original sheet. It is written correctly
P. J. Shannon

Taken before me this 19th February 1861.
J. W. B. Dykes.
Magistrate and Justice of the Peace

Returned again the same day.
Question - Look at the witness now before the Court and state who he is?
Answer - Yes - he is the man, whom I mentioned above, to have received the money from me.

P. J. Shannon
Taken before me this 19th February 1861.
J. W. B. Dykes.
Magistrate and Justice of the Peace.

Returned again on the 20th February 1861.
Question - Do you know, has the Duntali tank Estimate, since been reduced?
Answer - I do not know - The Estimate was not framed by me and therefore I am not aware of -
P. J. Shannon.

Taken before me this 20th February 1861.
J. W. B. Dykes
Magistrate and Justice of the Peace.

Returned 26th February 1861.
On the tank I consider the Earth work done, Rs. 127-7-2 Stone work to the Ralingula Rs. 96-9- stamping Rs. 27-7-3. Perchment to the bund Rs. 22-8-0- supplying

supplying Channel Rs. 8. .. Head Coolies Rs. 12. Gunastah Rs. 9. 12 .. Cutting trees
Rs. 2. 6. and Carpenters Rs. 2. Total Rs. 306. 5. 5.

Question - According to the statement given by Gunastah and your statement now, it
appears there is a difference in the amount of work soverally estimated Rs. 74 of which the
greater portion stands on the Earth work, Can you tell me where the pits were situated, by
which the Earth work was measured - whether they were all in the bed of the tank, or where?

Answer - When I measured the work in December they were in and out of the bund of the
tank. In November I was obliged to measure on the bund, as the repairs stood, but in

J. W. R. D.
P. J. Shannon.

December, I measured the pits accurately. The Gunastah also wanted me to measure some
other pits, which were below the bund and being old. I reported it - according to the accurate
measurement I paid Rs. 306. 5. 5. at Amancharla on the 10th November Rs. 198. 13. -
were paid - On the 31st of December at Nellore I paid Rs. 107. 8. 5 I paid as follows -
57- 8- 5 For Contract of Earth work to Gama Moonisiff.

14- 12- .. On account of tamping

8- 12- .. To the 3 Coolies.

6- To Gunastah

14- 12- ..

" 12- .. Cutting tree to the Gunastah

1- 4- .. Five Carpenters

5- 12- .. To Head Coolies.

5- To Gunastah for himself.

22- 8- .. On account of the Stone revetment, to the Moonisiff

107- 8- 5

Question - Did you see yourself the entry in the Station Book, as you say of the Rs. 70 -
originally paid?

Answer - Yes, I did. It was entered on account of work, but it was entered in Telugu and
interpreted to me by the writer Abbaya alias Varadachari. In December the station book -
was all right.

Question - If then the Book was all right and you had the entry of the money there, -
what was the good of making a fresh and additional advance of Rs. 30 - ?

Answer - The Rs. 70. having been duly entered in Venkiah's "progress report" as payment
made - agreeably to a Contract, which I now produce. I was inclined to pay Rs. 100 and
to recover the former Rs. 70.

Question - When by your own showing, you had written to ask Venkiah about these 70
Rupees and had got no answer - were you justified in acting on the supposition that the
Rs. 70 was a pure advance, and had still to be recovered.

Answer - I came to know verbally by Venkiah that it was a mere advance.

Question - It does not appear that any one asked you for further advances - why you was
of opinion to advance?

Answer - They having requested me to make a further advance, I was inclined to
advance them Rs. 100 -

This Deposition is correctly written

P. J. Shannon

Taken before me this 26th February 1861.

J. W. B. Dykes

Magistrate and Justice of the Peace.

Returned the same day

Question - In form II. you have entered under date the 28th in detail the amount of earth work and the amount of revetment. Does that mean that on that day, you had marked out so much work to be done, or on that day, you had measured up so much of work done and were prepared to pay for it?

Answer - I meant when I made that entry that a portion of the work had been done and a portion of the work was to be done. Unless I refer to the books I cannot tell the particulars of the work that had been done and that was to be done.

Question - You stated to me that the Contractor asked for an advance and from the evidence of your own witness, it appears that the idea of the Contract is wholly your own and it was objected to by them. How do you reconcile this?

Answer - After getting Rs. 80, they wanted an advance of Rs. 100. to go on with the work.

Question - What was the meaning of their having signed the Book, to the Receipt of the money?

VV Answer - They thought that they would get the hundred rupees and therefore signed it.
P. J. Shannon.

Taken before me this 26th February 1861.

J. W. B. Dykes

Magistrate and Justice of the Peace.

27th February 1861.

Question - From your own statement given yesterday evening and from the evidence of your 2nd witness it would appear that the entry in form II under date the 28th Dec. R. under the head of Quantity was arranged on the Contractors asking you for an advance. Be so good as to explain how it was arranged?

Answer - The work done as well as that was to be done was made one entry of.

J. W. B. D.
P. J. Shannon. Question - In entering these two entries, for work done and work to be done had you fixed data as regards quantity of work and amount of money entered in the next two Columns?

Answer - Yes I had.

Question - Will you be so good as to give me the amount of work done - the Cubic yards of Earth work and value?

Answer - The Earth work done was of C yards 925 ¹²/₁₆ and of Rupees 57. 8. 5 and 1600 yards Rs. 100 was an advance for work to be done.

Question - The entry immediately following of 20 yards of revetment, value Rs. 22. 8. was that arranged in the same manner, or was it a bona fide entry of work done and measured?

Answer - It was a clear piece of work.

Question - If an officer came to the work and saw the former entry of 2520 yards of Earth work, would he understand it to be work done, as you have entered it partly done and partly to be done?

V Answer - He would form his opinion by a reference to the pit register.

Question

Question - Can you show me the pit Register of the work now in question?

Answer - The book was taken away, before it could have been entered.

Question - Then you entered a payment before you had exhibited the measurements in which alone you were justified making the payment?

Answer - As the parties were present for their money and anxious to go to their meals, I made the payment, taking their signatures in the Account Current.

Question - From your own statement as previously recorded, it does not appear to have been such hurry in the matter - from what you said and the parties left your house - They - left it proposing to go home to dinner, talk the matter over and return again - How do you reconcile this, with the urgent above alluded to?

Answer - They told me that they were from their village and begged me to pay them, the money for the work that was done - and therefore I paid it.

Question - Your witness Mahomed Raja just told that they did not ask for the money for the work done, but they asked an advance for the work to be done. Can you explain how has he made this mistake?

Answer - I cannot perfectly.

Question - As you are unable to show me these pit entries, because the Contractors took away the book, before the entries could be made, can you show me the figures from which the entries should have been made, had they allowed you the opportunity?

Answer - I entered it in my field book, which is now with Mr. Ritherdon.

Question - Why did you not enter this in the Station Book on the spot instead of your field book?

Answer - I entered in the field book according to Custom.

Question - If the Gomastah and the Contractor had signed the Book as you requested - taking the 30 Rupees in full of 100 Rupees advance and gone away what would there have been to prevent you from entering subsequently pit work to the full amount paid in the pit register?

Answer - The only check is I consider that if the pits had been measured, it would not correspond.
The deposition is correctly written

P. J. Shannon

Taken before me this 27th February 1861.

J. W. D. Dykes

Justice of the Peace and Magistrate

Returned the same day

Q - In Capt. Ritherdon's progress report for January 1861, an expenditure is entered Rs. 493.13.5. according to the account you state, ^{minimise of your expenditure for work done} the amount is shown Rs. 306.5.5. ^{being a balance of} Rs. 187.8. - Can you give me any explanation of this difference?

A. Yes - I can. It includes an advance of Rs. 70 - made by Sub. Overseer Venkiah and the 100 Rs. which I intended to pay ~~to~~ the Gomastah and Contractor returned recovering the 70 Rupees from the same.

It is correct.

P. J. Shannon

Taken

J. W. B. Dykes
Justice of the Peace and Magistrate.

Taken before me this 27th February 1861

J. W. B. Dykes
Justice of the Peace and Magistrate.

Case No. 2 of 1861.

Deposition given on the 28th February 1861 before the Magistrate of Vellore by
Patrick J. Shannon.

Your father's name?

J. J. Shannon.

Your religion?

Protestant.

Your profession?

Sub Overseer D. P. W.

Your age?

39 years

Your residence?

Vellore at present.

On the 10th of November I paid for all work done in Annamcharla tank, when I gave a separate memorandum for pits to be excavated. In December the Gomastah told me there was about 60 Rs of Earth work done. He had the pits marked out in the Station book in pencil. He requested me to pay this amount and to check the (1) measurements on my next visit. The person stated to have done the work, had done the Calingula. I directed an entry of Rs 55 to be made - it was all the money I could spare. I directed a similar entry to be made in my accounts (2) that was then preparing but they took away the Station book and I could not make the payment. The payment to not therefore entered in the Cash book and this money is now in the Cash-Chest. The Contractor is here and he awaited to get his money up to the 5th when I went to check the

work afterwards if I find any deficiency, I would make to do up the work. Captⁿ Retherdon (3) came to the work in the mean while and he would apply (4) to me for an explanation.

Q. This Gomastah, who told you the work had been done and whom you trusted. Now says no work had been done. Can you prove any work had been done?

A. No I did (5) not trust the Gomastah (6) I trusted the Contractor. I mean the Stone Contractor. The Contractor for the Earth work was a Munniff - but we can put several Contractors for work (7) quickly to be done. I had (8) directed this Gomastah to give the Stone Contractor at Annamcharla when I made the payment. I did not take any written Contract from him - my deposition is correct.

P. J. Shannon.

Taken before me this 28th February 1861.

J. W. B. Dykes
Magistrate and Justice of the Peace

Correction 8/8/81.

J. W. B. Dykes
Magistrate and Justice of the Peace.

Proceedings of the Madras Court.

Read the following letters—

- From the Advocate General — Inter 1st May '61 N^o x.
- " the Magistrate of Nellore — 26 April '61 N^o 19.

Order — 17 May 1861 — N^o 655 —

The Advocate General submits his report on the cases, in which he prosecuted on behalf of Govt., at the second Criminal Sessions of 1861.

2. Paras. 2 & 3 of the report will be communicated to the Milly. Depart^t — & paras. 4 to 10 to the Pub.

Supreme Court
Madras
Crown side

2nd Session 1861

The Queen }
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Shannon }
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In the Prosecution

At New Court

Dec 1/61, 8
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Pub. Works Dept.

3. Resolved also that
 papers 13-14-15-16
 17-18-19 of K
 Advocate's
 letter to communi-
 -cated to Mr Dyke
 Magistrate of Kelowna
 and that his atten-
 -tion be directed
 to K observations of
 K Advocate firm
 as to the manner
 in which the case
 against Shannon
 has been prepared.

papers of K Advocate firm
 4 to 10 2/2

Council
 11-5-61

Military Dept — 142 — 142
 PWD — 142 — 142 } Dept 18-5-61

Magistrate of Kelowna — 142 }
 NB To the coroner's inquest — 142 }
 Sum to the several authors of K papers marked — no others —

Madison 1861 Sept

2-155

Proceedings of Court

8/17 i May 1881

Feb 869.31.14

Communicate to the
Military and Public Works
^{and other departments}
Department certain names
of the report of the Advocate
against the sides in which
he has decanted on behalf
of ^{the} Government, & the Secretary
of State of 1867.

118 63115.

02 May
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