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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1749 Press ~~Mis~~

62-65

Dated 10 . 11 ~~19~~ 1863

86/87

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
10th November 1863.

Read the following papers:—

No. 62. To His Excellency the Governor in Council,
Fort Saint George.

The humble petition of RAMASWMY IYER, late Tahsildar and Sub-Magistrate of the Mannargoody Taluq, Tanjore District.

Most Humbly Sheweth,

That your Petitioner has according to Government Circular of the 24th February last, addressed two appeal petitions to your Excellency in Council on the 3rd and 15th June last, against the decision of the High Court, dismissing him from his post for certain alleged neglect in a Magisterial case. You have endorsed on those petitions that the Government see no grounds to interfere with the decision of the High Court.

2. Though your petitioner has stated in those petitions that the report of the Acting Magistrate on which the High Court dismissed your petitioner, has been in most parts written by hatred, and that the Magisterial case in which your petitioner's conduct was thought faulty, is groundless, and supported by no records, yet an order has been issued, in no way alleviating the petitioner's loss, nor showing pity with regard to his condition. This order is one which completely ruins the petitioner, which prevents him from ever in future entering the Government service, and which is in direct variance with the belief of your petitioner solely in the salary disbursed to him for his conduct and faithful performance of his duties.

3. The Government have sometime ago with their usual kindness and justice to parties who have incurred any loss, directed the restoration of the Sheristadar of the Madras Collector's office, who had been dismissed by the Board of Revenue. Your petitioner therefore requests that your Excellency in Council will re-consider the order issued in his case, and direct the restoration to his post, of one who has not dreamt of any treachery to Government.

4. Your petitioner believes that his testimonials are themselves able to prove that he conducted his duties during the whole period of his service with great care and without any bad remark from his superiors. If your Excellency in Council still entertain any doubts regarding the petitioner you may refer about his character, and qualifications to W. M. Cadell, Esquire, Collector of Tanjore; P. Grant, Esquire, Collector of Coimbatore, and any other gentleman under whom he served except Mr. Morris.

5. Should your Excellency in Council be not pleased on all these considerations to restore your petitioner to his post, he humbly requests that you will forward the accompanying petition and its enclosures in triplicate to the Right Honorable the Secretary of State for India, and favour him with a receipt for it as usual.

Petition to the Right Honorable the Secretary of State for India... .. ... Copies 3
Enclosures in the above... ... ... Copies 18

For this act of kindness your petitioner, as in duty bound, shall ever pray.

8th September 1863. ராமசுவாமி அய்யன், மாஜீ தாசில் - சப்மெஜிஸ்ட்ரேட்.

To

His Excellency the Right Honorable Sir CHARLES WOOD, Bart.,
Secretary of State for India.

Memorial presented by RAMASAWMY IYER, late Tahsildar and Sub-Magistrate of the Mannargoody Taluq, Tanjore District.

Most Honored and Respected Excellency,

Your Memorialist having preferred two appeal petitions to the Madras Government on the 3rd and 15th June last, against the decision of the High Court dismissing him from his post of Tahsildar and Sub-Magistrate, for certain alleged neglect shown by your Memorialist in a Magiste-

rial case which was tried by him, and the Government having endorsed thereon that they see no grounds to interfere with the decision of the High Court, he has taken this opportunity of preferring this appeal to your Excellency in Council.

1. An under-sluice was built by Sub-Engineer Achutha Naik, Range Officer in the Mannargoody Taluq where your Memorialist was Tahsildar, in order to drain his (Achutha Naik's) own villages, Kudithang'cheri, &c., within the limits of another village. A complaint having been lodged before your Memorialist on the 14th July 1862, by that Sub-Engineer to the effect that a certain Mirassidar of the village, where the under-sluice was built, hindered its erection and effected some damages to it; he (your Memorialist) held the first inquiry into the case and committed the offenders to the Deputy Magistrate, for greater punishment. They were punished by him, and the Collector, the District Magistrate, having confirmed his decision on an appeal, the case was put an end to.

2. Six months after the termination of this case, the Acting Magistrate Mr. G. L. Morris, sent for your Memorialist to the Huzur, kept him there without any work for twenty-three days, and conducted an inquiry on the supposed case of his (your Memorialist's) having changed a warrant. That charge having turned a false one, he preferred on your Memorialist the following, viz :— that of neglect in having begun the inquiry in the sluice damage case referred to in paragraph 1 *supra*, on the 15th July 1862, while the complaint was lodged on the 14th; that of reprehensible conduct on your Memorialist's part in having conducted his inquiry on the 18th, after a lapse of *three* days from the date of his having issued summonses to the witnesses and warrants to the offenders (the 15th); which delay led to the escape of one offender to Karical to evade capture, and to the attempt on the part of offenders' friends to dissuade one witness belonging to the prosecution. The Acting Magistrate conducted an inquiry on these charges, and reported to the Board of Revenue on the 16th February and 7th March last these circumstances, as well as the utterly groundless fact that your Memorialist was in friendship with a man who received punishment. The Board having stated that this case is not one in which they could interfere, the Acting Magistrate reported these false charges to the High Court; who believing in the Acting Magistrate's report, ordered the removal of your Memorialist from his post.

3. On the malicious report of the Acting Magistrate that your Memorialist wilfully delayed his inquiry in the sluice damage case for a day, not having entered into it on the 14th July 1862 when it was reported to him, it is stated in the Order of the High Court that that is a grave mistake on your Memorialist's part, and that he should be dismissed from his post for that fault alone. It was essential before beginning the inquiry into the case on the 14th July, to know first the amount of damage done to the sluice. For that purpose the prosecutor was sent to the village where the sluice was built, which was six (6) miles distant from the Kusba Station, and on the 15th when he returned with the requisite information, the inquiry was begun. If that fact had not been ascertained the following doubts would not have been cleared; whether the case could be decided by your Memorialist or whether it should be committed to the higher authorities; whether it is to be brought under Section 426 or Section 427 of the Indian Penal Code; whether the inquiry on the case should be made in accordance to Chapter 12 or Chapter 15 of the Procedure Code; whether a summons should be sent to the offenders or a warrant. Your Memorialist knows that many a Magistrate has met with reproof from his superiors for not ascertaining such preliminary fact. This being the case, the High Court compare this to the delay made by a Magistrate in holding an inquiry on a corpse in a murder case in order to ascertain the price of the cloth worn by the dead man. It is manifest that this example is not at all analogous to the sluice damage case, where a knowledge of the amount of damage is essential to any inquiry into it.

4. If one of the offenders had run away to Karical before the day of inquiry, how unjust it is for the High Court to entertain doubts on your Memorialist as having connived at this escape. Your Memorialist issued a warrant to that party, delivered it to the Police, and did completely all that lay in his power. But if that party runs away to Karical impelled by his own criminal intentions, what could your Memorialist have done for that? That case has been committed to higher Magistrates and has been decided by them. It is thus plain that it is not

proper for the High Court to assert that the conduct of your Memorialist in this case was reprehensible. And moreover that offender afterwards presented himself of his own accord, and has been punished for all his crimes as well as for this crime of running away; and thus the case has come to a conclusion.

5. Though the offenders tried to dissuade a witness of the prosecution, before the day of inquiry, the fact came to light soon after, and the offenders have been punished for the fault. It appears that the High Court believed the report made through hatred by the Acting Magistrate to the effect that your Memorialist was neglectful in this case. The time allowed to expire before inquiry was not with the intention of dissuading the witness. As the presence of ten men in all including the offenders and witnesses, was necessary at the inquiry, and as days were fixed for the hearing of the many cases which were then before your Memorialist, this case was posted for hearing on the 18th, the quickest possible day. It has accordingly been inquired into on the 18th, and committed to higher authorities the very next day. It may from this be plainly seen that the assertion of the Acting Magistrate that Memorialist was connected with the attempt to dissuade *a witness* is not at all correct.

6. It will be very difficult to secure the presence of the requisite parties, and to complete the inquiry of any such criminal case, by your Memorialist or by any other Magistrate in such a short time as was taken in the present instance. The truth or falsehood of this assertion may be manifest by seeing the proceedings of any Criminal Court. Moreover Section 224 of the Criminal Procedure Code authorizes every Magistrate to conduct inquiry into any Criminal case within a fortnight from the lodging of the complaint, according to the circumstances of each particular case. Your Excellency in Council should take into your consideration how the High Court decided that Memorialist should be dismissed from his post only on the report of the Acting Magistrate, without even considering this Section.

7. Your Memorialist is ready to state that the assertion of the Acting Magistrate that he (Memorialist) was in friendly terms with one who was punished for a crime, is not backed by any documentary evidence, that it was not at all started up as a charge when an inquiry took place on Memorialist's conduct, and that he was neither asked, nor his answer in defence taken about it. He finds no reason to describe it to, but the ill-will which the Acting Magistrate bore towards him. Your Excellency in Council should also consider how the High Court accepted this groundless charge too.

8. If your Memorialist's conduct in the first inquiry held by him in this sluice damage case, was really reprehensible, will the Deputy Magistrate who decided the case, or the Acting Magistrate who examined it on appeal, have forgot to remark on the mistake? While there was then nothing of the sort against your Memorialist, he is at a loss to ascribe this inquiry into his conduct, six months after the case was over, and thus report to higher authorities of facts not supported by any document, to any thing but the hatred of the Acting Magistrate towards him. As a proof of this he begs to submit, that the Acting Magistrate, before selecting the charges at issue, brought a charge against your Memorialist (as stated before) of having changed a warrant. He held an inquiry into it with an intention of depriving your Memorialist of his post, and of getting him punished in addition. But that case having failed by the utter groundlessness of the charge, the Acting Magistrate has now tried his best and preferred these charges against your Memorialist, in order to perpetrate his cruel intention. He humbly submits to your Excellency in Council that such a report from the Acting Magistrate perplexed the minds of the High Court, and made them order his (Memorialist's) removal from his post, and that there was no good foundation for the report.

9. Your Memorialist addressed two appeal petitions (marked as enclosures A and B) to Government against the decision of the High Court, on the 3rd and 15th June last, and has been waiting in Madras for about three months for their orders. The Government whose duty it is to inquire well into the cases of parties who have incurred losses, and to render therein justice not minding the arguments used by your Memorialist on every single point, endorsed that they see no grounds to interfere on his behalf considering only the fact that the High Court have passed a decision on the case. This act by which Government have exercised their appellate

authority, is one which completely ruins your Memorialist, prevents him from serving Government ever afterwards, and makes useless all the testimonials hitherto got by him (vide enclosure marked F) and it is in direct variance with his notion that serving Government faithfully will bring him into no straits.

10. Though the High Court have been authorized in Government Circular, dated 21th February 1863, to decide cases of faults committed by Sub-Magistrates, yet the Government have reserved the appellate jurisdiction to themselves. While so, your Memorialist is at a loss to know why the Government have, in this case, where they could not assert that he was guilty or that he should be restored to his post, stated that they see no ground to interfere on his behalf; or why they were thus afraid to reverse the High Court's decision. He is sorry to see that the Government have not taken his case into their benign consideration. If the honorable Government do not consider the justice on the side of your poor Memorialist, where else in India can he procure it? He has taken this opportunity of submitting to your Excellency in Council, his great sorrow in having lost a post of Tahsildar and Sub-Magistrate on a salary of Rupees 225 per mensem, and the boundless shame he is put to by the same cause.

11. The Tahsildars in this country have to collect extensive revenues, to do the works of a Sub-Magistrate and Income Tax Assessor, and to attend to other responsible works. They have many an appeal authority over them, viz., the Collector, the Deputy Collector on general duties, and the Deputy Collector in charge of the Treasury, and other such Officers in the Revenue line: and the District Magistrate, the Sub-Judge, the Session Judge and other Officers in the Judicial line. If the work within the jurisdiction of any one of these Officers is delayed or in any way decreased, it is thought of as a mistake, though the works belonging to the other Officers are correctly and regularly performed. And then if the delay is in Revenue matters, it is reported to the Board of Revenue, and if in Judicial matters, to the High Court, and in either case the dismissal of the Tahsildar is procured. As a proof of this assertion your Memorialist begs to submit that while he had during the whole period of his service which extends over 16 years, brought to light many cases of murder and theft, increased the revenues of the Taluqs under his charge, and served Government faithfully, the hatred of the Acting Magistrate procured his dismissal from his post all on a sudden. Appellate authorities are only created to protect persons who lose by such misfortunes. While so, if they do not well look into their cases, what fate should poor men who are the losers be doomed to? The enclosures to this Memorial will prove that your Memorialist's correctness and assiduity during the period of about eight years he held Tahsildar's posts, was certified by former Collectors under whom he was long employed, and that the Acting Magistrate preferred these charges against him by the hatred he bore him.

12. The cause of this hatred of the Acting Magistrate, Mr. Morris, to your Memorialist is this; while Mr. Morris was Sub-Collector of Tanjore, your Memorialist was Tahsildar of the Sheally Taluq, under his jurisdiction. That gentleman intending that he (Memorialist) should not be Tahsildar in the new arrangement, and being anxious to bring in one of his favourites in his stead, transferred him to a Taluq which was to be abolished in that arrangement. Your Memorialist appealed on this to the Collector, and escaped that misfortune, and was made a second class Tahsildar when the arrangement took place. From that time Mr. Morris was waiting for a fit opportunity to injure your Memorialist, and Memorialist could boldly assert that when he assumed charge of the District as Acting Collector, he thought it a proper time to carry out his intentions and procured his (Memorialist's) dismissal.

13. The Sub-Engineer, Achutha Naik, who was the origin of this unjust charge, has purchased in the Taluq where he holds his Government post, 40 velies of land. The sluice in question was constructed to drain the waters of those lands; and he has deceived Government, and obtained their sanction for it, as if it were for the use of Government lands. He has moreover built his house, &c., near his office, and is carrying on, with great hindrance to other people, his own *private* merchandize near his *public* office. Such crimes pass away unnoticed, while great injustice takes place with regard to those who like your Memorialist, depend on Government alone for their sustenance, and serve them faithfully. Your Memorialist requests to be excused

for his presumption in bringing to the notice of your Excellency in Council, the facts that that man alone who has sufficient interest could continue safely in his post in India, and that if one suffers a loss in minor departments, he could not procure justice on appeal to higher authorities.

14. Your Memorialist therefore humbly requests your Excellency in Council to look into enclosures marked A, B, C, D, E, F, and order the restoration to his post, of one who has laid his firm belief in no other than the Government, who only fights for truth, and who has suffered a great loss.

ENCLOSURES.

A. Petition addressed to Government, dated 3rd June 1863... 1
B. Do. do. dated 15th idem..... 1
C. Endorsement from Government, dated 18th August 1863..... 1
D. Decision of the High Court... 1
F. Translation of the defence before the Acting Magistrate... 1

For which act of kindness your Memorialist as in duty bound shall ever pray.

8th September 1863.

No. 63. OFFICIAL MEMORANDUM.

With reference to the Memorandum from the Chief Secretary to Government, dated the 21st instant, the undersigned is directed to furnish a copy of the Proceedings of the High Court, dated the 20th April last, directing the dismissal of Ramaswamy Iyer, Subordinate Magistrate of Mannargoody, together with a copy of the letter from the Acting Magistrate of Tanjore, on which their Proceedings were held, and to state that the enclosures have been returned to the Magistrate of Tanjore.

HIGH COURT OF JUDICATURE,
MADRAS, *25th September* 1863.

(Signed) THOMAS WILKINS,
Deputy Registrar.

To the Chief Secretary to Government.

Proceedings of the High Court of Judicature at Madras, dated 20th April 1863.

Read letter, dated the 7th instant, from the Acting Magistrate of Tanjore, submitting, for the consideration and orders of the High Court, certain papers connected with an investigation into the conduct of Ramasawmy Iyer, Subordinate Magistrate of Mannargoody.

In this case a most daring outrage, which has been most inadequately punished, was committed. The matter was immediately reported to the Subordinate Magistrate and a regular complaint was made on the succeeding day. Instead of proceeding in the matter, he delayed the inquiry under the pretext that he required the pecuniary value of the injury to be stated. This defence is not only, as the Acting Magistrate shows, manifestly false, but it would, if true, show the Subordinate Magistrate so ignorant of his duties as to merit removal. It would be equally intelligible for a Magistrate before whom an information for murder was laid to postpone action until informed of the value of the clothes of the deceased.

2. The conduct of the Subordinate Magistrate, therefore, is in itself marked by negligence so gross as to require severe reprehension.

3. When reading that conduct, however, by the light of the attendant circumstances, the wealth of the defendant, the efforts, of which the High Court cannot doubt that the Subordinate Magistrate's Subordinates were fully cognizant, being made to buy off the evidence, and the absconding of the principal offender, the Court entertains no doubt that this public Officer has been guilty of gross impropriety, and it matters not whether it has sprung from friendship or fear of the accused or from some baser form of corruption.

4. The man who has so conducted himself is further reported, by his official superior, remarkable for his knowledge of the District and of every Officer in it, as a man bold and unscrupulous; he is further shown to have exhibited that boldness by traversing the District with one

already punished for his subordinate part in the attempt to defeat justice for which the High Court cannot doubt that the Subordinate Magistrate's own dilatoriness was intended to furnish the opportunity.

5. The High Court do not see how Mr. Morris or any other Magistrate can be held responsible for the proper administration of justice, if conduct such as this, in an able man, susceptible of but one interpretation, is not to lead to the removal of a public servant who is stated by the Magistrate to be, independently of this flagrant act of misconduct, wholly unworthy of confidence.

6. The High Court do not disapprove of the investigation having been delayed until all the cases had been disposed of. Officers, whether Native or European, should never be wantonly harassed until there is clear ground for calling for explanation; and tardiness in entering upon such an inquiry is very preferable to precipitation.

7. The High Court direct the immediate removal from office of Ramasawmy Iyer, Subordinate Magistrate of Mannargoody.

(True Copy and Extract.)

(Signed) THOMAS WILKINS,
Deputy Registrar.

From G. LEE MORRIS, Esq., Acting Magistrate of Tanjore; to C. F. CHAMIER, Esq., Registrar of the High Court of Judicature at Madras, dated Vallam, 7th April 1863, No. 106.

With reference to the Proceedings of the Board of Revenue, dated 18th March 1863, No. 1632, I have the honor to forward herewith, for the consideration and orders of the High Court, Madras, all the papers* connected with my investigation into the conduct of Ramasawmy Iyer, Sub-Magistrate of Mannargoody Taluq, in certain matters connected with his Magisterial duties, together with my opinion thereon.

* In a separate Packet.

No. 64. From W. M. CADELL, Esq., Magistrate of Tanjore; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, Madras, dated Vallam, 10th October 1863, No. 1009.

As requested in your memorandum of the 30th ultimo, No. 323, I have the honor to forward herewith as per annexed list the papers* which were submitted to the High Court with Mr. Morris' letter of the 7th April last, No. 106.

* In a separate packet.

To Board 16th February 1863, No. 59.
To do. 7th March 1863, No. 80.
Board's Proceedings 18th March 1863, No. 1632.
Translation of Sub-Magistrate's defence.
Deposition of witnesses.
Copy of letter from Superintendent of Police, dated 6th December 1862, No. 400.
Do. do. 5th December 1862, No. 399.
Sub-Magistrate's defence.
Original deposition taken from witnesses, &c., before the Acting Magistrate.
Sub-Engineer's Yadasht to the Sub-Magistrate, 13th July 1862, No. 23.
Warrant.
Deputy Constable Sumbasivyen's deposition before the Deputy Magistrate.
Copy of the Deputy Magistrate's Memorandum of evidence.
Tamil records of Proceedings held in the Bribery case.

(Signed) W. M. CADELL,
Magistrate.

Proceedings of the Madras Government, Judicial Department,
10th November 1863.

No. 65. ORDER THEREON, 10th November 1863, No. 1749.

Deputy Magistrate's Memorandum of evidence in the bribery case.
Letter, 5th December 1862, No. 399, from Superintendent of Police.
Do. 6th do. No. 400, from do.
Magistrate's Memorandum of evidence against the Sub-Magistrate of Mannargoody, dated February 1863.
Sub-Magistrate's defence (Translation), dated 31st January 1863.
Proceedings, 18th March 1863, No. 1632, of the Board of Revenue.
Letter, 7th April, No. 106, from Magistrate of Tanjore.
Proceedings, 20th do. of High Court.
Proceedings of Government, 18th August 1863, No. 1223.

Ordered that Ramasawmy Iyer's Memorial be transmitted to the Secretary of State, together with copies of the papers noted in the margin.

2. The original record in the "Bribery case" and the other papers in Tamil, will be returned to the Magistrate.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

To

THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL

Fort Saint George

THE HUMBLE PETITION OF RAMASAWMY IYER LATE TASILDAR AND SUBMAGISTRATE OF MUNNORGOODY IN THE DISTRICT OF TANJORE.

SHEWETH,

1. That your Petitioner begs to submit the following appeal to your Excellency in Council, from the enclosed orders of the High Court of Madras directing his summary removal from office for supposed impropriety of Conduct in his capacity of 2nd class subordinate Magistrate of the said Taluq.

2. Enclosed also are the letters of the Acting Collector and Magistrate of Tanjore upon which the Proceedings of the High Court are founded, and my defence given before the Acting Magistrate.

3. To the above documents and to the following explanation of your Petitioner in exculpation of his Conduct, he ventures to solicit that Consideration and attention of Government which they are ever ready to show to their aggrieved servants.

4. The High Court begin by remarking that the outrage forming the subject of the Acting Magistrate's report has been most inadequately punished ; but as that punishment was accorded by the Deputy Magistrate in charge of the Taluq, and Confirmed by the Acting Magistrate, your Petitioner has only to state that the remark does not affect him.

5. The High Court next remark that " The matter (of the alleged outrage) was " immediately reported to the Sub Magistrate, and a regular Complaint was Made on the " succeeding day. Instead of proceeding in the matter, he delayed the inquiry under the " pretext that he required the pecuniary value of the injury to be stated. This defence is " not only, as the Acting Magistrate shows, manifestly false, but it would, if true, show " that the Sub Magistrate so ignorant of his duties as to merit removal. It would be equally " intelligible for a Magistrate, before whom an information for murder was laid, to post pone " action until informed of the value of the Clo thes of the deceased". It is true that the matter was reported to your Petitioner on the 14th of July 1862. On talking it over to the suboverseer, who brought the Yodast, he (suboverseer) was ignorant of the exat amount of the damage that had been done, and your Petitioner, believing in good faith that it was necessary to know the precise amount of the damage asked the suboverseer to proceed to the spot and ascertain particulars and thus come prepared next day to state the Complaint. He Accordingly came next day and gave a deposition in which he stated the damage at 50 Rupees, which he was not able to do the previous day ; and therefore your Petitioner's defence, which the High Court state was manifestly false, was not so. On this point, your Petitioner need only refer to the suboverseer's deposition.

6. As to your Petitioner's ground for considering it necessary in the first instance to ascertain the extent of the damage, he begs to refer to sections 426 and 427 of the Indian Penal Code, the latter of which expressly applies to cases of damages to the amount of 50 Rupees and upwards, while the former to cases where the damage is under that limit. And under each of these sections, the Procedure is different, the law requiring only a summons to be issued in Complaints under section 426, and a warrant in those under 427. Again, Complaints under the former section are adjudicable by *any Magistrate*, while those under the latter are triable only by a *Magistrate of the Destrict, or sub Magistrate of the first Class* ; and unless, your Petitioner knew under which of these the Complaint fell, he could not possibly know under which Chapter of the Criminal Procedure act (XXV of 1861), whether Chapter XII or XV, he was to proceed. It was under such Consideration, that your Petitioner hesi-

tated to enter into, an inquiry at once, and asked the sub overseer to ascertain the amount of damage ; and notwithstanding the remark in the High Court's Proceedings to the Contrary, your Petitioner is still unable to see how he was wrong in his view, and wrong to such a degree as to merit removal on that score. It would be the height of presumption and disrespectful in your Petitioner to say any thing in such a matter in opposition to so high an authority as the Highest Court of Judicature in the Presidency, but, in self defence your petitioner is constrained to submit to your Excellency in Council, whether there is any parallel whatever between a case of mischief, In whioh the extent of punishment and the mode of Procedure are, by law, expressly made to depend upon the amount of damage done, and the hypothetical case of murder, and the value of the clothes of the deceased, to which the High Court refer in their Proceedings, in condemnation of your Petitioner's Conduct.

7. If, in offering the foregoing explanation, your Petitioner has succeeded in showing that he acted bonafide in considering it necessary, in the first instance, to ascertain the value of the damage reported, and in accordingly postponing action for a day for allowing of that point being ascertained, the conclusions which the High Court draw from his conduct in that respect, taking it in connection with certain collateral circumstances, lose much of their force. The Court allude to the wealth of the defendant, implying thereby that your Petitioner must have been influenced by the man. It is true that the said defendant Rama Iyen is a large landholder in Munnorgoody, and he holds a good social position but your Petitioner begs to assure your excellency that his wealth is a mythic. His is in a state of great indebtedness, but unfortunately this is a point not susceptible of easy proof, and your Petitioner's assertion, put in opposition to that of so high an official as the Acting Collector to the contrary, cannot, your Petitioner is aware, carry any weight. But however this may be the fact of the said Ramyyen having been eventually committed to the Deputy Magistrate's Court for trial by your Petitioner himself, and of his having been convicted there on the evidence recorded in the investigation held by your Petitioner, show, he presumes, that his sympathy was not at all with Ramyan in the sense implied by the High Court ; and if further proof were wanting, your Petitioner would mention the fact that only just prior to his removal from office, your Petitioner tried and committed the said self same Ramyan to the Sessions Court on a charge of his having abused his powers as Village Moonsiff.

8. The Court next advert "to the efforts of which they think that the subordinate "Magistrate's subordinates were fully Cognisant being made to buy off the evidence." On this point your Petitioner will only state that no information was laid before him by the Police or others of the attempt to bribe one of the witnesses in the case ; that at the time this attempt was being made, your Petitioner had entered upon the investigation, for having delayed which for a day, he has since been taken to task so severely ; that the party attempted to be bribed was a principal witness in that investigation and had failed to attend in Obedience to a summons, and that a warrant had consequently to be issued. This was the simple truth, and your Petitioner will only further submit to your excellency whether if he was at all in the secret as alleged, i. e. if he connived at the attempt to bribe the witness, whether in such case your Petitioner would send a warrant to disturb Ramyan's agents and the witness Ponniya Pillay in the midst of their negotiations. Your Petitioner fails to see what he would have gained by trying to get the witness out of the Police inspector's hands for the time, which is the interpretation placed by the Acting Magistrate on the issue of the warrant, when there was nothing to prevent the inspector following the witness and concluding the inquiry in the Taluq Cutchery itself before and in spite of your Petitioner, if he was thought to thwart the Police. This indeed was the proper course for the inspector and not to detain Ponniya Pillay in opposition to a Magistrate's warrant ; and the Acting Collector it will be seen, admits that your Petitioner had to send three different persons for the witness.

9. The last attendant circumstances to which the High Court refer as rendering your Petitioner's conduct in delaying to take Action in the Tunnel Case, one of gross impropriety is "The absconding of the principal offender." Your Petitioner denies that he timed his Proceedings so as to allow the principal offender, Ramyan's son, to escape. The delay of 24 hours your Petitioner has already explained. The three days which were allowed for the appearance of witnesses, on which the Acting Magistrate lays some stress, were wanted for other cases and for other business pending in your Petitioner's Office on the Revenue and Magisterial sides ; and your Petitioner need hardly submit that in every well-regulated office it is essential that too many cases should not be brought on for hearing or too many individuals congregated together at the same time, to the inconvenience both of the people and of the officials, but that the appearance of parties should be so timed as to admit of due attention being given to the

various matters coming before a Tasildar particularly in so large a district as Tanjore. It was with this and this view only, that three days were allowed for the appearance of the witnesses in the case in question. Such time is allowed as a matter of cause in every public office according to circumstances, i, e, with reference to other cases on the file at the time and the press of other work ; and your Petitioner had no reason whatever to apprehend that the case in question would assume the features or reach the proportions it afterwards did to induce his setting aside all other work to take up this one instanter. The "High Court themselves in- "deed do not disapprove of the investigation having been delayed until all the cases had been "disposed of. Officers whether Native or European, they add, should never be wantonly "harassed until there is clear ground for calling for explanation, and tardiness in entering "upon such an inquiry is very preferable, to precipitation". It seems, after this, your Petitioner respectfully submits, inconsistent to say that your Petitioner's "Dilatoriness "was intended to furnish the principal offender the opportunity to escape." If your Petitioner had any intention whatever to favour the escape of Ramyan's son and had been in Cominunication with him on the subject, by far the simplest plan would have been not to give three days time for the case to come on and thus lay himself open to animadvertion, but to advice the offender to escape on the night at least of 15th immediately after your Petitioner had taken the prosecutor's deposition and seen what the nature of the case was, and summon the parties to appear next day. Your Petitioner trusts that your excellency will see no such trace of prearrangement in the fact of his having given, in the ordinary course of business three days time for the case to come on and for the offender having escaped two days before the time so fixed.

10. The truth of the matter is, escaping to Karical is a favourite mode of avoiding, for the nonce, any pressure brougdt to bear on the Tanjore Mirasidars, as deserting to Pondicherry is with the people of South Arcot ; a pressing demand for a private debt or the public Kist or a warrant for apprehension, is sufficient to drive a man to Karical for the moment, without a thought for the future. The Government must be aware that when called upon to sign the survey accounts in the time of a former collector, the Mirasidars affected, escaped bodily to Karical. Your Petitioner ventures to put it to the present Acting Colletor Mr. Morris whether in a magisterial case, before himself when he was joint Magistrate at Mayaveram in which a powerful influential and wealthy landholder of the Sheally Taluq named Ramyan, was charged with an offence, that landholder did not escape to Karical and whether the case is in consequence still pending unsettled on the joint Magistrate's file. Besides, your Petitioner would be extremely foolish to advise such a step as escape to Karical on the part of one whom he wished to favour, when it is known that all his property in the District would be liable to attachment and confiscation under the law.

11. In the 4th paragraph of the High Court's Proceedings, it is stated as a further reason for your Petitioner's unworthiness to remain in public employ, that your Petitioner is reported by his official superior Mr. Morris, "As a man bold and unscrupulous" and that he is further shown "To have exhibited that boldness by traversing the District with one already punished" for misconduct. On the first part of this, your Petitioner has only to submit that if an opinion of an individualofficer such as that expressed by the present Acting Collector of Tanjore as to the character of a servant in the position of a Taluq Tasildar and Magistrate who has faultlessly served the Government for 16 Years, is considered by your excellency to be sufficient to deprive that servant of office your Petitioner will rest content with the decision. He only begs leave to submit, for the perusal of Government, the accompanying certificates testifying to your Petitioner's anticedents. Mr. Morris cannot have personally known your Petitioner for more than 3 Years out of the 12 during which he states he has known him

12. In regard to the charge that your Petitioner has been traversing the District with a person already punished for misconduct, your Petitioner begs to state that, that person was lately the Taluq Duffadar. Your Petitioner denies that he ever associated with this dismissed peon. The difference in their social positions is in itself sufficient to forbid such a thing. Further your Petitioner can have no possible motive in going about with him ; but this much the Petitioner knows to be the case, that the peon, still in hopes of reemployment, keeps hanging about the Acting Collector's, the Deputy Collector's, and Taluq Katcheries ; and if inquiry were at this moment made, the probability would be that he would be found among a crowd of Woomaduvars at the Collector's Katchery plaguing the Collector to reem ploy him

13. What the Acting Collector calls in his letter an important Government work is in reality no Government work at all. It is entirely and exclusively for the benifit of the Sub-engineer Achuta Naidoo's village of Kudithangichery. He, by the opportunities and influence

e posseses as sub-Engineer in charge of the Taluq, has been able to devise and to obtain sanction for carrying out the work for the benifit of his own and to the detriment of surrounding property belonging to other mirasidars, and your Petitioner confesses that it appeared to him, as it did and does to others in the District that a public servant holding the office and enjoying the opportunities as Achut. Naidoo does, should be able to project, and carry out, with impunity, plans for the improvement of lands acquired by him in the Taluq in which he is employed, to the manifest injury of other's interests, but this knowledge of unfairness did not deter your Petitioner from doing his duty.

14. It will occur to your excellency in Council as strange that if your Petitioner's Conduct in the tunnel Case was open to the suspecion which the Acting Collector has since represented it to be. Nothing was said about it by the Deputy Magistrate when desposing of the Case or by the Acting Magistrate himself when he Reviewed it on apperl, but that action was taken and proceedings commenced some 6 months after the case had been closed and finally disposed of. It would be unbecoming on the part of your Petitioner to say any thing Regarding the Character of the investigation held by the Acting Collector, but an inspection of the record of the inquiry, and my defence, would show the animus with which it was Conducted.

15. Under these Circumstances, your Petitioner begs that your excellency in Council will give an attentive Consideration to all the bearings of the Case and the very Slender grounds on which he has been deprived of office with a stigma on his Character on the mere Suspicion and Surmises, and direct his restoration to the situation from which he has been so inconsiderately and summarily removed, or, in the event of any doubt Remaining upon the mind of your excellency as to the propriety of restoring your Petitioner, you will be pleased to order the whole Record of the Case to be gone into by the full Court including the Judges of the late Supreme Court

And your Petitioner shall ever prey

MADRAS,
3rd June 1863.

Judl. Letters Recd 24th May 1863.

A Petition to Government

(5)

To

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.
Fort Saint George.

MOST HONORED SIR,

With consummate deference and humiliation. I beg leave to bring the following few lines before your Excellency's benign notice.

I have on the 3rd Instant, addressed an appeal Petition to your Excellency in Council, against the decision of the High Court, dismissing me from my post of Talisil and Sub-Magistrate. As some of the facts I am desirous of laying before your Excellency in Council, are not therein mentioned, I request that this Petition may be taken as a Supplement or in conjunction with my former one.

1. I have drawn out Memoranda of the (11) eleven depositions taken by the acting Magistrate, to ground my dismissal upon. Of these the (9) nine noted in the margin concern only the charge brought against me of having altered a Warrant. And the remaining two, of the Sub-Engineer and Sub-Overseer, go to prove the charge of partiality. As stated in para 8 of my first petition, the first charge was caused by the Sub-Engineer and Police Inspector having prevented on the 18th June, the serving of a warrant issued in the name of one Ponniya Pillay, witness in the case of tunnel-breaking, who did not obey the summons. It, the warrant, has accordingly been returned by the Police on the next date, and has been sent to the then Deputy Magistrate with the records connected with the tunnel-braking case. While the Sub-Engineer &c., are liable to be punished for having prevented the serving of the warrant, that circumstance was neither inquired into at the Deputy Magistrate's Office, or upon appeal, in the Acting Magistrate's Court, nor has any decision been passed upon it in either place. The return of the warrant will clearly testify the truth of the above facts. To ward off this blame, the Sub-Engineer &c., tried their best and first brought upon me a charge of having changed a warrant. Though they and their subordinates gave several proofs for that charge, it was decided to be a false one. While the enquiry was being prosecuted, the Police Inspector persuaded the Constable who is the 6th witness, to give evidence against me. I then requested the Acting Magistrate to enquire into this matter; but no enquiry was conducted about it. The deposition of that witness will prove to your Excellency in Council that my above assertion is nothing but truth Moreover having got into my possession a letter and a self written Memorandum, sent by the Sub-Overseer (11th witness) to the 7th witness Police Peon Namasivoyen, the returner of the said warrant and the principal witness in this case, persuading him to give evidence against me, I showed them to the Acting Magistrate, and requested that an enquiry may be conducted at least about this; but nothing took place. I believe that the enclosures marked E & F will by themselves place the above assertion beyond all doubt.

That of Police Inspector Muthialu Naik,
" Ponnia Pillay,
" Govindu Pillay,
" Anthimoolum,
" Perumaul Naiken,
" Constable Sambasiva Iyen,
" do Namasivaya Naiken,
" Duffadar Doorasawmy Naiken,
" Dufterbund Srinivasa Iyengar,
"

2. For the second charge of partiality there were two witnesses; one, the Sub-Engineer who is my enemy and who prevented the serving of the warrant in the first case, and the other, the Sub-Overseer, who was his comrade in the above preventive act, and who tried to dissuade a witness. The Sub-Engineer states in his deposition, on being questioned by the Acting Magistrate, that it appears as if I acted unfairly

in the case. Thus even in that the blame is not directly laid upon me. Neither is the charge proved in any other way. This deposition does not at all agree with that of the Sub-Overseer: nay, in some places, one is quite at variance with the other. I am therefore still at a loss to know what was the ground of the Acting Magistrate's having formed a bad opinion about me on two such depositions, and of his having reported it to higher authorities. I humbly request your Excellency in Council to judge for yourselt what ground there was in these two depositions, to make the Acting Magistrate to write a very bad report about me, as appears from the order of the high Court.

3. Though I have set up in my first Petition my arguments against the fact that I have near me a man who has suffered punishment, found in the High Court's Order as being stated by the Acting Magistrate, yet I am not inclined to conclude this Petition without slightly bringing it again to the notice of your Excellency in Council. If the above fact were true, is it not right to expect that it would be touched upon by any one in the records connected with this enquiry. Or is it not just that the Acting Magistrate should, if he has any doubt of the same, question me about it and take down my defence regarding the same. While neither was the case, it is extraordinary to find how this was joined as a charge only in the reports of the Acting Magistrate.

My ultimate object in stating all these facts is to show that the opinion arrived at by the Acting Magistrate is not at all in accordance with the records connected with the enquiry, and that the cause of my dismissal is nothing but the displeasure of the Acting Magistrate.

I therefore beg of your Excellency in Council to bestow some pity on me, who has suffered from such injustice, and to restore me to my post as Tahsildar of Mannargoody.

I beg leave to remain

Most Honored Sir,

Your Excellency's Most Obedient and Humble Subject,

MADRAS,
15th June 1868.

Judl. Letter to Engd 24th Novr No 37
of 1863

B

Appeal Petition
addressed to Government
on 15th June 1863

Judl. Proc. 10 Novr 1863 & No 1749

3 When reading that Conduct however, by the light of attendant Circumstances, the wealth of the defendant, the efforts of which the High Court cannot doubt, that the Subordinate Magistrates Subordinates were fully Cognizant, being made to buy off the evidence, and the absconding of the principal offender, the Court entertain no doubt that this public officer has been guilty of gross impropriety, and it matters not whether it has Spring from friendship or fear of the accused, or from some baser form of Corruption

4 The man who has so conducted himself is further reported, by his official superior, remarkable for his knowledge of the District and of every officer in it, as a man bold, and unscrupulous, he is further shown to have exhibited that boldness by traversing the District with one already punished for his Subordinate part in the attempt to defeat justice for which the High Court cannot doubt that the Subordinate Magistrates own dilatoriness was intended to furnish the opportunity

5 The High Court do not see how Mr Morris or any other Magistrate can be held responsible for the proper administration of justice, if Conduct such as this, in an able man, susceptible of but one interpretation, is not to lead to the removal

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of a public Servant, who is stated by the Magistrate to be independently of this flagrant act of misconduct wholly unworthy of Confidence

6 The High Court do not disapprove of the investigation having been delayed until all the cases had been disposed of. Officers whether native or European should never be unwarrantedly harassed until there is clear ground for calling for explanation, and tardiness in entering upon such an enquiry is very preferable to precipitation

7 The High Court direct the immediate removal from office of Ramasawmi Iyen Subordinate Magistrate of Mannargoody

(True Extract)

(Signed)

Acting Deputy Registrar

Copy of the Orders of the High Court

D

Judl. Letter to Engd/24th Novr No 37 of 1863.

Judl. Procs. Novr 1863 No 73

The defence of Ramasawmy Iyer Sub Magistrate of Munnorgoody Taluq given on the 31st January 186[3]

The Sub Engineer Achutha Naiker preferred a complaint, that Sawmy Iyer and others had destroyed an under tunnel in the month of July 1862. In consequence of a report to higher authorities, that my proceedings in this case were faulty and partial, an investigation was held before the Acting Collector and Magistrate. I have been made acquainted with the depositions of the 10 witnesses heard in this case.

The 1st, 2d, 3d, 4th, 5th, and the 10th witnesses depose that the warrant which was issued on the 18th by me contained the following. "As it is reported to me that the Department of Public works are tampering with Ponniah Pillay to induce him to bear strong testimony in their favour, you are hereby directed to seize him and bring him at once." It appears most clear that the evidence they gave in that case was thoroughly false and without foundation. The said Ponniah Pillay was a witness in the case of the breaking down of the dam, mentioned in the first column of the defence. On the 15th of the month, I issued summonses through the Police officials, commanding his presence as well as the presence of the other witnesses at 10 O'clock A.M on the 18th; In obedience to these summonses the witnesses appeared; a few of the accused parties also were seized and brought before me by warrants issued ag

Hum I Commenced the investigation of the case at
1 o'clock P. M. on the 18th instant. When the
investigation Commenced, and the witness Parmah
Pilly was called for, it was found that he was not present.
It is required by regulation that a case should not be
passed passed because of the absence of a witness who was
to be examined upon only one point, the Police Constable
the Deputy Constables, and the Peon Duffadar were
sent to bring him; but the said witness did not
make his appearance, nor did he assign sufficient
reason for his non-appearance. Therefore in accordance
with the Para 191 of the Criminal Procedure Vol
I issued a warrant to seize the said witness, who did
not make his appearance at the time specified in the
summons, and postponed the investigation of the
case accordingly.

The person who was entrusted with the
serving of this warrant returned on the following
day, alleging that the Police Inspector and the Sub
Engineer of Chittur Naicker prevented him in the
execution of the duty entrusted to him. At 11 O'clock
on the 19th the parties Concerned were sent for trial before
the Deputy Magistrate and those documents together
with others which were produced on the investigation were
duly forwarded.

3 It evidently appears that they have made up a case
among themselves, because they, the witnesses 1 to 5 as well as
the Sub Engineer the 10th witness allege that the warrants
served by the Police Peon Ramasivaya Naicker was drunk
and that the warrant issued for the apprehension of the
witness required that apprehension was to be made forthwith

those specified.

Although they have combined to make up a
story among themselves, yet their unprincipledness to give evidence
consistent with the case is in itself conclusive proof
that they must have combined to make up a case for
themselves.

The 6th witness who served the warrant, the 9th
witness who wrote it, and the 7th witness the station officer
who read the warrant on the night of the 18th and who
furnished the inspector with a Copy of it, and who were
competent to know the Contents of the warrant and the
reason for which it was issued, give evidence that directions
were given for the apprehension of Parmah Pillay on the
ground of his not having appeared as a witness when
duly summoned to do so. The warrant issued on the 18th
from the butchery (office) of the Sub Magistrate is now
before the Hoozoor (Court). The warrant in itself shows
on accordance with the evidence of the 6th 7th, and the
9th witnesses, that it was issued on legal and proper
grounds, and that the evidence of the witnesses 1-2-3-4-5
and 10, is false.

Among those who depose that they recollect every
thing about the warrant which was issued six months ago,
the 5th witness, the Police Constable asserts that he was
not able to recall to mind any particulars respecting
the warrant and summons which he himself served
both before and after the warrant in question, nor about
a certain deposition which he gave in my Court. After

though he sent me a Yadast on the 13th I delayed the investigation until the 18th, that in consequence of this delay the witnesses were tampered with, that prisoners escaped, that the parties of the accused had opportunities of attempting to bribe the witness Ponniya Pillay to give evidence in their favour, and that had Ponniya Pillay been sent in obedience to my warrant the attempted bribery case would not have been discovered. That the statement is utterly groundless, and surprising. The Sub overseer appeared the 14th with the Yadast of the Sub Engineer respecting the destruction of the under tunnel, and this individual having requested me to give him time to acquaint himself by personal inspection, with the amount of damages done, did not appear before me till the 15th, and on that day he gave his deposition.

On that very date I issued warrants for the apprehension of the accused, and summons for the appearance of the witnesses, and in these summons I appointed the 18th for their appearance. On that date a few of the prisoners and a few of the witnesses were brought before me. I commenced the investigation at 1 O'clock and within 5 P.M. I had concluded the examination of the three witnesses who were present, and as the remaining witness Ponniya Pillay absented himself I sent a peon to bring him, who reported to me that the said witness refused to accompany him. I then sent the Deputy Constable who was in the station to bring him, he did not return at all that day,

did not the said Witness appear. As the prisoners and the prosecutor were waiting, I sent the Talug Duffadar, he was not forthcoming to bring him, and because the investigation was delayed by the absence of the 2d witness, I issued a warrant for his apprehension as he did not appear in obedience to the summons previously issued, and committed the execution of the warrant to the Police peon.

On the morning of the 19th I surveyed the place where the tunnel had been broken, returned to my Court at 10 O'clock, and in obedience to the directions of the Deputy Magistrate I made over the Cases to him, the Tellicherry Cases which had been committed together with the Bribery Case which had been committed during the interval were investigated in that Court, and the Criminals were duly punished. It will appear therefore from the statements above made, that the investigation was carried on regularly and without interruption from the 13th that the Complaint made by the Sub Engineer, that I was guilty of dilatoriness in hearing the case, and that in consequence serious obstructions ensued, are utterly false, and the records themselves will show that no delay whatever occurred in proceeding with the case.

The Sub Engineer states in his deposition that in order to prevent any delay in the investigation, he had directed the witnesses to be in readiness, and that consequently they were all present when the trial commenced. If, as he states, they were all kept in readiness for the trial, there cannot probably be any reason why this should not have been made to appear in his Yadast. Had this been the case, have it is possible that I should have had

to issue summons for the appearance of the witnesses, and that in the case of any particular witness the summons not being obeyed, another course had to be adopted to compell his appearance. He considered that for that the testimony in this case must be opposed to the convictions of his own mind.

Among the many cases which are brought up before Magistrates in this Paligamam could scarcely be more diligently than this

It is a matter for consideration, therefore, why under these circumstances, the Sub Engineer should imprison that I was guilty of delay in the investigation of it. It appears very clear also from the evidence recorded in the case before me that no opportunity subsequent was given for collusion among the witnesses

From the statement of the Sub Engineer that Ramayyen and his party had no opportunity about 2 O'clock to attempt to gain over Ponniya Pillay by bribery is of itself conclusive evidence that the messenger had not after I had commenced the investigation of the case. Had he been present at 10 O'clock as ordered in the summons there would have been no further opportunity to bribe the witnesses examined as the other witnesses were. The object of the Sub Engineer to attribute his own interference to any fear on my part is contemptible I was fully aware of the limits of my authority as a Magistrate & fully determined to keep within them. I believed that any delay was occasioned by the Sub Engineer himself. I should have considered that I had exceeded my authority had I issued warrants for the apprehension of Ponniya Pillay, who was waiting trial on the discovery of an attempt on the part of Ramayyen and his party to bribe and suborn him. The said Ponniya Pillay, and that by this means it was my intention to defeat the ends of justice in that case. In a bribery case of this kind the parties accused cannot be apprehended except by a Magistrates warrant. In the proper order of things if I had been asked to issue a warrant or if it had been intimated to me, I would have been aware that such a trial was being conducted. It appears from the depositions of the Inspector and

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10

fail to perceive that he himself [illegible] occasioned the delay if any occurred

The Sub Engineer alleges that the delay in the trial was the cause which led to the escape of prisoners. It does now appear that one Ramayen escaped before the warrant could be served upon him, but as regards Thumbusamie and another it appears from the returns of the warrant in question that they had absconded a month previously having been accused as guilty in another case, that from that time to this they have not discovered themselves and that their property is still under attachment. It might then that the Sub Engineer should represent that these prisoners are among those who escaped in consequence of this alleged delay in this case.

The Sub Engineer further deposes that at the

The officers who were concerned in this case that his matter was represented to. I had no means then of knowing that the said witness was bribed by this Inspector as the circumstances in this case of bribery

If I had been informed of this by this person or by the Deputy Constables or by the Panchayat Samakam I sent to bring the witness, or if I had ascertained it by any other means, I would not have hesitated any effort to hasten the appearance of the witness

Until I issued the warrant I had no means of ascertaining the reason of Panniya Pillay's non appearance. It was only in consequence of this that I used the means I was obliged to compel the presence of Panniya Pillay in the case then pending in my Cutcherry. The Sub Engineer well knows that I summoned this man twice for any other case but in the case laid before me by the Sub Engineer himself viz. for the destruction of the numbering a case in which the presence of this witness was absolutely necessary

If this case of attempted bribery had been brought before me at the proper time, and in the proper manner I feel that I was bound to use even more strenuous efforts than those he alleges he did in the discovery of this bribery Case. When I consider what he alleges of me as having acted with partiality in the original case (viz that of the destruction of the tunnels) I cannot but think that the personal prejudice he had against me and which will appear from what

I am about to state was the motive which induced him to bring the accusation against me

As the Sub Engineer has resided for a considerable time in Mannargoody, he has built a large upstair house for himself in the principal street of the town, and also 4 shops in the same street. As these buildings encroached on the public road I reported the circumstance to the Magistrate submitting to him the requisite measurements and plans. In consequence of this intimation was given that buildings so encroaching on the public road should be pulled down, and directions accordingly issued, and the execution of these orders was committed to me. As all these took place through my instrumentality he very naturally entertained a personal prejudice against me.

Besides this the Sub Engineer has within the short period of 5 or 6 years acquired immense landed property to the extent of 40 Vals in the villages of Kudiyanjeikary and Keelavalavalthuthuchareium the district under my authority and within his charge. In this matter frequent disputes occur between him (the Sub Engineer) and the Talayaris of those villages, and the Mirasidars of the neighbourhood, as well as the Mirasidars of villages which have a common interest with this village in the matters of irrigation and drainage. In consequence of which differences frequently occur and Complaints are brought.

In all cases of this kind the Sub Engineer exercised his official influence to gain his point and

the aforementioned individuals had no other alternative but to lay their complaints before me. I duly heard & considered these complaints and gave unbiased & Impartial just and impartial decisions. On some occasions decisions favourable to the Sub Engineers interests, and on other occasions unfavourable to them were pronounced both by the Revenue and judicial authorities. This afforded another source of prejudice. Influenced by these prejudices and naturally anxious to protect the interests of his property, he has made this case in question of the destruction of the tunnel a ground for accusing me of partiality. There is not the least doubt that his private prejudices are the moving cause of his proceedings in this affair and that to them alone is attributable the circumstance which leads him to accuse me of partiality in my decision respecting it.

12 Besides this, he does not hold possession in his own name of the landed property which he has acquired in this district. He has on several occasions requested me to register in his own name his lands which were hitherto registered in the names of others, but the proceeds of which he enjoyed. I have on these occasions invariably pointed out to him the existing rules that Government officials are not allowed to hold landed property in the district in which they are employed, and that all registration of property should be made before the Courtauns officials of the district and entered into the Zillah register. This of course was not agreeable to him. About a month or a month and a half before this letter was made

(4)

an application on this subject to the Deputy Collector and when the Deputy Collector directed me to grant the register applied for, I reported to him that I had no authority even to recommend the granting of a register. All that the engineer has advanced has been in his own authority and without foundation, but every single statement that I have made is capable of confirmation from public records.

This is my defence

True Translation

(Signed)

Ramasamy Iyer

Tasildar and Sub Magistrate

The examination made on the defence

Question 1 — Did the Sub Engineer come to your house on the morning of the 13th and report to you the circumstance of the under tunnel having been destroyed during the previous night?

Answer 1 — No. The Sub Engineer is not in the habit of coming to my house. I was informed by the inhabitants of that town on the evening of the 13th of the destruction of the tunnel and on the 14th the Sub-Engineer forwarded to me the Report last

Q - 2 — Since you were informed on the 13th of the obstruction of the tunnel, why did you not go and survey it till the 19th?

A - 2 — Because it was reported to me that besides destroying the tunnel, waters from other sources were let into it. I was engaged in giving directions that this should be baled out. As this operation was not completed till the 19th I could not till that date survey the damage done.

Q - 3 — You state in your defence that you issued warrants for the apprehension of the accused parties on the 15th. It is stated in the records of the station that the warrants were not received till 8 O'clock P.M. of the 16th what was the reason of this delay?

A - 3 — The warrants were in fact signed and in readiness on the 15th. It is usual to collect and send to the station either on the same night or on the ensuing morning all warrants and summons to be served. In accordance with this practice this warrant must have been sent to the station by the Gramastaho either on the night of the 15th or on the following morning. I cannot account for its

being recorded that the said warrant did not reach the Station till 8 O'clock the next night.

Q.4 You have forwarded to the Deputy Registrar's office the power of Attorney you received from Purasooramen Iyen. When and why did you receive this?

A.4 Purasooramen Iyen presented himself before me on the 18th exhibiting a power of Attorney and stated that he had come to speak on behalf of his masters Luamee Iyen and that he had come prepared with a power of Attorney for this. Under the pursuasion that this should be sent with the other documents connected with the case to higher authorities I sent it with them. At the time when I received this document from Purasooramen, the warrant issued for the apprehension of Ramayen was in the course of being served.

Q.5 You state in your defence that the peon informed you that he made objections to appear. What were those objections?

A.5 The peon simply informed me that the witness objected to appear, but told me nothing whatever as to where he was; or what led to his being there. It is because I did not attach sufficient credit to what he said, that I sent the head Constable to bring him.

Q.6 What instructions did you give to the Duffadar when you sent him? What report did he make to you on his return?

A.6 I told him that the Constable sent to bring the witness had not yet returned; and directed him to bring the witness, should he be at the inspectors office. He returned and reported to me that the Constable was still at the Inspectors office, and that the Inspector said that Ramiya Pillay could not at the time be sent. He further told the Duffadar, tell me that the Sub Engineer was there, not did I ask him any thing about it

Q.7 If you really knew nothing about the witness Ramiya Pillay, what meaning did you attach to the question which you put to the Inspector, and which has not been read

A.7 I asked him the question solely because, I had sent words to him through the Duffadar, that three witnesses in this case had already been examined and that the evidence of one Ramiya Pillay was essentially necessary in the case.

(Signed)

Ramasawmyer

Tasildar and Sub Magistrate

Judicial Letter to Engd/24th Novr
No 37 of 1863.

E

Copy of the Reference given
before the Acting Collector
and Magistrate of Tanjore

Judl Proc 10 Novr/1830 No 716

True Copy

Signed J. Bird

Acting Magistrate

To Ramasamy Aiyer Upper Tamil Mahimagâr &c

Dear From J. Bird Acg Magistrate of Tirupoe

To Ramasamy Aiyer Upper Tamil Mahimagâr &c

Acting of Tiruvathy

I have already explained to you by a previous letter dated the 19 th the satisfaction entertained by me and the Sessions Judge for your cautious conduct in detecting the circumstances of the robbery in the house of Sreeniváza Rao Dâmodâra in the Taluq of Tiruvathy. As a testification of satisfaction I have on the recommendation of the Head Police promoted you from the 19th instant to the Pakkala Subathivaldy Division of the Tiruvathy Taluq. You are hereby directed to take charge of that post and your duties with care actively and truthfulness. I hope you remembering always the result of my present satisfaction will behave in such a way as to increase my satisfaction

19th July 1849 Signed J. Bird

True Copy Acting Magistrate

Dear To Ramasamy Aiyer Upper Tamil Mahimagâr

From the day of your appointment to the post of Upper Tamil Mahimagâr you have discharged your duties with great care and truthfulness and according to my ex... Besides that you informed me of the place where the st...

by this despatch you and the Peons mentioned in the margin are to be raised to the rank of a Pakkar Tamil Head Mahimagâr in which case I have directed the Treasurer to pay you and shall be glad if your character in the same manner as the performance of your duties

day 1849

Signed J. Bird

Acting Dist. Magistrate

Enclosure

Extract from the proceedings of the Sessions Court in the Salem division dated the 4th July 1849

Read Calendar of Case No. 43 of the Session for 1849.

In transmitting the sentences passed in the above case the Sessions Judge has great pleasure in bringing favorable notice to the Acg Magistrate the Tamil Mahimagâr Upper Tamil Mahimagâr for his zeal and intelligence displayed in the discharge of the Head Police duties that the perpetrators of this robbery would have the whole of the stolen property recovered.

True Extract

Signed Illegible

Sessions Judge

property and the declarations of the robbers in the house of Pandiadu that were and having accompanied me to that place with great exertion, detected the robbers together with the stolen property. When I reported this to my superiors as well as your abilities and other qualifications the Sessions Court the Magistrate and the Special Assistant Magistrate have sent you an appreciation. By my recommendation you are promoted to the Pashkarship of Mebarkhanah Division in pursuance of the order dated the 19th Instant. Therefore if you prove yourself diligent and faithful in the performance of your duties I shall recommend your further promotion.

24th July 1849. Signed Veethiasamy Naik

Witness to the

Order To Ramasamy Aiyer Pashkar of Maingoodi Division in the Taluq of Papavinasam.

As Soobba Rao Police Ameen of Tanjore has taken leave from the first of January to the end of that month in order to proceed to Ramasseram you are hereby appointed to act for him for the said period.

30th December 1850. Signed J. F. Bishop

Vellam.

Order To Ramasamy Aiyer sub Police of Maingoodi Papavinasam Taluq

It was reported to me that on the night of the 7th instant robbers entered entered the house of Arthmasama Rao Devastanum goomasta at Combaconum and carried away property worth seven or eight thousand rupees and that some of those who were in the house were severely wounded for which we have suspended Narasaja Rao Police Naick of Combaconum. We have appointed you acting Policdar of Combaconum thinking that you are the proper man to detect such serious case as this. If you detect this you will be confirmed in this acting post. Therefore you are hereby ordered to take charge of that post immediately from the Police Ameen and try your best to detect the aforesaid case. As we think that this robbery could not have taken place without the connivance of the Janna Ryots of Combaconum we shall dismiss them if they do not heartily assist you in detecting it. Therefore inform this to all of them and enforce to inspite conduct of each. If you are acquainted with the ryots who rendered valuable assistance in detecting such cases in the days of Moothoosamy Naick send for not more than five of them from Tiruvalur and have suit orders to the same effect to the Head of Police

Order To Ramasamy Aiyer Sub Police of Tiruvalur

In the reports of the Heads of Police of Maingoodi and Coilarakel Talugs about your exertions in the detection of the robbers and the stolen property connected with the robbery in the house of Abbaiah Pattan in Thyspalambadium in the Taluq of Tiruvalur. I have received the order dated the 4th Instant from the Magistrate directing me to inform you of your Superiors his satisfaction for your exertions in detecting the robbers and the stolen property. Therefore characterize yourself in such a manner with due care, alertness and faithfulness in the performance of your duties and you will commands the same satisfaction of the Magistrate and thereby pave a road to your advancement.

15th August 1849. Signed Veethiasamy Naik

Tiruvalur. Head of Police

of that Talukah You are hereby ordered to report to us as well as to give
days the result of your attempt and the measures to detect the Delinquents
inclosed to Shake Mahomed Nº 1 that as soon as he should come to
Combaconum from Trichinopoly.

10th February 1850 Signed J. F. Bishop.

Fullum

To Ramasamy Aiyer Nº 1 Deputy Tasildar of Combaconum.

In my Gaithah to the Collector with your letter dated 31st
Ultimo requesting me to confirm you in your detached appointment you
are accordingly confirmed in it by the Collector. Therefore you are hereby
ordered to perform your Revenue and Police duties with diligence.

10th September 1851 Signed C Grant

Mayaveram Nº 2 Sub Collr

To Ramasamy Aiyer Deputy Tasildar of Combaconum.

The Tasildar of Valungaiman requested me by his letter of the 15
Instant that there is a great deal of Public works to be executed very
soon in the said Taluq and as Venkata Rao Dº Tasildar of that
Taluq has not much experience in them and as you are well experienced
in them you should be transfered to Karikudiramangalam Division
place in that Taluq and Venkata Rao to Combaconum. As those works
are to be completed very soon you are directed to act as the Dº Tasildar
of Karikudiramangalam Dºn receiving the salary of Combaconum Dº
Tasildar and Venkata Rao the acting deputy Tasildar of Combaconum receiving the salary
of his office until further orders Therefore perform your Revenue Police
and Peramudi duties of Karikudiramangalam with care and dilo

cording to the order of the Tasildar.

17th December 1851 Signed Sullivan

Mayaveram

Order

To Ramasamy Aiyer Dº Tasildar of Combaconum.

It is remarked in the Diary of the first Civil Enquiries Mr
Ludlow that the estimated Public Works of Pudavanay are executed
very well. I have forwarded you herewith a copy of the same. I am
very much pleased with you for your deligence in the performance of
those works

5th May 1852 Signed P Lyrauch

Cavelry Patam Acting Sub Collr

Enclosure

Copy of the Diary of General observation recorded in the month of
February 1852 by Mr Ludlow the first assistant Civil Enquiries re-
garding the completion of the rivers Vennar and Pudavanay in Valunga-
man Taluq.

These were estimated by the Civil Enquiries in September
last when the work was pretty well executed in the above said Taluq
The sides of the rivers have been sloped breaches filled the river Pudavanay
which was crooked has been rendered straight forward but in doing so
it was sunk deep but the source of the watercourse has not as yet
been tested. When this shall be well done the temporary dams
can be removed Modasulcuttoo or a Pandab of Bamboos on the
river bed to lessen the force of running water so as to direct its

Cause the same also likewise to be read at the several Talliars
Cutcherries. It is likewise to be strictly attended to that all the
Peons have been cleaned and are dressed. The Talliar of the
and his Peons Ramasamy Pillay to whom the work has been
are desiring of peons and should be taken into consideration.

Signed Lawrie

Signed Layard

Order To Ramasamy Aiyer Police Peon of Combaconum

At present you are hereby directed to take charge of the Talliar
of Shrally you are hereby directed to take charge of the same
and perform your duties carefully

7th October 1854

Shrally

Signed W. M. Cadell

Order To Ramasamy Aiyer Dy Talliar of Shrally.

You are hereby directed to superintend the construction of
bridge over Coleroon at Mootapatanam and to take charge
over thither taking along with you from the Talliar the estimate
a list of materials required. Necessary attention must be paid
at once in the gathering of the bunny materials for the bridge
for the bricks are but they must be burnt immediately. Some
the necessary preparations for the making of wells before the
You must also collect Chunam and other materials
Your services in this instance must be confined
the Canals and Tanks in the construction of the same.

3rd February 1855

Mayaveram

Signed W. M. Cadell

3

Order To Ramasamy Aiyer Dy Talliar of Shrally in charge of Dy Talliar
of Tarrecondapoor. Dy

At present you are hereby directed to take charge of the Dy Talliar of Mayaveram
you are hereby directed to take charge of it immediately and per-
form your Revenue and Police duties correctly and carefully.

29 August 1855 Signed W. M. Cadell

Mayaveram

Order To Ramasamy Aiyer Dy Talliar of Mayaveram

At present you are hereby directed to take charge of the Talliar of Combac-
conum and have your orders to the Talliar of the said Talug
to enter your name in the list as the Dy Talliar of the same from
the first Instant you are hereby directed to deliver over the charge
of your present post to the Talliar and to proceed to Combaconum im-
diately and taking the charge of Police Affairs of that Talug
from Subbiah the acting deputy Talliar carefully perform your
Revenue and Police duties

4th December 1855 Signed W. M. Cadell

Combaconum

Order To Ramasamy Aiyer Dy Talliar of Combaconum.

On the receipt of this order proceed to Valungaman take
charge of the Talliar of that Talug from Ramanuja Pillay and b
an acting Talliar until further orders.

5 January 1856 Signed W. M. Cadell

Mayaveram

Order To Ramasamy Aiyer Acting Talliar of Valungaman

I have already sent you an order on the 5th instant. appointing you acting Tasildar of that Talug until further order. You are hereby directed to act as the Tasildar of the same Talug drawing the full Salary of that post until further order. Take off the name of Ramasamy Pillay from the list and enter your name in it as the acting Tasildar from the 1st instant.

7th January 1856
Mayaveram

Signed W. M. Cadell

Order To Ramasamy Aiyer Tasildar of Kulangaree.

I have transferred you to the Talug of Cuttalang and hereby directed to deliver over the charge of Kulangaree Talug to Subbaroyen who is appointed as the Tasildar of that Talug and take charge of Cuttalang Talug from Ramasamy Aiyer the acting Tasildar and enter your name in the list as the Tasildar of the said Talug as the Tasildar of the said Talug.

30th June 1856
Cavery Pattam

Signed W. M. Cadell

Order To Ramasamy Aiyer Tasildar of Pattalam.

I have transferred you to the Talug of Cuttalang and hereby directed to deliver over the charge of the Talug of Pattalam to Nagaina Row who is appointed to that Talug and take charge of Cuttalang Talug from Ramasamy Aiyer the acting Tasildar of that Talug and perform your duties carefully. Enter your name in the list as the Tasildar of Cuttalang from the date of this order.

13th August 1856
Mayaveram

Signed W. M. Cadell

Order To Ramasamy Aiyer Tasildar of Cuttalang.

You are hereby directed to proceed to Cuttalang and take charge of that Talug from Sivagooroo Pillay Tasildar of the same.

5 August 1858
Mayaveram

Signed W. M. Cadell

To Ramasamy Aiyer Tasildar of Cuttalang.

I have hereby transferred you to the Tasil of Shially Talug and Sivagooroo Pillay the Tasildar of Pattalam to that of Cuttalang from this date. Therefore deliver over the charge of Cuttalang Tasil to Sivagooroo Pillay as soon as he should arrive and take charge of Shially Tasil from Krishna the Dy Tasildar. The Talug of Shially is reduced to a very bad condition by the negligence of the late Tasildar Rs 500 Rs Besides this a great part of the land revenue for the fasli 1269 is left uncollected. You are directed to turn your endeavours towards making applications & efforts to realize the said revenue and restore the bad condition of the Talug so that it may be restored to its former condition. Enter your name in the list as the Tasildar of that Talug from this date.

16 September 1858
Mayaveram

Signed W. M. Cadell

Order To Ramasamy Aiyer Tasildar of Shially

You are hereby directed to deliver over the charge of the said Talug to Ramasamy Aiyer Dy Tasildar of Mayaveram who is appointed as the acting Tasildar of that Talug and proceed immediately to Captain Duncan the District Superintendent of Police and act according to his orders. You are further

…ected to report me of the date you should join him. I have …
…ew you leave for three months from that date.
…áraland 26th January 1865. Signed G. L. Morris
Mayaveram Sub. Collector

Rámasámy Áiyen Tasildar of Páraiam

I have transferred you to the Tasil of Puttookotta with the salary of Rs 100 per mensem from the 15th instant. You are hereby directed to deliver over the charge of Páraiam Tasil to the Talug Sirastádhár and take charge of Puttookotta Tasil from the Tasildar of that Talug.

5th May 1865. Signed W. H. Le. Sadd
Point Calimere

Assistant to Collector 24 Pergunnahs

By
Copies of the
Petitioners Character

said to me that the 1st Prisoner Ruka, Saranaigan, the Agent of Ramaiyan Ramaigan, came to me, to speak done about the case of the mischief done to the underground work above mentioned. I said I would go with them tomorrow; they came & called me the next day, Monday, at 8 A.M. I and one Chidambara Pillai (the 2? witness) followed them, the first went to Chinna Kase, but not finding the 1st Prisoner there, proceeded to Erumakoli Ammani Koil, on the bank of which, in the street, we found the 1st Prisoner Agent Venkataramaiyan, the 3rd Prisoner Venkatasiyan, a near relative, & subsequently the, of Ramaiyan Ramaigan. We all sat together there, in the street being a dark night, but in a short distance highway & the compound wall of the Pagoda in question. The 1st Prisoner addressing to me said, "what do you say to this "arrangement, my friend Ramaigan, "who is now gone to Point-Calimere, has "directed me to offer you Rs. 250, & to Gopala "(4th Pris.) Rs. 200 - to induce both of you "withdraw your evidence against Ramaigan, "Prisoner, as well as against others against "whom a case is now pending before the "Sales Magistrate in connection with the "obstruction of the underground work" I to this replied "very good, I shall do". Im: mediately the 1st Prisoner went towards the house of Ramaigan & returned with 2 bags containing money & gave me of them into my hands telling me that it con: tained Rupees (250) that until I should give my deposition in favor of the Offence before the Sales Magistrate, the money should be deposited with a third party, who prospected the confidence of both the parties. The 2? & 3? Prisoners joined the 1st Prisoner in expecting the terms of the payment of the bribe, when the offer was originally made to me. I said that I would like to deposit the bag with money with Chidambara Pillai my follower (2? witness) - to saying I gave over the bag into the hands of Chi: dambara -, I did not count the money, as it was dark & as the place where we were all seated was sandy - I felt the bag, it appeared to me to contain the specified amount, & I believe from the shake I gave it that its contents were rupees - The 3 Prisoners 1st

1st 2d & 3d did not consent to deposit the money with Chidambram pillai; the 1st then Prisoner said that it may be deposited with the 3d Prisoner Kuttapaigan - Chidambram pillai then made over the bag containing money to the 3d Pr. which I did not like & consent to. The 1st Prisoner then gave the bag with money which he had brought into the hands of the 2d Prisoner Gopala, who received it & deposited the same with the consent of the 1st & 3d Prs with the 2d Prisoner Pon Kuppan - We all left the place immediately & returned to our respective houses. Next morning I reported the circumstances to the Sub Engineer, as I also did the same on the morning of the 16th, the occurrences of the preceding night, the 15th or Thursday the 17th instant, at about 8 Pm Gopanda (6th Pr) & Ramaswamia again came to my house & said that the 1st Prisoner wanted me. I refused to go. They stayed on the outer pial of my house & at day break they again importuned me to go with them to the 1st Prisoner. I said I wanted 500 Rs to give the evidence as desired to screen the offenders. To this they consented. I said that there was no use in their consent & that the 1st Prisoner should come to me & request his

willingness to pay. They immediately left me & brought in the 3d Prisoner Kuttapaigan who asked me to go with him to the place where we formerly had met together, as the 1st & 2d Prisoners were waiting there for me. I & my friend Chidambram Pillai (2 Wd) followed them - we found the 1st & 2d Prs there all the 3 Prisoners 1st 2d & 3d then said "we agree to pay you Rs. 500; but you are to remember that you shall "also impute the crime to the Sub Engr "& Tiyagaraja pillai; you are to say; here "denying all knowledge of his guilt of "Samaiyan & others, but to state also that "Sub-overseer Tiyagaraja Pillai superintended "the destruction of the undertunnel work "ordered from the Sub Engineer Achinda last "I said very well". It was day light by this time, & people commenced to move about. It was agreed upon by all that we should go to Sabapathi Pillai's house, & there the deposit of the bribe should be made - we all proceeded thither accordingly with the exception of the 2d Prisoner, Pon Kuppan on our arrival, the landlord Sabapathi Pillai, returned from abroad -

abroad. I related to him all that had occurred & the conditions & the payment of bribe - The 1st Prisoner was then about to count the money to the Merchant Sabapathi Pillai from out of 2 bags which he, the said 1st Pr had brought with him - I interrupted the 1st Pr asked him one more to say the terms on which the bribe is to be accepted. He repeated the same conditions as he had stated at my house behind the Pasoor - I left the place immediately as it was not my object to receive or accept the bribe. I informed the Sub Inspector of what had taken place & returned to the Merchant's house, but found nobody there. At noon Duraisamy at meals; Ramasamy came once called me to proceed to Sabapathi Pillai's house, where he said the 1st 2d & 3d Prs as also Sabapathi Pillai himself were waiting for me - I took my friend Chidambaram Pillay, who formerly lived up with me during his visit to Ramayah, to the house of Sabapathi Pillai at about 2 PM in company with the said Ramasamy. But having proceeded a few steps from my house, I told them to walk on & that I would join them shortly - I then going down to Singaraja Pillai the

the Sub Inspector and informed him of what was going on - Having given him the information I went over to the Merchant - Sabapathi Pillai's house. There I found the 1st Pr the 2nd & 3d Prs the landlord Sabapathi Pillai, Ramasamy Chidambaram Pillai seated together. The Street door was shut after me & bolted by the 1st Prisoner - I said to the Prisoners that I was prepared to receive the bribe on the terms offered. The 1st Pr then handed over the 2 bags now before the Court; I asked him to count the money, he as did the 2nd & 3d Prs said that it was high time for me to appear before the Police Magistrate & that I should rest assured that the contents of the bags will all be right - upon that they contained Rs. 500 - without little hesitation as to the precise amount they had contained. I then said, "the 2 bags - then Sabapathi Pillai said, "why do you hesitate, the 2 bags contain "only 400 Rs, as for the remaining 100 Rs, "I shall make them good by the ruling "on behalf of the 1st Prisoner" - The latter had previously requested the Merchant

to stand as security. I then gave the 2 bags into the hands of Sabapathi Pillai who took them inside his room. I then opened the door when Arumugata Pillai & Kanangasundy, Village Inspector Sinnampadapillai, the Salem Police Inspector Muthiyalu Reidu, Sub Insp Atchuta Reidu & others rushed in & the Inspector caught hold of all of us with the exception of the 2d Pr Pon Kuppan & his brother in law Ramasamy who escaped by this time, & commenced the enquiry. Sabapathi Pillai plated the whole transaction & produced the 2 bags which I had given him, & which are now before the Court. The Inspector took down my statement & counted the money before me; I remember it amounted to Rs. 389-6-0. I saw and seen the money counted before me. The amount is Rs. 389-6-0. The sum consists of white rupees, half, 2 anna, & 2 anna pieces also of 5 Golden Coins called "pounds" - as before.

Cross Examined by 2d Pr. - The 2d Prisoner Pon Kuppan appeared with his belt & badge & drop when the Inspector caused him to be apprehended & brought up before him. I do not remember having seen him with his belt & badge, when the bribery negociation was made & the bags

3/

bags delivered into my hands. A pas ammidst kept. When the door was opened the Police Inspector, the Doctor, the Village Inspector, Arumugata Pillai Asst Engineer came in.

2d Witness Sworn 21st July 86

Chelambra pillai deposes on solemn affirmation as follows:- I belong to the same Caste as the 1st witness. I generally live with him when I come to Kanangundy; I am about 10 days I am put up with him. I came to condole the 1st witness for the loss of one of his female relations. (The deponent then proceeds detailing the particulars of the occurrences of Tuesday, Wednesday, & Thursday nights & the morning & evening of Friday last; he cannot the days of the week) the absences that when the money was counted by the Police Inspector, it amounted to a sum less than Rs. 400 (by Rs. 10-6) & Rs. 10-6-0. that the 2 bags before the Court are the identical ones: that he remembers seeing the 5 Golden pounds, - with white rupees, half

left, Quarter, & one eighth Anna pieces.
States that he saw the money now
counted before him in the Court &
finds the sum to be Rs. 389-6-0

Prisoner have no Execution to ask-

3d Witness - Village Inspector Sinnaiyadi Pillai deposes on solemn affirmation as follows:- On Friday last at about 3 P.M., Sub Engineer Tiyagaraja Pillai came to me & said that an offence was act contrary to the Regulations is about to be committed. I immediately followed him to the Police Inspectors house, where I saw the Police Inspector, the Sub Engr. Attinda Raidu; the Inspector directed me to proceed at once to the Street lying to the South of his house, by a lane opposite, while he himself proceed with the Sub Engineer some others to the same street by another lane to the East. No sooner I was in the street aforesaid than Arumugatha pillai joined me & told me to observe the 2d Pr. Ron Ruppan the brothers-in-law Ramasamia who were then coming out of Satabathi Pillai's house - that they had tampered with the evidence in the undertrial case in which I was lead & known formerly

3d Witness
dt 21st July

the nature of the charge then under investigation. He told me that the Contractor was bribed. The Ron & Ramasamia were going with hasty steps towards the west. Arumugatha pillai told me to enter the house immediately. I then entered the house & found the 1st & 3d Prs as well as Satabathi Pillai, the owner of the house, also Contractor Pomiya pillai & Veerambem Pillai. In the mean time the Police Inspector, the Sub Engineer & others came up & commenced to investigate the Case of bribery said to have been offered to Pomiya pillai by the 1st & 3d Prs in Agent & relative respectively of Ramaiya. I was immediately asked by the Inspector to cause the 2d Pr. Ron Ruppan to be apprehended, - on the representation by Arumugatha pillai of his escape I came out, hearing learnt that the 2d Pr was then in the Tahsildar's Kacheri, Asst Vicariyar for Nannadai to bring him - He accordingly went & brought him.

Prisoner have no Execution to ask-

4th Witness
dt 21st July

4th Witness Arumugatha pillai deposes on solemn affirmation as follows:- I am the Contractor for Pomiya pillai - who is also my Agent on Gymnasta - On Friday last at about 3 P.M. I was passing by the Inspectors house, where, having found the Sub Engr, I halted to Enquire what the

matter was. The Sub Engineer told me that
my Contractor was being fined a bribe in the
house of Sabapathi Pillai, & that he was going
with the Inspector thither. I immediately
ran to Sabapathi's house, & saw the Village
Insp.r also going thither. On our approaching
the house I told the Village Insp.r that my Contractor
Ponniyapillai is in the act of being fined
a bribe of Rs. 500 to give false evidence
in favor of Samaiyan & others who has damaged
the undertunnel. Immediately the door
of the house flew open & out came the
2nd Mr Ron Kuppan the brother-in-law Rama-
swami. I said to the Village Inspector to
disarm them; so saying we both entered
the house & found the 1st & 3rd Prs as mentd
Sabapathi Pillai, the owner of the house,
Ponniyapillai & Medimbaram Pillai. Immediately
the Police Inspector, Sub Engr & others came in. The
former of them commenced the enquiry into the
alleged bribery case.

Prisoners Can no Questions to ask 5th Witness
5th Wn Siyasaraja pillai deposes on solemn affirmation as follows
On the 16th inst Monday, I had information from Rama-
lingam, a Kavalkaran of Kasilingiakeri Koriyan
that the Agents of Samaiyan were attempting to
bribe Contr Ponniyapillai himself & other Witnesses in
the undertunnel Case upon enquiry before the Jr
Magte. I sent for Ponniya pillai next day, the 17th &
asked him what the matter was. He said he waited
for the time when the money would be actually
put into his hands & as soon as that arrived, he
will immediately give me the message. On
last Friday morning about 10 Hrs he came
& said that he was offered
Rupees 500, which he

expected

Expected to receive in the course of
the day. Accordingly at about 2 P.M.
he came to me and said that he was
proceeding to Sabapathi Pillai's house
where the Agent and others were waiting
for him to give the money. I sent up
immediately to the Village Inspector
and brought him to the Police Inspector's house — where the Sub Engineer
had come in consequence of the message
I had sent him a few minutes before.
The Village Inspector was ordered
off in one direction towards the house
of Sabapathi pillai & Arumugatta
pillai followed his foot steps — while
I with the Police Inspector, the Sub.
Engineer, the Village Visanpir and others
proceeded in another direction towards
the same locality — whereupon we
approaching the house in question,

the

the 2d Prisoner Ram Kuppan, and his brother-in-law Ramaswami ran out of the house, the outer door of which had been closed. me accompanied by and found the 1st & 3d Prisoners as well as Subbiapattis pillai and Contractor Ponnaiya pillai and Chidambarampillai. The Inspector commenced the investigation. I went to the Tahsildar for a warrant to search the house in question. He sent word to the Inspector thro' the Dy. Constable that the search may be proceeded with and ordered me to remain in the Kutcherri for the enquiry of the under timed case.

Prisoners have no questions to ask.

Cross Examined by the 2d Prisoner.

The 2d Prisoner was seen by me when he stepped out of the house of Subbiapas the pillai and turned towards the west into the street.

6th Witness sworn on the 21st July/82

6th Witness Chellatta Pandia Sivagnanam deposes

deposes on solemn affirmation as follows on the evening of the 14th instant I heard information that Singaraya pillai Subbaraya and Annamalai pillai the contractors sent that the Agents of Ramaiyan were attempting to bribe the witnesses in the undertimed case who was under enquiry before the Salem 2d Class Submagistrate. The same information was repeated by contractor Ponnaiya pillai on the 16th & 17th instant (Here the deponent gives the particulars as related by the 1st witness) on the morning of the 18th Friday (Pennalingam one of the witnesses in the aforesaid case told me that Pappathi (4th Prisoner) was completely under the influence of Ramaiyan as he had received a bribe of Rs 200, that himself and Rengaswami had each Rs 200 and Rs 200 or 150 respectively given them, which sums were deposited with the 2d Prisoner Ruppan and that a sum of Rs 500 was offered to

to Ponnia pillai immediately sent for contractor Ponnia pillai and asked him how things stood. He admitted that it was true, that arrangements are being made for the payment of the sum of Rs 500 that day in the house of Sabapathi Pillai and that he wanted to give timely notice of the same. The information was accordingly given by him at about 2 P.M. to Subramaniam Singaraja pillai, who communicated the same to me. I proceeded to the house of the Police Inspector, where I found the Inspector himself, the Doctor, Subramaniam Singaraja pillai, and Arumuga atta pillai and the Village Inspector. The deponent here gives the same particulars as to witness regards the movements of the party towards the house) I saw the 2d Prisoner Ponnusamy Kuppan a little beyond the new well opposite Sabbapathi pillai's house, in company with one or 2 others whom I did not clearly observe (The deponent proceeds

proceeds to give other particulars after entering the house in the same terms as the 5th witness). He added "I saw the 2 bags containing money now before the Court in the house of Sabbapathi pillai when being questioned by the Inspector first hesitated to reveal the truth but afterwards admitted that he had the said 2 bags given into his hands by Contractor Ponnipillai and produced them. The said contractor and Chinnamma pillai had told the Inspector immediately on my arrival, that the money given them had been put in 2 bags which they afterwards recognized on their reproduction. The money now counted by the Inspector before me I recollect that it amounted to Rs 389-6. I saw it now counted before the Court. It is Rs. 389-6-; it consists, as it did before, when I first saw it, of 2 Gold coverings of fifteen Rupees, Half, Quarter Rupee and one eighth rupee pieces.

Prisoners have no questions to ask

7th witness Police Inspector Muttialu Naidu deposes on solemn affirmation as follows:-

7th Witness
ore D. 21st July/82

On the 8th instant Friday at about 3 P.M. the Sub Engineer Achuta Naidu, Sub Overseer Tirugnanapillai, Contractor Sunkappa Chinnangattapillai and the village Inspector came to my house. The Sub Engr and the overseer told me that in the house of Sabhapathi pillai there was an unlawful assembly and that should I follow them, they would prove certain offences against the parties assembled. I immediately proceeded with them as also the Doctor, who happened to be with me at the time, towards the house which is situated in the street adjoining mine to the South, by a line to the east of my house; I ordered the village Inspector to proceed to the same spot by another lane opposite to my house. Contractors Sunkappa Chinnangattapillai also followed him on our approaching the house, the

Doctor

Doctor told me pointing out to the 2d Prisoner Peon Kuppan the tall fellow Kuppan is going". I saw him. There was another man with him. Both of them were proceeding in hasty steps to the west. By this time we got with the house, where I found the 1st & 3d Prisoners as well as Sabhapathi pillai the owner of the house, Contractor Sunkappa pillai and Chidambara pillai. I placed a guard immediately to prevent any body's escape from the building. I first questioned the contractor what the matter was, he said that he was offered a sum of 500 Rs by the 1st and 3d Prisoners agent and relative of Irisamidan Ramanjan, also the 2d Prisoner Peon Kuppan to induce him to clear false evidence in the case of the underground work then under enquiry before the Taliq Sub Magistrate, with a view to screen the offenders Samanjan, son of Ramanjan, and others who had been associated with him in committing

the

the mischief to the work, that he had received a portion of the money, about 400 Rs, which were secured in 2 bags, that he did not count the money as the Merchant Subbapathi Pillai gave it entirely not only for the contents of the Bag but also for the deficit of Rs 100, and as he was also hurried to go to the Taluq Kutcheri to give the evidence, & that lastly he had just handed over the 2 bags into the hands of the merchant who secured them in the room opposite to which they were seated. I then questioned Subbapathi pillai himself, after some hesitation, he said that the 1st and 3d Prisoners asked him for a loan of Rs 500 - that he replied to them that he had only 400 Rupees in hand, and that he would make up the dificiency in the evening. I then asked him to produce the money; he did so, it was secured in 2 bags, which the

Contractor

contractor and Chidambaram pillai immediately recognised and the 2 bags were before the Court and the same. I then opened the bags and counted the money - it amounted to Rupees 389-8 when the Merchant Subbapathi hesitated to relate the circumstance connected with the bags and the money. I sent word to the Taluq Sub Magistrate for a search warrant but before I had a reply, the merchant produced the bags as aforesaid. Soon afterwards the Sub Magistrate sent message that the search may be instituted without the warrant The Sub Magistrate soon afterwards sent word thro his Saffaders Dhorasami Naicken to ask me the cause of my detaining the 1st & 3d Prisoners from their meals. I sent a reply that

they

they were undergoing an investigation before me and that no, sooner the business was over they would be allowed to go to their meals. Soon afterwards Constable Abram Irung was sent down for taking Ponnaipillai before the Sub Magistrate. I expressed my inability to allow him to leave the place immediately as I had not finished my enquiry. The same Constable said that he had also instructions from the Sub magistrate to tell me that a warrant will be issued for taking up Ponnaipillai, if I refused to give him up. I repeated the same answer. Immediately a warrant was received. It was brought by Constable Ironi: sivapiram and shown me. I told him my preliminary enquiry into the bribery case was not over, and that if he chose

to

to take him against my consent, he may do so. He left the place without uttering a word. The Constable never returned. During the progress of the investigation in the house of Labbapathi pillai, and a little after Constable Iramasivayam left the spot, Iniavaden Ramaiyan's son Sivanasayam came there and demanded explanation for keeping his men, meaning thereby the 1st & 3d Prisoners, in a haughty and imperti: nent tone — His conduct subsequently was such that it interrupted the free discharge of my duty, and for which I have framed & submitted a different charge sheet. The 2d Prisoner Pon Kuppan was taken up by Visuvanather Maruthan under my orders.

Cross Examined by 2d Prisoner Pon Kuppan. Visuvanather Maruthan was ordered by me to bring up the 2d Prisoner whom I saw at 4 P.M., there was

was such a crowd at the time and that I was a busy that I did not take notice of the Veerapperumal a second time — I saw the 2nd Prisoner proceeding in the west at the time I was approaching the house, in company with one or two more.

8th Witness — Doctor Muttusamy Pundalien deposes on Solemn Affirmation as follows:-

8 Witness
Ex 2nd Aug 1862

On the 15th instant Friday last, at about 2½ or 3 P.M. I was going to the Hospital and when passing by the Chetti street gave a passing call to my friend the Police Inspector, I sat there a few minutes, when the Sub Engr Arbuta Naidu, the Subordinate Magu. raja pillai the village Inspector & several others came there. They talked of an unlawful assembly in the house of Sabbapathi pillai and of the Agents of Ramasiyan & Brou. Kuppan and others forming the members of such assembly. The Inspector started with them & the spot I was asked to take that route to my Hospital by the Sub Engr

I consented to do so as I had also business in that direction — and I followed them. when we were approaching the house, I saw Brou Kuppan and another going in the westerly direction a few yards from the house in hasty steps. I immediately told the Inspector to observe him. By this time the party got into the house, and I went about my business. I know nothing further.

Prisoners have no questions to ask

1st Prisoner Venkatramaiyan states in his defence, (examined 29th July 1862), as follows:-

I did not commit the offence specified in the 1st charge.

As regards the offence specified in the 3rd charge, I admit that I & the 3rd Prisoner Venkatachiriyan were in the house of the 5th Prisoner Sabbapathi Pillai at 2 P.M. on Friday last. The 3rd Prisoner Venkatachiriyan came and asked my

my master, Muraidar Ramaiyen's son Sthanumaraayan to lend him 500 Rs. The latter cleared me to go to the 5th Prisoner and raise the loan on behalf of his father from the said 5th Prisoner. I did go accordingly to his house, the 3rd Prisoner followed me as he was very anxious to get the loan to satisfy his creditors but said not a word to me or to the 5th Prisoner while in the house. The 5th Prisoner Sabhapathi Pillai was taking his meals when we went to his house. We were seated there for about ½ an hour, when the 5th Prisoner came to us. I asked him to lend Rs. 500 telling him that my master's son Sthanumaraayan desired me to do so. I did not tell him for what purpose the money was wanted. The 5th Prisoner went into a room afterwards and brought out 2 bags, one of which I now recognize before the Court. It is a white one. As he was bringing the bags he told me that he had only 400 Rs. with him and that he would make up the deficiency of 100 Rs. next the evening. I said that he may once for all give me in the evening the amount applied for. He took back the bags into the room. I and the 3rd Prisoner then rose up and were leaving the place, when we were surprised by the sudden appearance of the Police Inspector, the Sub Engineer, Sub Overseer Tyagaraya Pillai, the Doctor and several others numbering 50 souls. The Inspector told us i.e. myself and the 3rd Prisoner not to leave the place. At the time I was speaking to the 5th Prisoner Subhapathi Pillai for the loan and until he replaced the 2 bags with money into the room after telling us that he had only 400 Rs. in hand there was no other soul in the front yard of the house in which we were seated, but myself the 3rd and the 5th Prisoners. The door of the gate of the house was open all the time. The Inspector then concluded the enquiry. The 5th Prisoner

I did not commit the offence specified in the 1st charge. I was at Lachmangudi at the time specified in the said charge; a marriage procession was conducted by me that night at my expence Musician Vellutandi Superamaniyen, Kannan Krishnasamiyengar and Subrama Vadhiyar can know the circumstance & my having been in the village at the time. The name of the Musician is not Subramaniyen but Kumarasami.

As regards the offence specified in the 3rd charge, this Prisoner gives the same account as the 1st Prisoner with this difference viz that when the 2 bags of money were brought out of the room by the 5th Prisoner at the time of the 1st Prisoner's demanding a loan of 500 Rs he states that he saw one of them larger than the other; and that both put together would amount to Rs 500. Also that during the conversation between the 1st and 5th

En. 23rd July/62.

that the money was urgently wanted and that there would be no delay in getting it.

4th " Prisoner Gopalu states in his defence as follows:- " I deny the offence specified in the 2nd charge. " I also deny the offence specified in the 4th charge. " Sgd/ A Ronaldson Row Dy. Magistrate.

Witness Ponniyen Pillai deposed on

pr-cn'd 24th July 1862.

solemn affirmation as follows:- The Prisoner now produced before the Court is the same Ramasami alluded to in my deposition given before this Court on the 21st instant. He is the brother in law of the 2nd Prisoner Peon Kuppan.

2d Witness re-Ed

2nd Witness Chidambara Pillai deposes on solemn affirmation to the same effect as the 1st witness in recognizing the Prisoner Ramasami.

3d Witness re-Ed

3rd Witness Tiruvengada Pillai deposes on solemn affirmation as 1st Witness.

4th Witness re-Ed

4th Witness Arumugatta Pillai deposes to the same effect as the 1st Witness

and adds as follows:- Two Indian hours before I met Prisoner Ramasami now before the Court coming out of the 5th Prisoner's house I saw him in the house of the 1st Witness, but before soon as he saw me he dropped his conversation with the 1st Witness I did not state this particular circumstance in my first deposition before the Court (21st inst.) because I waited for the appearance of the Prisoner Ramasami -

6th Prisoner

6th Prisoner Ramasami states in his defence as follows:-

I did not commit the offences specified in the 2nd and 5th charges.

Evidence for the defence 1st Witness Sworn 24th July/62

1st Witness for the Defence. Nagasvaram Kumaraswami deposes on solemn affirmation as follows:- "On 3rd Adi (13th July 1862) I was engaged by the 3rd Prisoner for serving in a marriage house (not Prisoner's) at Lachumanguli Village The marriage was conducted not at 3rd Prisoner's own expence but by subscription and neither was the Bridegroom nor the Bride related to him. on the night of the 4th Adi or rather on the morning of 5th Adi (15th or 16 July 62) at day break there was a procession of the married Couple. 3rd Prisoner was present then at Lachumanguli until 2 P.M. that day, the 5th Adi (19th July) I recognized no other residents of the Village at the time during the procession. I know not the names of any of the villagers as they are not in the habit of calling me for service of any account; the 3rd Prisoner alone used to call me for that description of service. It was two years ago that I had been called upon for a similar duty.

2d Witness for defence Sworn 24th July/62.

2nd Witness for defence, Krishnasamy Aiyengar Nagaram of Puliyakudi Vattam, deposes on solemn affirmation as follows:- Two months ago, that is about 24th May last, I came to the office of the Deputy Collector of the Inam Commission at Mannargudi for the preparation of Inam Registers. I remained there for

40 days. About 2nd July current I was permitted to return to my village Lakshmiswaram, leaving completed my work in the aforesaid office. I stayed in my Village for 5 days. I returned afterwards to Kaveripakkam and have been preparing accounts in the Taluk Kacheri since then. On Friday last (18th July 1862) I again went to my Village. I arrived there in the evening at 6 O'Clock and remained there that whole night, the next day and returned to the Kaveripakkam on last Sunday (20th July) morning. I never saw the 3rd Prisoner Venkatayyan during my stay there in the Village on Thursday night or on Saturday

Kaveripakkam
24th July 1862

(Signed) C. Ramachandra Rau
Deputy Magistrate

(True Copy)

G. Lee Norris
Acting Magistrate

This is struck as well as the original, because the Sheristadar & Collector's Sandrakkaru is difficult to read.

G. Lee Norris
A. M.

Office of the Sub Inspector Genl
of Magistracy Lahore
No 399

Sir,

I have the honor to transmit to you
herewith certain correspondence connected with
alleged by warrants issued by the Magistrate
of Ramnagurh in one Omrao Khan on the
night of the 18th of July 1862 in which he was
charged with the murder of the wife of Shujeh
Khan, native of the Kandiaal- of the Mianwalee
District on attempted on your way thence
to Lahore on the 19th of July 1862 in which
case an application was made by Omrao Khan
praying that the case might be transferred
to the file of the Sessions Court of Leia Mianwalee
District of the Punjaub, inasmuch as the said Omrao
alleged as applicant that he could not get
an impartial trial in the Court of the Magistrate
of Ramnagurh.

2. The Sessions Judge of Leia Mianwalee
to whom the application was referred
by the Commissioner of the Derajat Division
has reported that he has no objection to
the case being transferred to his file, but
that he considers it unnecessary, as the
Magistrate of Ramnagurh has informed him
that he has already committed the case
to the Sessions Court.

3. I am directed to request that you will
be pleased to move the Chief Court to
direct the case to be transferred to the
file of the Sessions Judge of Leia Mianwalee.

I have the honor to be
Sir
Your most obedient Servant
Sd/- H. Lee
Sub-Magistrate Lahore

Copy
Judicial Letter to Govt dtd 24th Novr
No 37 of 1863
Respecting No 7 of 1864

No 2098/63
From 10th Novr /63 No 1749.

In a letter

From
The Asst Collector
& Magistrate
of Jhang

To The Secretary
to the Board
of Revenue

Dated 7th March 1863
No 80.

Copy of the Asst
Magistrate's
Proceedings

ceived information that the accused were tam-
pering with the witnesses and that bribery was
on foot. On information received, the Police
proceeded to a certain house, and there detected
the parties in the act. Whilst the Inspector
was making private notes, Constable No 391 Alwis
Hamy, brought a message from the Sub Magistrate
to the effect that unless "Ponnia Pillai" be sent
forthwith to the Kachcheri, a warrant would be is-
sued. The Inspector politely declined to notice
a naked order through a second party, directing
him to forward a witness to the Kachcheri, the re-
quest will show that the object of the Sub Magistrate
was to break the case and involve the Inspector
in trouble (though making an illegal arrest with-
out risk to himself) but he sent back word to
say that he was making notes and that as soon as
he had finished, "Ponnia Pillai" would come; this
was at about 5. or 5.30 P.M. Immediately after
this a message was received from the Sub Mag te
through one Duraisamie Naick, Revenue Daffadar,
directing the immediate release of the prisoners
in bribery case that they might go to their mat-
This order was rightly not complied with. At
9 P.M. a warrant was brought by Constable Na-
nayagam charged for the apprehension of "Pon-
nia Pillai". The warrant charged him with tam-
pering with "Crown" witnesses. The Inspector di-
rected the Deputy Constable who was present to make
a Record of contents &c for Registry, this, it was
supposed, was done. On the following morning the
case was taken out of the hands of the Sub Magistrate
by the Deputy Magistrate. "Ponnia Pillai" was for-
warded as a prisoner, but upon examination of
the warrant which accompanied the proceedings of
Sub Magistrate it was found that it was not the
same warrant upon which he had been arrested
the preceding evening, that in fact a new warrant
had been substituted for the old one; the new
warrant directed that "Ponnia Pillai" should be
arrested

arrested because he failed to appear when summoned,- a reference to the warrant will proceed. ings in case he / g will shew this -

III The following are the witnesses to the contents of the first warrant: -

1 Govinda Pillai ——— who read out the warrant

2 Achuda Pandu ——— Sub Engineer

3 Ponnia Pillai ——— formerly arrest warrant was issued

4 Subbaraya Pillai ——— Peon of Municipal Court

5 Arunachalam Pillai

6 2d Class Constable Nº 7 / 7 Peninsular

7 - Inspector Imperial Police

8 Rangasamie & others. -

IV That the Sub-Magistrate, the Deputy Constable and the Constable of Tamaverajam conspired with others to defeat justice in this case is, I think, only too evident - I should not however, have considered it my duty to have interfered in this, had it not been that the Police are

are likewise implicated -

I have the honor to be,

Sir,

Your Most Obdt Servt

/ Sigd / C. E. Baker Captain

Supdt of Police

Camp Combaconam

December 5th 1863.

/ True Copy /

G. Lee Morris -

Ag. Magistrate

The last speaks with much confidence in his letter, that the principal allegation, that the warrant was changed, has been known to the Police from the beginning, by the Peon who served the first warrant, & the Police officer who executed the second warrant, but it was concealed, whether upon the advice of Mr Thomas, I cannot say, I should suppose not, as Mr Thomas would not, I think, have made a false statement to Government, knowing that the truth could be ascertained from the Police officer who executed the warrant

Encloses No 111

Jud. No. 2098/62.

Copy
Jud. Letter to Engd. of 24th Novr. No. 37 of 1862
Rept. to be No. 7 of 1864

1863

Department

Judicial

From

The Hy Collr. & Magistrate
of Tanjore

To

The Secretary
to the Board of Revr.
Chepauk

Dated 16th February 63

Rect.d

No. 59

Copy of a letter from the Supdt. of Police dated 6th Decr. 62 No. 399 —

Jud. No. 1050 of 1863

No. 460

To

G. Lee. Harris Esqr.

Asst. Magistrate of Tanjore

Sir,

In continuation of my letter No. 399 dated 5th current, I have the honor to forward letter No. 90 of 1862 from the Deputy Magistrate of Kumbakonam to my address bringing to my notice the flagrant conduct of the Police in case No. 19 —

2 As it appears to me that the Police acted in concert with and at the instigation of the Sub Magistrate, I pause for your reply before indicting them; for, in the first place I do not think it would be just to indict them and implicate the Sub Magistrate, and 2d if I were to indict the Police, there would be every probability of the case breaking, because the Sub Magistrate would use all his power in their behalf. My reasons for believing the Sub Magistrate to be implicated

49

cated are as follows-

1st You will observe that the men whose conduct is noticed are those alluded to in the case mentioned in my letter of yesterday-

2d The cases are the same but the transactions in which they were implicated are different-

3d The evidence points to the implication of Sub Magistrate-

III I would draw your attention to the following points-

The tunnel was discharged on night of 12th July 1862-

Stamped paper was purchased on morning of 12th by Ramien's son-

Warrant for arrest of Ramien's son and others was written out & dated 15th but was not given to Police until 16th at 8 P.M. & endorsed by Deputy Constable Sambasivam to Constable

No 946 Namasivayen on 17th at 6 A.M. The Sub Magistrate therefore kept the warrant for 30 or 36 hours; the reason is obvious-

The warrant was ready on 15th two days after complaint was made- On 16th Ramien's son gave a power of attorney to one Paraen Ramien; after which in the evening, the warrant was given directing the apprehension of "Samien" & others- Constable Namasivayam instead of searching for "Samien" in Nannargudi, on 17th went off into a village to look for the "others" and on the 18th went to "Samiens" house- One would have supposed he would have gone to his house in the first instance-

That "Samien" was not gone before the evening of 16th is evident, because he signed and dated the power of attorney on that date- On the 18th Paraen Ramien appeared, & by Sub Magistrate's orders was brought up; and after this the following morning 19th, the return was made on the warrant with the name of "Paraen Ramien"

the Sub Magistrate giving his countenance to the [illegible] illegal proceedings-

When it is taken into consideration that up to morning of 19th the Sub Magistrate was under the impression that he would try the [illegible] cases himself, the object of all this intrigue is manifest-

IV As I have stated in my letter of yesterday I should not have interfered with this, but that the Police are involved & as I cannot pass over the conduct of the Police, I deem it both right to report to you the part played by the Sub Magistrate in these shameful proceedings-

I- I take this opportunity of bringing to your notice the extreme difficulty which I have, from the first, experienced in keeping up a semblance of discipline or proper working in the Police created in Mannargudi, and which I attribute entirely to the malignant & blighting influence exercised by the Sub Magistrate who used all his endeavours to reduce the Police to mere tools of his corrupt will-

51.

II It may be as well to mention that the Mannargudi Police have been constantly changed, but with no beneficial result- Some of the best men in the force who, up to the period of their transfer to Mannargudi, bore excellent characters and had done good service, fell shortly after their transfer, entirely through the machinations of the Sub Magistrate- The consequence of all this is that, whilst in all other parts of the district improvement in all branches of the Police has progressed steadily, in Mannargudi there has been little or no change for the better-

III I submit that no progress can be expected if the local Magistrate, the officer at whose disposal the Police are & to whom they are directed to look for assistance & advice and with whom the necessity of maintaining confidential intercourse is strongly inculcated, makes use of them for improper and illegal purposes

, purposes, advices and instructs them to their
own hurt and detriment and make use of
the confidence reposed in him only to betray-

VIII The Cork Police in the worlds
could not stand against such atrocious in-
fluences wielded as powerfully and abetted
immediately as they are -

I have the honour to be,
Sir
Your most Obed.t Servt.
/Signed/ G. E. Baker Captain

Capt. Combermere
6th December 1862

Supdt. of Police

/True Copy/

Geo. Morris
Mag.te

Cfy
Jud. Letters Engd 24th Nov. No. 37 of 1863.

Resp. to — 4th Jan. 1864.

Bom. in Mar. Hospital Book 1863

In 37 — 2098/63

Enclosure No. IV

Department

1863.

In a letter

From

The Acg. Collector & Magistrate

of Tanjore

To

The Secretary

to the Board of Revenue

Chepauk

Dated 16th
Rec'd } February 1863.

No. 57

3

Copy of letter from the Superintendent of Police dated 6th December 1862 No. 400.

In 4 Nos 1850 of Jan. 1863

Memorandum

Of Witness. Muttiyalu Nack

Inq. Nacken Muttiyalu Nack, Native employed as Police Inspector on the Division first Range On the 18th of July 1863 the Sub Collector attended Harbour and the Inquiries were duly taken & Records Jonnya Police Peon giving Evidence on the Cases against Nacken & Irwan to the Court of the Sabapathy Chetty at 3 o'clock in the afternoon of the 4 Said Nacken Three o'clock of the evening, Wednesday Sale Witness attended Court, Duly Jonnya Police Peon & Pungal Nack Police Peon & 5 or 6 More whose Names Commission-Collector are Police Peon, Alvan Cooly & said that the Nacken Thannaiyudy had told him to tell me that if Jonnya Pillai

Mr. Barnes Attorney in case then
before him that said court, a bar-
rant would be issued for him.
I told him to represent to the
Selwidan what they were trying
that I could not throw dust him.
At about 8½ o'clock that I
had still in the house with all
the aforesaid people examining
into the battery case. The Palah
Selwidan came told me that the
Selwidan directed me to release
Pukaja Aiyan Mukatarnayan
togo to their good, as Ramanayan
people had said that they were all
allowed togo. I said I would
do so, as soon as I had finished
my investigation. At about 9
o'clock. Police Jawan Ramanaya
said he left a Warrant ordered

Polonnaruwa Police immediately to the
Selwidan. I took the warrant looked
at it. Ramanaya Mudiyanse asked that
it might be read. I gave it
to Ramanaya Police and handed
it to him to read it. He read it
over to himself when Atchuda Nair asked
me if he could be allowed to read. I
told him that he could read it
himself. Ramanaya brought it & read it
aloud. You are to arrest Ramanaya
Police Force or Ramanayan the Arrester
& have him produced me that
the complaint are going to
enquire into & make their report
to me. I told Ramanaya that
I was going to enquire into
the matter & that I was
not going to hear the Ramanaya
to pay the money that they
had to the people & that
I would go to the Selwidan

struck away without taking Sonniya

Pillai's Cross examined.

Jegadeesa By the Defendant. The Police
Defendant did not say anything before
about Sonniya Pillai being the
one responsible for Ranasinghe's
Case that I might question him
the Defendant in charge of a Gun.
The Ad Constable Sathasivayam
did not come before the Police
Magistrate. I may not have brought
Sonniya Pillai before the Police
Magistrate for the Police Sergt
5 o'clock, the day the file the
Enquiry was closed. I did not know
that the case against Ranasinghe
was being investigated by the
Defendant, that three Witnesses
were examined that Sonniya
Pillai had been examined. I kept
Sonniya Pillai because a charge had
been brought that a bribe had been

struck before to Jegadeesa and one
in the Magistrate's Court by
Investigating in the Ranasinghe
Matter in Common Country Liquor
matter. I do not know who it was
by, but it was reported to the
Defendant. I do not recollect when
it was written. It was in the
I may have brought Sonniya Pillai
My name is Sonniya Pillai.
Each the 18th of July each
P. M. Went to Jaffna by Chetty
hour: at 4 o'clock the Police
Muttiyalu Nadu, Ad Enquiries
Nadu, Grand Pillai, Thumbalay
Nadu, Gr
Jaffna, Gr Vaithiswara Nadu, Kopay
50 or 60 people came to the
Police Inspector Enquiries
Police. At 8 o'clock
I said that the Sub Magistrate

Rec'd the Inspector authorized Battle
Howell Edd Hansford Hyatt Rail
Run away - After the Capias Read
- the Deputy Sheriff Endorsed Thereon
the Said Defendants Not Found
Any of the Property Levied on
Taken Possession of Known to
Said Inspector that he Executed
Writ Returned Same Day Issued
Inspector Made Search for Said
Property Could Not Find Any
of Same - Inspector Made
Search for Said Property
Found Some of Same Inspector
took in his Hand or Said Goods
Petition Read with the Warrant: Read
Sheriff Returned the Warrant with
Endorsement Thereon Followed
Inspector Informed me that the Sale Enjoined
by Injunction Proceedings Stayed
Inspector Made Search for Said
Property Could Not Find Any
of Same Inspector Made Search
for Said Property Found Some
of Same Inspector Took in his
Hand or Said Goods
The Inspector said that Enjoined

Inspector Made Search for Said
Property Could Not Find Any
of Same Inspector Made Search
for Said Property Found Some
of Same Inspector Took in his
Hand or Said Goods
The Inspector said that Enjoined

ought to be allowed to go to their
food. The Inspector said that he
would show him to Corporal 68 C
Goodrich. Ramaya Pillai asked
a Warrant. Ramaya Pillai asked
that the Warrant might be read to him.
The Inspector gave it to Govindha Pillai
the result of which he did not agree with the
Clerk Enquired as to him to know. Heard
what Govindha Pillai said from the
Warrant - It was as follows: viz Ramayan's
Complaint stated that the Enquirer
& Assistant have been using improper
Measures to make Ramaya Pillai
give evidence or Threatened [illegible]
made Arrested to give false Ramayan
[illegible] Thursday about -
Cross Examined: Ramayan stated I gave
from Govindha Pillai when he was
leaving. Saw the Warrant - It
was written only on one side - It
is Common Paper. Was served
Summoned before this occasion

5

took place, which I do not recollect
this Enquirer gave for - I cannot recollect
exact words. The
The Inspector Ignace Enquired
Sub Mag, if the reason Ramy
Louis Make a Complaint to him.
Ramaya recollect that the Inspector
was writing down & asking the Interp
Case on Thursday because he told
Govindha in Court, which I remember
this Warrant because it publickly

Saubaseranyan
1st Witness for Sub Mag - 6th Witness -
My name is Saubaseranyan -
I am formerly employed as Ad Constable
to the Police I resigned this or three
months ago. I am at present
on the 18th July 1862 I was at the Police
Station officiating as Police Constable
Made a report to the Police Inspector
I was calling me: another man called

Grace said that the Sub Mag was
Coming up: I went to the Sub Mag:
The Sub Mag said that the
Inspector was enquiring into some Matter,
that Dominga Silva was with him,
that he had sent for all Coolies,
that as he had not come, was to
Call him: As I came outside the Police
Cutcherry the Peons told me
that the Inspector was enquiring into
a Charge which had been brought against
Sawary and others of having attempted to
bribe Dominga Silva. There are many
persons there: They Guick Lane heard that
was told me as it was told me publickly.
I do not know who those persons are - I
went to Sabapathe Chetty's House: I found
the Inspector, Sub-Inspector, Goonetilleke Silva,
& some 20 or 25 others there: At 8 or 8½
the Interpreter came, and that as the Inspector
had written to send Dominga Silva, he
might to-day. The Inspector & Aleksitha both
said that he should be over afterwards

At about 9 o'clock Police Jayaratne Ramanayaga
had brought a Warrant: The Inspector
read that it was, took it & gave it to
me to read: I read it & in my ordinary
voice: The Inspector told me to take it by,
& wrote on it & gave it to the Inspector.
I wrote on it & gave it to the Inspector.
Ramanayaga took it & read Dominga
Silva: The Inspector & Sub Inspector
took it & ought it: The Inspector
then told Ramanayaga Silva to take
him the Defendant that he was under arrest & to
be not away: He was arrested & followed
by the Warrant: I was present
bring Slamunga Pilleyahetty
Dominga Silva as quickly as possible
as I was to speak to the Inspector.
(I was in the Court)
Ramanayaga took Silva & the Warrant in the Station House took
it & after words entered the
Station & I left: I was in the
Station & I left: I was in the
Station & I left: I was in the
Charge sheet at 12 o'clock I saw
Ramanayaga took charge

Warrant was the said matter back
returned to the Sub Mag who had
Come to Cutchery. Said Sale Ramiya
Siddhu was spoken to to satisfy the
Petty Cause. Said not done. Both
Mag gave return to the Sub Mag Cutchery
Saturday. The Constable did not
Mag any thing about the Inspector ordering
the Prisoners tags to be cut. Grimitha
Siddhi did not read the Warrant. I
left Ramnagaly yesterday. I saw the
Inspector settled up at the Ramnagaly Police
Station. He called me & asked me where
I was going, I said to the Mag. He told
Me I must return home: he told me
not to take a copy of the Mag Book
Take a Copy of the Warrant, Tales
that I was to say that it was written
in the Warrant as he the Prosecutor
Witnesses had deposed: I stated to do
the same.

(To the Court). I was ordered for
a Police Jarrah to return a Warrant
to the Sub Mag who refused it, without
entering it in the Mag Book.

2nd Witness
Called by Sub Mag

I am Police Jarrah Ramanmaya Naick
a Constable 2nd Police No 946. I went
to the Salem Cutchery at 4 o'clock P.M.
on the 18th July 1862 on account of
Petty Cause Call at 8 o'clock the Sub Mag
gave me a Warrant for Ramiya Siddhi
directing me to Cutchery at 5
o'clock & said that the Inspector, Sub
Police Officers were engaged and
I was going to Ramiya Siddhi
a Witness & Ramiya Siddhi and
a great many persons were talking
together & I could not hear
what Ramiya Siddhi in the Cutchery.
From the Inspector I went to the
Petty Cause Court & the Inspector
took the Warrant to the Sub
Mag Book & I was told to take a copy
& I did so & returned the Warrant
& gave it to the Inspector

[illegible] read out the Warrant returned it
to me. The Inspector told me to get the
Sub Mag. that they are enquiring
into a big case, that the Sub Insp.
said that Ramiya should not
have been sent. I know how to read.
I read the Warrant as I was taking
it for Ramiya's Place. It was written
in the Sinhalese Language
also Ramiya's Name was written
there. I returned to the Station
took the Sub Mag: to the
Scene of Offence at 9 a.m.
Remained there about 1½ hours
I did not take the Complainant to
Court as soon as going with the Case
I entered in the Station Book
I did not do, because I was told that
the Complainant was at Sabaragamuwa
Chetty's Road. I did not enter it
in the Station Book. Having
written the Information I did
in the Station Diary. I do not
remember whether I was told
by Sub Inspector Mr. Salak
Lawrence to do so.

I had to go before the Sub Mag
I do not remember
the Complainant
for Witness
(Cross examined by Proctor Pereira
The only Witness in the Case before
the Sub Mag, who took down
Evidence
Statement
3rd Witness
Called by Sub Mag
8th Witness
I am Salak Seneviratne of Hanwella
On the 18th of July last the Sub Mag
and Inspector went into the Case
Mahadeniya down the Tunnel by
Ramiya's Boat I do not
Witnesses had been examined
Sub Mag asked whether I had
Witness? Police Sergeant said
the Inspector; he did not
the Inspector was
Inspector to this.
I was there
Sergeant Jack Patrick Seneviratne
Police Station
Police Sergeant said
Witness
Sub Mag
Mahadeniya
Witnesses: he did not

4th Witness called by Sub Mag.

at 5 o'clock Ponniya Pillai did not appear: the Sub Mag told Arar Rack that the Inspector had given the Peon a letter to the Chetty Street for Pillai: the Peon returned & said Pillai was not there: the Sub Mag told the Peon to tell Pillai to attend on the 15th: the Peon returned & told the Sub Mag. that Pillai was not there: the Sub Mag. told the Muppadar to tell Pillai to attend on the 15th: the Muppadar told the Sub Mag. that Pillai had gone to Colombo: the Sub Mag told the Muppadar to write to the Inspector to send Pillai's appearance: I note as

5

I note — the warrant that as Ponniya Pillai had not appeared in answer to a summons, he was liable to be arrested on a warrant. I have issued the warrant before the Court: it is the one I now wrote. I did not know that day that Sanmugam Pillai had been trying to incite Ponniya Pillai & the Inspector was against him to the Chetty Street

Re examination of Muppadar

Arar Rack.

I went to Sabapathy Chetty's house, the Inspector was sitting down; there was a boy Ponniya there in front of him. I did not tell the Sub Mag of this when I lectured him: I did not tell him of the circumstance all the evening

Iyaya Raja Pillai

11th Witness.

I am employed as a Sub overseer
I know the Godaick just into
my hand by [illegible]
the Godaick gave it into the hand
of a Coolie called Iyaya, & I went
along with him to the Sub Mag:
house at 3 or 3½ o'clock. I did not see
the Sub Mag as it was Sunday. He
received it from the Coolie. Next day
I went to the Sub Mag. Monday
2 o'clock. I saw the Sub Mag. he
told me that he could not examine
the case that day it to come the
next day. On the 15th of the month
a deposition was taken from me.
On the 14th the four witnesses except
me and also on the 15th
(Cross examined): The Sub. Mag. did says
not tell me in the 14th to get a
correct account of the actual damage
done. I did not tell the Sub. Mag

The Sub Mag has been examining with
the Peon Ruppan even since he came
with Dijaila Tevapa I consider from that,
that the Sub. Mag. must have been
partial in the Godaick. Which
he took in the Godaick from
The Sub Mag Iyaya Raja Pillai gave to
the Sub Mag with my message from the
Inspector sending for Ruppan from the
Inspector on sending Journey to Police
when the Sub Mag sent for three three
different times, the Sub Mag. must
have sent Ruppan in the
Selapathy Chetty's house, there sending
a Warrant after he knew that I owed
him he was determined to get him every
day for the Inspector once for a theft
(Cross examined): From the Fry Godaick
the Witnesses are with Iyaya Raja Pillai
& told me to [illegible] Witnesses
they are wanted. The Sub Mag: has not
settled any cases which the Villagers
& Subordinate Police being
against me in their favour Ruppan
Peon.

that the Attacked were trading outside
the Cutchery.

(By Court) I only gave a Rupbakee
to each of the Cuffrys done in my
Office time 15 Rs.

Ephie Morris

Col Mag-

February

1863

Copy
Inclt. Letter to Engr. dd 24th Novr. No. 37 of 1863.
Respt. to — No. 7 of 1864

In No. 2098/63.

Enclosure No II

In re Letter
From
The Lt Colr & Inspr. of Police
— " Dungore
To
The Secretary
to the Board of Revr

Dated the
Read 3 Feby 63

No 5 G. 4

Depositions of Witnesses
Magistrates Memo.

Dublin 10th of 1863

Enclosure No II

Copies of Depositions
taken before
The Magistrate of Petty Sessions
Talbot
31st January 1863

1st Patrick Dwyer heard the Statements made by the 10 Witnesses who were examined before the Petty Sessions Magistrate regarding certain irregularities particularly imputed to me in connection with a complaint made by Mr Engineer Extended Road against Farmer Carton and others, charging them with having in July 1862, broken down an underground tunnel constructed by the D. P. S.

2 Witnesses L. C. 3. 4 - 5 & 10 state that, in the manner stated by me on the 18th July, on the application of one Donaghpatrick (2 witnesses) I stated that the said Donaghpatrick

was

were being related by the Engineers
department to except in their favour
That this part of their state-
ment is utterly false and groundless
will appear from the following facts.
On the eve of breaking down the
underlined referred to in para 1,
the aforesaid Pannaiya Pillai was
a witness. He and the other witnesses
were summoned to appear at 10 A.M.
on the 15th The summonses were also
duly served by the Police Constable
on the 15th Three of the witnesses ap-
peared accordingly with some of the
defendants who were apprehended on
upon a warrant. The 16th being the
day appointed for the investigation of
this case, I commenced the enquiry at
10 o'clock, and found that only one of
the witnesses (Pannaiya Pillai) was
not present. As it was against the
Rules

Rules to postpone the enquiry unless
because one of the witnesses has not
appeared, I sent a Police Constable
a Dy. Constable and my Peshkar to
go and bring him. Even then he did
not appear, nor did he give any just
cause for non appearance. I therefore
issued a warrant for his apprehension
agreeably to Section 191 of the Procedure
Code, and stopped the enquiry. The warrant
was returned the next day (16th) with
an intimation that the Police Inspector
of Batticaloa Dist. and Sub Engineer
of Akkaraipattu Dist. of witnesses 1 and 10
proceeded ito Kandy. This warrant
together with the other papers connected
with the case were sent to the Deputy
Magistrate for enquiry at 11 A.M. on the
19th.

3 Witnesses 1-to 5 and also the
10th witness (Sub Engineer) state that
when

when the Police Constable brought the warrant they read it and found that the witness for village appearance it was issued was required for a different purpose. The manner, in fabrication and the very first of the statements of the witnesses on this subject differing from each other is sufficient to prove that it is so.

The 6th witness who was entrusted with the execution of the warrant the 9th witness who wrote it, and the 7th witness (the station officer) who read and gave a copy of it to the Police Inspector on the night of the 18th when it was issued, are the proper persons to have known what was written in the warrant. The evidence of these witnesses however, fully support the assertion that the warrant contained

more

words to the effect that Gamini a Pillai was to be brought up because he had made default of summons.

The warrant itself has been sent for and inspected by the Electing Magistrate. It will be seen that the warrant is quite correct according to the statements of the 6th, 7th and 9th witnesses and that the statements of the 1st, 2nd, 3rd, 4th, 5th and 10th witnesses in this respect are therefore false. The above witnesses, although they merely heard the warrant read, state that they can recollect this transaction which occurred so long as six months ago. This, together with the, recordings with which the 5th witness (Police Constable) has given his evidence regarding this warrant in particular, while he states he cannot remember any other transaction connected with this or any other case which transpired

in

7th The Dis Engineer, in charging me with Contradictory states in his depositions, that I made no enquiries between the 13th the date of his warrant and the 18th, and that this delay has led to the witnesses being tampered with, and such other consequences. That there was any such delay is quite false. The Dis Overseer of Roads before me with the Dis Engineer's Warrant on the 18th the next week stating that he will come again and give his deposition after ascertaining the actual damages caused by the destruction of the tunnel. Accordingly returned on the 25th and gave in his deposition. On the same day I issued a warrant for the Prisoner and summonses for the witnesses, fixing the 18th as the date on which they should appear for enquiry. Some of the witnesses and Prisoner

Issued by Mr Sitwell (Nov 11/52
Mr. GLM

Prisoner appeared accordingly on the 18th I commenced the enquiry at 10 o'clock that day, the Prosecutor being also present, before 5 the 3 witnesses who were present were Examined. The other witness Commings failed not having come, I sent a Constable for him. The Constable came and told me that he was making objections to come I called the Dy Constable from the station and sent him to bring Commings failed. Neither the Dy Constable nor the witness having made their appearance, and as the Prisoner and the Prosecutor were waiting, I sent the Police Sergeant. Even then the witness did not appear, and as the Examination was getting delayed, I prepared a warrant for his apprehension and sent it by the Police Constable. On the morning of the 19th I went to the spot where the tunnel was broken down and returning back to the Station at 10, I sent

the

the case up to the Deputy Magistrate the same day according to his order. The said the Deputy was connected with it, was investigated by the Dy Magistrate and the parties have been fined &c. From the above it will be seen that there was no delay in any part as stated by the Sub Engineer. The records will also support the fact.

8 The Sub Engineer in his deposition states that he visited his witnesses to the road at my call in order to avoid delay in the Examination. If this were true he could have mentioned it to me in his Petition. If he had done so, there was no necessity for my issuing summons for their appearance. It can therefore be easily known that the Sub Engineer's statement in this respect is false.

Of the General Magisterial

cases

See Para 8
J. Mylletter.
(G.M.).

Note. He appears to have made his days journey but the parties were caught in the act of giving the bricks at 3 o'clock on the 18th.
(G.M.).

cases brought before me as Acting Magistrate, none had been more expeditiously proceeded with than the case now in question. On what grounds therefore the Sub Engineer accuses me of delay is not known. As regards the statement that the delay led to the witnesses being tampered with, I beg to state that the charge has been fully proved in the enquiry conducted by myself. The offer of a bribe to Ramanjaya Pillai & the remaining witnesses by Ramanjaya People was, according to the Sub Engineers own statement, made at about 3 o'Clock or after & had commenced with the enquiry. If this witness had also appeared at 10 o'Clock in accordance to the summons, he would have also been examined like the others. The Sub Engineer by speaking of my proceedings in concert with the head intentions of this witness is evidently disowning the authority of a Magistrate. If the Sub Engineer had really thought that

that there was a delay he could have very well dispensed with the witness in question who is a contractor in his department and therefore one who will also his order to attend at any Station at 10 o'Clock and this have proved the charge brought by him. Instead of doing so however, he has been one of those who prevented the witness being brought true. This itself is sufficient to show that it is he who has been the cause of the delay.

9th The Sub Engineer states that the delay in making the enquiry gave the Prisoners the opportunity to abscond. It is true that Vani Agim absconded, but from the return made to the warrant issued in this case, it would appear that the other 2 Prisoners (Dundumis) having been concerned also in same forgeries they have evaded apprehension, that their property has been in consequence attached

attached and that they have not as yet been apprehended. The Sub Engineer is therefore not right, in saying that the Prisoners have escaped during the time the enquiry in the present case was delayed.

10th The Sub Engineer states that, after having that a bribe was offered to witness Dominica Elias by Dimangeas and others, he kept him secure from being tampered with, and that Dimangeas having intimated this to me, I, at his instigation, issued a warrant for his apprehension. This the Sub Engineer maintains as a proof that my motive all along was to screen the case.

The charge of offering a bribe is not one in which the Police can arrest without warrant. I would have been able to know this case had I been applied to for a warrant or if the matter was at least reported to

time. The Inspector or the other Police
officer whose duty it was to have given
me such information have not done so,
nor do they state in their orders
position that they did. I was therefore made
to know that the said
was with the Inspector on the principal
party concerning into the case aforesaid.

And the Police Constable the Ly. Commissioner
table at the Magistrates told me as soon
as I had heard any thing about it from
other lawyers, I should not have proceeded
for the appearance of the witness. I
was ignorant of the real cause of the
non-appearance of the witness until
after I had sent out the warrant. The
evidence of this witness having been
material to the ends of justice in the
case in question, I used all my best
to secure his evidence. The offer often
held to the witness in-case in case

which

Vide last Question &
Answer.
Also Page 7 of 2nd
letter. (Ch. M.).

Now is this to be reconciled with the former
declaration that the Inspector
before seen her fully
sworn? (Ch. M.).
There is no witness
mentioned

which will lead much to strengthen the
prosecution, and of the same had been
brought to my notice in due time, I
should not have been wanting in my
endeavours to bring about a true view
of the case. The conduct of the Sub Inspector
according me of partiality in this case
arises from feelings of private pique
and animosity which I shall proceed to
disclose.

1st The Sub Engineer who has been
for a long time in Ellamanguddi has built
a large upstairs house and 4 shops in the
big street at that place. The buildings
having been so constructed as to encroach
upon the public road, I brought this to
the notice of the Magistrate, who issued
orders to remove the obstruction and pull
down those parts of the buildings which
may be projecting into the public road.

2nd & 3rd within the last 5 or 6 years, the

Sub

The Engineer has in his requisition included property of the Estate of Ali Labbé in the villages of Andittingiéri & Nainamalli in the Illaimanguli Valay which is situated in his own range. In consequence of this, disputes have been pressed between the Sub Engineer and the Mirásidars of those and the adjacent villages. Such such disputes the Sub Engineer has been using the force of his official influence and the aggrieved parties have therefore been led to seek for justice at my hands. Whenever any such complaints came before me I have been impartial in rendering justice and though in some cases my orders have been in favor of the Sub Engineer it has not been so in all. These circumstances have created in his mind an ill feeling which he has brought into play in this case.

12 The lands which the Sub Engineer acquired

Agreements

[illegible] the undertaking [illegible] Sub Engineer [illegible] Mirásidars [illegible] have not accompanied

19

acquired in the Illamanguli Valay not being in his own name, he often applied to me to have Summatipattams prepared with a view of transferring the Mirásvei in his own name. To this I did not consent and remonstrated against it by showing him the Existing orders which prohibit a public Servant from possessing lands within the sphere of his official jurisdiction and which require Summatipattams being Executed in presence of a European officer. Seeing that his attempts with me have been unsuccessful, the Sub Engineer applied to the Dy: Collector who sent me an order on the subject and to which I replied to the effect that I had no authority to prepare Summatipattam nor to transfer the registry of the Mirásis. All that I have said above are not groundless as the statements made by the Sub Engineer in his deposition, but are facts susceptible of

of proof from official records. These are what I have to say in defence.

Signed / Ranavenni Cajan
Tahsildar & Sub Magistrate

5th February 1863.

Questions by Magistrate

Did not the Sub Engineer come and tell you on the morning of the 13th that the underground had been broken down?

Answer He did not.

Q When did you first come to understand about the destruction of the underground?

A I heard it on the evening of the 13th from people in the Town.

Q Will you say that you heard about it on the evening of the 13th

If so why did you not go and inspect the tunnel till the 19th?

A I heard that water was pouring down the tunnel at the time, I directed that the water should be drawn out. This having been completed only on the 19th I went to the spot on that day.

Q Did you state in your defence that you received a warrant on the 15th for the apprehension of Some Cajans. On the back of the warrant there is an entry to the effect that it reached the station House at 8 o'clock on the evening of the 16th what do you say about this delay?

A I signed the warrant on the 15th It is usual with the Executive to despatch the summonses and warrants issued, the same night or the next day. I dont know whether the warrant in question was sent on the night of the 15th or on the morning of the 16th. Regarding the cause of the entry that the warrant was received on

on the night of the 16th of June instant.

Q. Did you [illegible] the Witnesses on the 18th and read up the case to the Deputy Magistrate on the 19th with the records of the case, your name and up also a Declaration presented * Power of attorney by Parasuramayyan. Who did the Peon call up, and why did you receive the same?

A. When the case was under investigation before me on the 18th Parasuramayyan appeared before me with a Vakalatnama and stated that his Master Somasayyan had directed him to be present at the Examination, and to speak on his behalf. On all the Records of the case were sent up to the Dy: Magistrate I could not have kept back the Vakalatnama only. I therefore sent this also

also with the other papers. The warrant for Nuni Ayyan was in the hands of the Peon

Q. You have stated in your evidence that a Constable whom you had sent to bring Ramasyd Pillai on the morning of the 18th June told you that he objected to come. Did he tell you what the objections were, or did you ask him what the objections were?

A. Neither the Constable told me, nor did I ask him, what sort of objections the witness made. I did not also ask him where he was. It was because I had no confidence in what the Constable told me, that I sent the Deputy Constable.

Does not appear to have been the 18th June.

Q. You have stated that finding neither the Dy Constable nor the

the witness making their appearance you sent your Peshcar. Did not the latter come and tell you where Com: Ramanja Pillai was?

A. He told me that the Deputy Constable was with the Inspector, and that the latter told him that Ramanja Pillai could not be sent then. He told me nothing about what was going on, when the Inspector was, or whether the Sub Engineer was also there or not. I did not make any enquiries about the matter from the Deffendant.

Q. On the first question proposed by you to Muttiah Naik Police Inspector (witness) & in the question you ask the Inspector to state whether you did not send word to him by your Deffendant that Ramanjam's people had complained to you that the Engineers department were tampering with the witness Ramanja Pillai. What do you mean by this Question, if as you state in para 10 of your defence, you know nothing of what the Engineers department were then doing.

A. I asked this question because the Inspector knew that certain witnesses had been Examined and that another was wanted, and because I sent the Peshcar to tell him to send him.

/Signed/ Ramaswami Aiyan
Tahr. & Sub Mag.

The above deposition was taken, the questions commenced, written by the accused himself: the subsequent examination was taken in my presence clearing, contains accurately the whole of the statement made by the accused person.

3rd February 1873

/Sgd/ G. Lee Morris
As. Magistrate.

/Translation/

G. Lee Morris
As. Magistrate.

Copy
Judicial Letter to Govt dated 24th Novr No: 37
of 1863.
Repd to — etc 7 of 1864

Judl No 2098/63.
Enclosure No 1

1863

Despatched

Circular.

From

The Collector

of Tanjore

To

The Secretary

to the Board of Revenue

Dated the

Recd the

1857.

Translation of the Chief Peishcar's defence.

Judl No 1150 of 1863.
Tanjore 19 Feby.

No. 1,632.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 18th March 1863.

Read the following letters:—

From G. L. MORRIS, Esq., Acting Collector and Magistrate of Tanjore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Vellum, 16th February 1863, No. 59:—

1. I have the honor to acknowledge the receipt of the Board's Proceedings dated 25th November 1862, No. 7,748, requesting me to inform the Board of the result of the Magisterial inquiry, regarding certain charges brought against one Samiaiyan, son of Ramaiyan of Mannargudi, as well as my opinion of the conduct of the Sub-Magistrate of Mannargudi with reference to this case.

2. I.—In 1857, an under-tunnel for the better drainage of the village lands of Kundithangicheri was sanctioned, but the work was not then carried out in consequence of the restrictive orders of the Supreme Government. There being however, sufficient funds last year, the tunnel was ordered to be built during the working season of 1862, and was accordingly commenced in May last.

II. A very wealthy Mirassidar in Munnargudi named Ramaiyan, had long been opposed to the erection of the aforesaid under-tunnel, as he imagined that the drainage of his own lands would be injured thereby, and finding that it was commenced, he sent a number of his people on four different occasions between the 22nd of May and 1st June last, who, by his orders, broke down the working shed, scattered about the bricks and chunam, assaulted the workmen, and prevented them from proceeding with their work.

III. For these offences Ramaiyan and his people were tried by the Deputy Magistrate of Mannargudi in July last and punished, the former with a fine of 320 Rupees, and the latter with imprisonment varying from one to two months in duration, as well as fines from 10 to 25 Rupees. An appeal from this decision was preferred to me, but I confirmed the Deputy Magistrate's order.

IV. In the meanwhile the under-tunnel had been proceeded with by the Department of Public Works, and was approaching completion, when, on the night of the 12th July, a gang of men headed by Samiaiyan, son of Ramaiyan, attacked the men who were sleeping near the tunnel, held them down, and, with Mauvetis and pickaxes broke up the greater part of the brickwork of the tunnel which had been but lately completed.

V. This outrage was reported to me on the 14th July, and I at once directed the Deputy Magistrate stationed at Munnargudi to try the case, as I considered it one of a serious nature. My order reached the Deputy Magistrate on the morning of the 19th July, but in the meantime, Ramaiyan and his people had not been idle, for a bribe of 500 Rupees had been offered to one of the principal witnesses in the case, not to give evidence, and Samiaiyan had been allowed to escape to Karikal.

VI. The Deputy Magistrate tried the charge of attempted bribery first, and finding it proved against two of Ramaiyan's agents, a peon of the Sub-Magistrate's Katcheri and some other individuals, punished them with imprisonment for two months as well as fine. An appeal was made to me, but I upheld the decision of the Deputy Magistrate, as the charge was clearly substantiated.

VII. Samiaiyan had meanwhile, as I said before, escaped to Karikal, and the Deputy Magistrate therefore tried two Paraiars who were the only persons concerned in the outrage committed on the night of the 12th July who were forthcoming, and sentenced them to imprisonment and fine. Ramaiyan himself preferred an appeal to me on behalf of these two men through J. B. Norton, Esq., but I saw no reason to doubt the correctness of the Deputy Magistrate's decision, and accordingly confirmed it.

VIII. In November, Samiaiyan made his appearance in Tanjore, and was tried by the Deputy Magistrate for his share in the proceedings of the night of the 12th July, as well as for having absconded to avoid a warrant, J. B. Norton, Esq., conducting his defence. The Deputy

Magistrate found Samiaiyan guilty on both charges, and punished him with a fine of 200 Rupees for the first, and one month's simple imprisonment for the second. No appeal was preferred to me, and the sentences were accordingly carried out.

3. Two very serious charges have been brought against the Sub-Magistrate of Mannargudi with reference to this case: one that he changed a warrant which he had issued for the apprehension of a certain person, when he found that the trial of the case in which that person was to appear as a witness, was to be conducted by the Deputy Magistrate and not by himself; and the other that his conduct both when he had the case in his own hands, and subsequently, was highly reprehensible, being partial and with a strong leaning towards the accused.

4.—I. The circumstances connected with the first charge were as follows:—

II. Amongst certain witnesses for the prosecution with reference to the outrage committed on the night of the 12th July, who had been summoned by the Sub-Magistrate to appear before him on the 18th, was one Ponnaiya Pillai, the contractor for the under-tunnel in question.

III. Certain overtures were made to this man on or about the 16th by Ramaiyan's agents and a peon of the Sub-Magistrate's Kacheri, that if he would give evidence in favor of Samiaiyan, &c., he should receive a sum of 500 Rupees. Ponnaiya Pillai pretended to agree to this proposal, and it was arranged that the money was to be handed over to him on the 18th in the house of a certain Chetti: in the meantime however, he went and told the Sub-Engineer and Police Inspector what had occurred, and a trap being laid, the whole party, viz., Ramaiyan's agents, Ponnaiya Pillai, &c., were caught on the afternoon of the 18th with a bag of 500 Rupees in the house of the aforesaid Chetti. The Police Inspector on seizing the whole party began to take notes, to examine Ponnaiya Pillai, &c., and whilst he was engaged in doing so, the Sub-Magistrate sent a warrant for Ponnaiya Pillai, and this is the warrant which he is said to have changed.

1. Mutialu Naik, Police Inspector.
2. Ponnaiya Pillai, Contractor.
3. Govinda Pillai
4. Adimulam.
5. Perumal Naik, Police Constable.
6. Sambasiva Aiyan, Dy. do.
7. Namarayana Naik, Police do.
8. Dorasami Naik, Taluk Duffadar.
9. Srinivasa Aiyangar, Dufterband.
10. Atchuda Naik, Sub Engineer.
11. Tiagaraja Pillai, Sub Overseer.

IV. Eleven witnesses, as per margin, have been examined by me with reference to this charge, as well as the second one. Witnesses 1, 2, 3, 4, 5 and 10 declare that the warrant, which was brought by witness No. 7 and read out to them by witness No. 3 contained the following words :— "Whereas Ramaiyan's son has complained to me that the "Engineer Department are tampering with Ponnaiya Pillai, you "are hereby directed to seize and bring him at once;" on the other hand witnesses Nos. 6, 7, 8 and 9, who were cited by the Sub-Magistrate in his defence, and amongst whom is the Gumastah who wrote the warrant, and the Police Constable who served it, declare that the warrant now forthcoming, and which was sent up to the Deputy Magistrate with the record, is the same as the one which was first issued, and on which was written as follows:—"Whereas Ponnaiya Pillai has not appeared in obedience to "a summons issued and requiring him to appear this day, you are to seize him and bring him at "once."

5. I have very carefully read over the evidence connected with the first charge, and am of opinion that the Sub-Magistrate is not guilty. The non-appearance of Ponnaiya Pillai on the 18th July at the Sub-Magistrate's Kacheri, was in itself sufficient ground for his issuing a warrant, and I cannot conceive therefore why he should have gone out of his way to find another reason for doing so, when he had such a plausible one at hand. Whether the Sub-Magistrate ought, under the peculiar circumstances of the case, to have issued any warrant, is quite another point, which I will advert to presently; but as I said before, I think it highly improbable that he did, on the present occasion, issue any other warrant than the one now forthcoming, and I accordingly acquit him of having substituted one warrant for another.

6. The second charge against the Sub-Magistrate is a very serious one: it is in fact a charge of tacit connivance at bribery of the worst description, and of an attempt to shield persons charged with very serious offences. In order to ascertain what amount of truth there is in this charge, I purpose to follow the conduct of the Sub-Magistrate step by step whilst the case was in his hands, and I beg to draw the particular attention of the Board to the same.

7. I.—The under-tunnel was destroyed on the night of the 12th July 1862. The Sub-Engineer swears that he wrote a Yadast narrating all that had occurred on the 13th, and sent it to the Sub-Magistrate the same day. Witness No. 11 declares that he went with this Yadast on the 13th to the house of the Sub-Magistrate, who, on the other hand, states that he did not receive it till the 14th. The Yadast is forthcoming: it is dated the 13th, but is endorsed by the Sub-Magistrate as having been received on the 14th. I think therefore that it was taken to him on the 13th, but that being Sunday, he did not actually receive it till the next day. The Sub-Magistrate admits however, that he heard people in the town of Mannargudi on the 13th talking about the under-tunnel having been injured the previous night.

II. On the 14th, nothing was done by the Sub-Magistrate, but putting his initials to the aforesaid Yadast, no deposition being taken from the prosecutor on behalf of the Department Public Works. The Sub-Magistrate's reason for not having done anything on this day is, that the prosecutor was not in a position to state the exact amount of damage done, and that he was accordingly directed to find out all exact particulars and come again the next day. The prosecutor totally denies this, and adds that the Sub-Magistrate never told him that he could not examine him on the 14th.

III. On the 15th, a deposition was taken from the prosecutor, and it is to be remarked that he does not give any exact particulars in this deposition regarding the amount of damage done, nor is he questioned on the point, which is very remarkable, when the case was postponed for 24 hours on purpose that these very particulars might be ascertained.

IV. After the Prosecutor's deposition was taken on the 15th, warrants were prepared for the apprehension of the accused and summonses were issued for the witnesses to appear on the 18th. Although the warrants are dated the 15th, yet they never reached the Police Tanna which is within a few yards of the Sub-Magistrate's Kacheri, till 8 o'clock the next evening. This fact is clearly proved by the endorsement on the warrant, and by the evidence of the Constable in charge of the Tanna, who is one of the witnesses cited by the Sub-Magistrate himself. The Sub-Magistrate when questioned regarding this, confessed that he could not account for the delay. I think, however, that the fact of the accused Samiaiyan, a son of the wealthiest man in Mannargudi, having fled to Karikal from Mannargudi on the morning of the 16th, throws some light on the reason why the warrant for his apprehension did not leave the Sub-Magistrate's Kacheri sooner than it did.

V. It will be observed that the trial of the case was deferred from the 15th to the 18th, that is to say, three days were allowed for the appearance of witnesses who, the Sub-Engineer swears, were in Mannargudi and ready at a moment's notice, and who, even if they were not in Mannargudi, were not six miles off. It was during these three days that the attempt to bribe the principal witness took place; the prominent parties in the bribery being two of Ramaiyan's agents, and a peon of the Sub-Magistrate's Kacheri. Keeping this in view, as well as the facts stated in the previous paragraph, I must say that I consider the conduct of the Sub-Magistrate begins to look most suspicious.

VI. On the 18th, the Sub-Magistrate proceeded to examine the witnesses for the prosecution. On the same day, and at the same time, the attempt to bribe one of those witnesses had been found out by the Department Public Works, and the Police Inspector had seized all the parties "flagrante delicto." The presence of the person attempted to be bribed, was absolutely necessary to the Police Inspector, if he was to succeed in unravelling the bribery case, but the Sub-Magistrate, according to his own showing, sent three different persons to try and get this witness out of the hands of the Inspector, and finally issued a warrant for his apprehension.

VII. The Sub-Magistrate's excuse for doing this, is, that the man was a witness in the case he was himself trying, and that he did not know anything about the bribery, or that the Police Inspector was inquiring into it. The Sub-Magistrate's own witnesses however, show that this plea of ignorance is, at the best, highly improbable; for two of them assert that, when they were sent by him to call the aforesaid witness, numbers of people in and out of the Kacheri were talking about the Department Public Works and Police having found out the attempt at bribery

whilst his 3rd witness, who is his Duffadar, made the incredible statement that, though he was the third person who had been deputed by the Sub-Magistrate to go and bring this witness, and though the witness refused to come, and he (the Duffadar) saw the Police Inspector, the bag of money, and a great crowd in the house of the Chetti, yet, on his return, to the Sub-Magistrate, he never told him where the man was, why he could not come, or what the Inspector was doing, and that his master never asked him.

VIII. That this defence of the Sub-Magistrate is a falsehood, however, is placed beyond all doubt in my mind from the following fact. The Police Inspector swears that the Duffadar, when he came to the house of the Chetti, where the inquiry into the bribery was going on, did not call the witness (Ponnaiya Pillai) at all, but said that the Sub-Magistrate's orders were, that Ramaiyan's agents were to be allowed to go to their rice, as it was getting late, and they had been kept quite long enough from their meals. In cross examining this witness, the Sub-Magistrate asked him the following question.—"Did not the Duffadar say that Ramaiyan's people had "complained to me that the Department Public Works were tampering with Ponnaiya Pillai, and "that you were therefore to immediately send him to me?" The natural inference to be drawn from this question, appears to me, to be an acknowledgment on the part of the Sub-Magistrate of having heard from Ramaiyan's people, that his agents were charged with bribery, and that the Department Public Works were getting up some case or other. I don't think that the Sub-Magistrate, at the time he asked this question, intended to plead total ignorance, but that his doing so was an after-thought, when he saw that the charge against him was getting very strong. I asked him to reconcile this question with his defence, and he gave a reply which is no answer at all, and does not help him in the least.

8. The Sub-Magistrate has made a remark in his defence which I must comment on, as it is altogether false and apt to mislead the Board. It is, that as the charge of breaking down the tunnel against Samiaiyan, &c., was fully proved in the investigation before himself, therefore the statement of the Sub-Engineer, that the delay led to the witnesses being tampered with, and the case probably breaking down, is groundless. Now, what are the real facts? Four witnesses were cited by the Sub-Engineer in his complaint against Samiaiyan. One was the Contractor, the second the head Cooly, and the remaining two common coolies. In the depositions taken before the Sub Magistrate, the head Cooly gave evidence *in favor* of Samiaiyan, and said that the Sub-Engineer had told him to state what was not true; whilst the remaining two deposed *against* Samiaiyan: there remained therefore Ponnaiya Pillai, the Contractor, to be examined, and if he could have been bribed, I am sure I need not point out how improbable, if not impossible, a conviction would have been.

9. There is one more point remaining to be noticed, and it refers to the Sub-Magistrate's conduct regarding the Peon who was convicted of having aided in the attempted bribery of Ponnaiya Pillai. This Peon was an old Taluk Duffadar; he was a great favorite of the Sub-Magistrate, being generally employed by him about his house: he was convicted on the clearest evidence of having abetted in the attempted bribery case, and yet he has, since his conviction, and though no longer in the service, been closely associated with the Sub-Magistrate, coming with him to Vellam a few days ago when he came for this investigation, and leaving with him when I sent him back to his Taluk. This conduct is, to say the least of it, highly reprehensible, and I do not see how we can reasonably expect the Department Public Works and Police Departments to work harmoniously with the Revenue and Magisterial, if very serious notice is not taken of it. An important Government work is wantonly and maliciously destroyed: one of the chief witnesses is attempted to be bribed: the affair is brought to light by the united exertions of the Department Public Works and Police: a Peon of the Sub-Magistrate's Kacheri is convicted of having taken an active part in the attempted bribery, and yet the Tahsildar and Head of the Taluk takes this man about the country with him and openly associates with him.

10. After the most careful consideration of all the aforesaid facts, I am of opinion that the conduct of the Sub-Magistrate of Mannargudi with regard to the second charge is, in the highest degree, unsatisfactory and suspicious. He cannot explain, why he did not at once take up the important complaint which had been made to him, how the delay occurred in the issuing of the warrant which enabled Samiaiyan to escape to Karrikal; and why three days were allowed for witnesses to be tampered with, when their attendance might have been procured in half a day: whilst to all this must be added the fact of his openly associating with a man who has been convicted of having tried to pervert justice in his own Court. The only inference I can draw from all the aforesaid facts is, that he purposely neglected to take up the tunnel case; that he connived at Samiaiyan's escape; that he was aware of the attempted bribery; and that he did his best to break it down when he saw that it was found out.

11. Of course in a case of this kind much depends upon the character of the accused, and I regret to state that I cannot speak well of Ramasami Aiyar. I have known him for the last twelve years, and I have heard but one opinion of him, viz., that he is able and bold, but at the same time thoroughly unscrupulous and dishonest: if therefore any conclusion is to be drawn from his character, that conclusion must be against him.

12. Under all these circumstances, I feel it my duty to recommend to the Board that Ramasawmy Aiyar be removed from his appointment of Tahsildar and Sub-Magistrate, and transferred to that of a Superintendent of Sea Customs or Salt on a salary of 50 Rupees, where he will have no means of abusing his powers to the perversion of justice.

* With translations.

13. The depositions* taken by me in this inquiry, as well as copies of two letters from the Superintendent of Police are herewith forwarded for the perusal of the Board. I beg to add in conclusion that Ramachendra Row, the Deputy Magistrate who tried the various complaints connected with this case, is at present at Madras on leave, and will, I doubt not, personally inform the Board of all he knows regarding this matter, if they think fit to send for him and examine him.

ENCLOSURE No. 1.

ABSTRACT.—Translation of the Sub-Magistrate's defence.

ENCLOSURE No. 2.

ABSTRACT.—Deposition of witnesses.

ENCLOSURE No. 3.

ABSTRACT.—Copy of a letter from the Superintendent of Police, dated 5th December 1862, No. 399.

ENCLOSURE No. 4.

ABSTRACT.—Copy of a letter from the Superintendent of Police, dated 6th December 1862, No. 400.

ENCLOSURE No. 5.

ABSTRACT.—Sub-Magistrate's defence.

ENCLOSURE No. 6.

ABSTRACT.—Original Depositions taken from witnesses, &c., before the Acting Magistrate.

ENCLOSURE No. 7.

ABSTRACT.—Sub-Engineer's Yadast to the Sub-Magistrate, dated 13th July 1862, No. 23.

ENCLOSURE No. 8 —Warrant.

ENCLOSURE No. 9.

ABSTRACT.—Deputy Constable Sambasivaiyan's deposition before the Deputy Magistrate.

From G. L. MORRIS, Esq., Acting Collector and Magistrate of Tanjore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Point Calimere, 7th March 1863, No. 80.

1. Since despatching my letter dated 16th February 1863, No. 59, to the Board of Revenue, regarding the conduct of Ramasami Aiyar, Sub-Magistrate of Mannargudi, in the case of Samiaiyan of that town, I have again read over the whole record of the bribery case tried by the Deputy Magistrate, and having been much struck by the fact that this record shows very clearly the active part which the Sub-Magistrate's Peon (referred to in paragraph 9 of my former letter) took in the aforesaid bribery case, I have resolved upon forwarding the same to the Board for their perusal and attention.

2. This Peon was always about the Sub-Magistrate's person at the time of the knocking down of the under-tunnel, and is well known to have been a special favorite of his. It appears to me therefore to have been impossible for him to have acted as he is shown in this record to have done, without his master's personal knowledge if not under his orders, and this opinion of mine is so strengthened by the Sub-Magistrate's subsequent conduct in openly parading him about the country, that I can only reiterate what I said at the close of paragraph 10 of my former letter.

3 There is one point also in connection with this case which I find I omitted to bring specially to the notice of the Board, and it is the fact of Samiaiyan having, during the twenty-four hours which elapsed between the alleged signing of the warrant for his apprehension and its being issued, appointed an agent to appear for him before the Sub-Magistrate, and the Sub-Magistrate two days afterwards allowing this agent to do so.

4. The Board will observe in the questions put by me to the Sub-Magistrate that he was asked why he received this Vakalutnama, and that he replied that he did so because the bearer of the Vakalutnama said that his master had told him to be present at the investigation. That is to say a man who has fled the country, in order to avoid being apprehended on a warrant, is to be allowed to send up an agent to appear for him, and the Sub-Magistrate is quietly to receive this agent as if the offender had merely committed a bailable offence, and was entitled to employ a person to appear on his behalf in his absence.

5. All these facts leave no doubt whatsoever on my mind, that if I had not directed the Deputy Magistrate to take up the tunnel case, no conviction would possibly have followed, and that Ramasamiaiyar, Sub-Magistrate of Mannargudi is unfit to be entrusted with the responsible powers of a Sub-Magistrate, and I beg therefore to respectfully submit the same for the consideration of the Board.

ENCLOSURE No. 1.

ABSTRACT.—Copy of the Deputy Magistrate's Memorandum of evidence.

ENCLOSURE No. 2.

ABSTRACT.—Tamil Records of proceedings held in the Bribery case.

Board's Circular Order dated 16th March 1853, No. $\frac{\text{XXIX}}{1558}$.

1. The Board observe that under the Government Order dated 21th February 1863, paragraph 6, their power in regard to the dismissal of Tahsildars are in future to be confined to cases of misconduct or inefficiency shown in the discharge of their Revenue duties, and that, in matters connected with Magisterial duties, the decision is left to the Judges of the High Court. Under these circumstances, the Board have no longer jurisdiction in this case.

2. In the event of the High Court removing the Sub-Magistrate of Mannargudi from his post, the Board cannot consent to his re-employment in the Salt or Sea Customs Departments.

(True Copies and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To G. L. Morris, Esq., Acting Collector of Tanjore.

Exd. J. Wright.

Judicial—

Proceedings of the Madras Govt.

Read the following papers—

Petition from Ramasawmy Iyer, late Tahsildar and Sub-Registrate of the Mannargoody taluq — date 8 Sep. '53.
Memo. from the High Court — 25 do.
Letter from the Magistrate of Tanjore — 10 Oct. — No. 1009.

Order — 10 November 1863 No. 1749.

Ordered that Ramasawmy Iyer's Memorial be transmitted to the Secretary of State, together with copies of the papers noted in the margin.

2. The original records in the "Bribery Case" & the other papers in Tamil, will be returned to the Magistrate

Deputy Magistrate's Memo. of Evidence in the Bribery Case.
Letter, 5 Dec. '62 No. 399, from Supdt. of Police.
Do., 6 do. No. 400, from do.
Magistrate's Memo. of Evidence against the Sub-Magistrate of Mannargoody — dated 2 Jan 1863
Sub-Magistrate's Defence (Translation) — dated 31 Jan 1863
Proceedings, 18 Mar. '53 No. 1532, of the Board of Revenue.
Letter, 7 Apl. No. 106, from Magistrate of Tanjore.
Proceedings, 20 do. of High Court.
Do., 18 Aug. '53 No. 1323, of Govt.

The Magistrate of Tanjore for intimation to the Memorialist of the despatch of his Memorial to its address. — With papers referred to in para 2.

dispd-17

Proceedings of the Board of Revenue.

No.

Dated 18th March 1863.

Despatched

Received

No. 1,632.

Observing that under the Government Orders dated 21th February 1863, their power regarding the dismissal of the Tahsildars are in future to be confined to cases of misconduct, &c., in Revenue duties, and that, in matters connected with Magisterial duties, the decision is left to the Judges of the High Court.

Rec. 11 Mch. 18 ans 1749

Rec. 22 Mch. 1863

Rec. 2 Mch. 1863

Ans. 7 Mch. 1863

1863. Department.

1863. Department.

No. 1719

PROCEEDINGS OF GOVERNMENT,

Dated 10 September 1863.