

MADRAS RECORD OFFICE.

Government of Madras.

Industrial DEPARTMENT.

G.O. No.	1447	Press ~~Mis.~~
Dated	17-9-1918	66

Not to be folded or roughly handled

1447
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MADRAS RECORD OFFICE.

Government of Madras.

Indul DEPARTMENT.

G.O. No.	1447	Press ~~Mis.~~
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9/10

17th September 1866.

have delayed carrying out the Board's instructions, pending final orders on this reference, and I now solicit these, no less for my future guidance, than to solve what has suggested itself to me as a difficulty in the particular instance under notice.

7. I forward this letter through the Board of Revenue, to enable them to lay before Government any explanation or remarks they may think fit.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 18th May 1866, No. 3487.

Read the following letter from C. W. READE, Esq., Collector of South Arcot, to the Secretary to the Board of Revenue; dated Punrooty, 10th April 1866, No. 68.

I am requested to report on the allegations contained in the Petition, No. 592 of 1866, (herewith returned), addressed to the Board by Jeyappah Iyengar, late Sub-Magistrate of Trikkalore.

2. The facts connected with the case against the late Sub-Magistrate are briefly these:—Several petitions had been received by Mr. Wright, addressed to him by the Goomastah of the Sub-Magistrate's Cutcherry, reporting that he (the Sub-Magistrate) was trading with the public money entrusted to his hands, and that his accounts were not kept properly; and he solicited immediate personal inquiry, without which nothing would be forthcoming. The Goomastah represented the difficulty of his position, and the risk he incurred by thus openly coming forward against his superior for malpractices, if prompt notice were not taken of his representations, as any delay would give time and opportunity to the Sub-Magistrate to restore the money and square his accounts.

3. Mr. Wright was unable to proceed at once to the spot, owing to other duties, and he brought the matter to my notice. Just at this time, Mr. G. D. Irvine, my Senior Assistant, was about to proceed on duty in that direction of the District, and I thought the opportunity was favorable to test the truth of the Goomastah's statement; and, accordingly, Mr. Irvine was instructed by me to proceed to Trikkalore and to examine the accounts of the Sub-Magistrate, and to call upon him to produce the cash balance according to these accounts, failing which Mr. Irvine was authorized to make use of a Takeed with which I had furnished him, suspending the Sub-Magistrate, and directing his appearance before me.

4. Mr. Irvine acted agreeably to my orders, and as the Sub-Magistrate failed to produce the money (balance of Rupees 43) either from the Cutcherry or from his own house, my Takeed suspending him was given to the Sub-Magistrate, and the subsequent formal proceedings followed as soon after as was practicable.

5. It is true that, ordinarily, there is no regular cash chest provided for Sub-Magistrates, and inquiry is not made as to the place in which they may deposit the trifling amount of Government money which from time to time is entrusted to them; but at Trikkalore there happen to be a cash box and, as well, several other chests in the old Taluq Cutcherry used by the Sub-Magistrate, and which are available for the purpose, and there is also a regular Police guard in attendance day and night, so that if mere security had been an object with the Sub-Magistrate, it is clear, I think, that he would have kept any public money in his Cutcherry; but I particularly cautioned Mr. Irvine on this point, and told him that he was to give the Sub-Magistrate every reasonable opportunity of producing it, whether from the office or from his own residence, and Mr. Irvine reported to me, and he has stated on the trial, that he did give every opportunity to the Sub-Magistrate of producing the money from his house, and that only on failure to produce it after reasonable time did he make use of my order. There may be no legal proof of actual misappropriation of this money; but it is clear that when called upon to produce it agreeably to his accounts, the Sub-Magistrate had it not, or, of course, it would have been at once forthcoming.

6. It was very far from my wish to be severe on Jeyappah Iyengar—quite the reverse; I had formed a very high opinion of him, and I had myself introduced him into South Arcot—but it was due to a petty Goomastah, who had openly come forward, to lose no time in testing the truth of his accusation, and I felt the more prompted to do this, because the Sub-Magistrate was a sort of *protege* of my own, and any inaction in the matter would thus have been open to misconstruction; moreover, I felt every confidence in the innocence of Jeyappah Iyengar.

17th September 1866.

7. Jeyappah Iyengar's removal followed his conviction before the Deputy Magistrate as a matter of course, and the Proceedings of the Session Court, held on review in appeal, state that the conviction was quashed on the grounds of insufficiency of proof; but as I do not consider that mere want of legal proof on a criminal charge necessarily establishes the innocence of the accused, or that an acquittal based on such grounds is sufficient to restore a public servant to public confidence, and so justify his re-instatement in a post of trust and responsibility, I did not feel warranted in allowing Jeyappah Iyengar to resume his post, or to hold any other situation in this District. For example's sake, and as a deterrent to other officers whose temptations and facilities to corruption are so great, I felt it quite impossible to re-employ him in South Arcot, but I was, and still am, quite prepared to aid him in securing office elsewhere, as my experience of him, as well as that of the Deputy Collector under whom he was immediately placed, has been throughout favorable, so far as relates to his qualifications and fitness for the office of Sub-Magistrate, and I confess that I had regarded Jeyappah Iyengar as a rising young man, and one who, in due course, and after further experience, would attain to a higher position under myself. I am truly sorry for him, and I do not remember any instance of the kind to have given me more pain and disappointment than I have felt at Jeyappah Iyengar's unfortunate downfall.

8. I believe I have stated all that the Board require; but to appreciate the force of the presumptive and circumstantial evidence of Jeyappah Iyengar's guilt in this matter, a perusal of the original record of investigation is perhaps necessary, but I have not liked to trouble the Board with this, unless specially desired.

ENCLOSURE No. 1.—Petition.

Before disposing of this appeal, the Board desire to see the record of Mr. Irvine's proceedings. It seems to them that the case turns upon the question whether or not the Petitioner was given full opportunity of producing the cash from his own house.

2. With reference to paragraph 7 of Mr. Reade's letter, the Board must remind* him of the Standing Order of Government, prohibiting the re-employment of dismissed servants, except on their special sanction.

* Government Order, 22nd November 1859, No. 1087, circulated with Board's Proceedings, 2nd December 1859.

(A true Copy and Extract).

(Signed) R. A. DALYELL,

Sub-Secretary.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 26th June 1866, No. 4346.

Read the following letter from C. W. READE, Esq., Collector of South Arcot, to the Secretary to the Board of Revenue; dated Cuddalore, 28th May 1866, No. 103.

As requested by the Board in their Proceedings, dated 18th instant, No. 3487, I have the honor to forward the Report of Mr. Irvine, intimating his result of the examination of the cash chest of the late Sub-Magistrate of Trikkalore, and the deposition given by that gentleman during the trial of the Sub-Magistrate before Mr. Wright.

From G. D. IRVINE, Esq., Assistant Collector, to the Collector of South Arcot (*Devi-official*): dated Trikkalore, 30th November 1865.

In compliance with your private instructions to me, I, this day, on my arrival at Trikkalore, examined the Sub-Magistrate's cash chest, and the enclosed record will show you my proceedings in the matter. Mr. Wright's Goomastah was present, and heard all. The conduct of the Sub-Magistrate seems open to very grave suspicion; and I, therefore, thought fit to use the discretionary power with which you invested me. As there was no money at all in the box, which was not a regular cash chest, but only a box full of duffers, &c., I did not think it necessary to seal it up and transmit it to you; the Sub-Magistrate's Goomastah has the keeping of it ordinarily, and I have left it in his charge. As the post does not leave this till to-morrow, I send this by express, as

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*Proceedings of the Madras Government, Judicial Department,
17th September 1866.*

it ought to be in your possession as soon as possible. The Sub-Magistrate's manner was extremely suspicious, and there are plenty of reports going about the place concerning him. Hoping that you will think my proceedings satisfactory.

On examination I find no money in the cash chest; a balance of Rupees 43-0-1 is shown in the account. I inquired from the Sub-Magistrate where this 43-0-1 was kept. He answered that it was in his house, kept in a box, with other things in a bag, unsealed. I immediately proceeded to his house, accompanied by the Head Constable, Mr. Wright's Goomastah, and the Sub-Magistrate himself. I sent for the key of the box in which the Sub-Magistrate told me the money was kept, and for the box itself, and allowed him to open it in my presence; *no money was there*. He stated, as a reason for his not keeping it in the cash chest, that he was obliged to send off money to the Taluq every month, and the peon had to start late at night; so he had taken *all* the money away the previous evening, and after preparing the Yadast to the Taluq Cutcherry, he had retained the balance in his house till the morning.

Q.—Do you know at this moment where that money is?

A.—I am certain it is in my house.

Q.—Do you know at this moment where in your house the money is?

A.—No, I do not. I put it in that box after giving the amount to be sent to the Taluq to the Peon. I gave the key to my wife, and told her to put the purse in my small chest, for the purpose of taking it to the Cutcherry this morning. I did not make this statement at first, because I thought that, perhaps, my wife had not yet placed it in the chest, as it was still very early.

(Signed) G. D. IRVINE,

Assistant Collector.

November 30th, 1865.

The proceedings above noted seem to me to be *very irregular*. There is *no regular cash chest*, but according to the Sub-Magistrate's account, the money is usually kept in the same box as the dufters, &c. I should have sealed the cash chest, in compliance with the Collector's private instructions; had there been a separate one; but as there was no money at all found in the box, I did not seal up the dufters, &c. As the Sub-Magistrate appears to me to have shown culpable carelessness, to say the least of it, and as his account of the money is very unsatisfactory, I think I have no course but to give him the Takeed of suspension, as supplied by the Collector. I send this record of my proceedings in the matter.

11th November 1865.

(Signed) G. D. IRVINE.

(True Copies.)

(Signed) C. W. READE,

Collector.

*Deposition of G. D. IRVINE, Esq., Assistant Magistrate of South Arcot, before
W. E. WRIGHT, Esq., Deputy Magistrate.*

Second Witness.—I am Assistant to the Collector and Magistrate of South Arcot. I proceeded to Trikkalore, under instructions from the Collector, to examine the cash chest of the Sub-Magistrate of that place. I arrived there at 6 a. m. on the 29th or 30th of November—I am not certain which now—and at once sent for the Sub-Magistrate, and told him I wished to examine his cash chest. He said he supposed I would wait until office hours, 10 o'clock, but I said, no; I wished to go immediately. I then accompanied the Sub-Magistrate and the Deputy Magistrate's Goomastah to the Cutcherry. I then asked what balance he had in the cash chest. A box was opened either by him or his Goomastah, which he pointed out to me as the box in which the money was ordinarily kept, the cash account was taken out, and which showed a balance of 43 Rupees and odd. On looking into the box there was no money at all. I then asked him where the money was; he said it was his usual custom to send, at intervals, money to the Tahsildar, retaining the permanent advance and any other money for carrying on the duties of office, and that the night before my arrival was the proper time for sending it, and that

*Proceedings of the Madras Government, Judicial Department,
17th September 1866.*

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he had, therefore, taken all the money away with him the previous evening to his own house. I asked why he took it to his own house, and did not despatch it direct from the office. His answer was that, until he made up the accounts, he could not tell the exact sum he had to send to the Tahsildar, and that he took the money home to look into the accounts and to prepare the Yadast; and that his reason for not preparing the Yadast at his Cutcherry was that the Peon had to start very late at night, and sometimes one or two o'clock in the morning. I asked him what sum he had sent to the Tahsildar; he mentioned, to the best of my recollection, a sum of about 90 Rupees. I then asked him where the balance of 43 Rupees was. He said it was in a box in his house. I said "I suppose you keep it sealed in a bag." He said, "No; it was loose in the box." I first proposed sending for the box, but he said it was so large, comparing it to one of the large dufter boxes in the Cutcherry, that it could not conveniently be brought to the office. I then determined to go to his house myself and examine the box. I went, accompanied by the Sub-Magistrate, the Head Constable, the Sub-Magistrate's Goomastah, and the Deputy Magistrate's Goomastah. As I was just going into the house, the Sub-Magistrate spoke to a Native and told him to bring out that bag containing 43 Rupees. I did not allow this, but sent the Head Constable to bring the box and the key to the inner verandah where I was. After a short conversation between the Head Constable and some persons behind a screen, the box was produced, and proved to be a small chest, certainly not more than one-fifth or one-sixth the size of any he had compared it to in the office. The bag was produced with the box. I allowed the Sub-Magistrate to open it in my presence. There were various things in the box, but no money or bag. On my asking for an explanation of this, he said he could produce the money if I allowed him. I said I could wait no longer, as he had already given me a false account. I returned to the Cutcherry with him, and took down, in writing, his answers to certain questions. [Shown paper marked D]. This is that paper. These

* Read in Court.

are the questions* and answers. I had considerable difficulty in getting any answer

from him. The account he did give seemed to me to be quite false, and so I handed him the Takeed of suspension with which the Collector had entrusted me, to be used at my discretion. [Shown document C]. This is the cash account shown to me.

The remarks at the end are in my handwriting [read in Court].

Question by Prisoner.—Did I not at first, on your way to Cutcherry, say the money was at my house?

Answer.—Certainly not.

Question.—Did I say the money was in the chest at the Cutcherry?

Answer.—No.

Question.—Was I not desirous to go and fetch the money at once?

Answer.—Extremely desirous.

Question.—After opening the big box in my house, did not I request to go inside my house and fetch the money?

Answer.—I have no recollection of your asking me to go inside, or mentioning any particular place.

Question.—Was I allowed when I wanted to speak to my wife to do so?

Answer.—I have no recollection of your asking; but before the box was produced, you wished yourself to go and get it, and I distinctly refused to allow you to go from my presence at all.

Question.—After I opened the box at my house, did you not refuse to hear any further particulars?

Answer.—I refused to enter any further into the matter at your house. My reason for refusing was that you had already given me one false account of the matter; and as the person to whom you spoke at the door had gone into the house, I did not feel that any satisfactory result would be obtained by waiting longer at the house.

Question by Court.—At the Cutcherry did you observe the Sub-Magistrate conversing with any one?

*Proceedings of the Madras Government, Judicial Department,
17th September 1866.*

Answer.—I saw him go to the door of the Cutcherry, and speak to some one, but I don't know who it was, or what he said. I called him back.

Question.—Was that man the Goomastah?

Answer.—Certainly not; the Sub-Magistrate spoke to the Goomastah more than once in my presence, but not on the occasion I referred to. The Sub-Magistrate's Goomastah said to me then, and it was interpreted by the Deputy Magistrate's Goomastah, that the Sub-Magistrate was sending some one to get the money, and this determined me to go at once to his house.

(Signed) G. D. IRVINE,
Assistant Collector.

In my presence and hearing.

(Signed) W. E. WRIGHT,
Deputy Magistrate.

(True Copy).

(Signed) C. W. READE,
Magistrate.

After careful consideration of Jeyappah Iyengar's case, the Board are not satisfied that he was actually using, for his own purposes, the Government money left in his charge, and they are of opinion that the suspension from office, which he has already undergone, is a sufficient punishment for the equivocating way in which he met the Assistant Collector's inquiries. They resolve, accordingly, to direct that he be restored to his employment in the public service.

(True Copies and Extract)

(Signed) W. McQUIHAE,
Acting Sub-Secretary.

The Board will submit Mr. Reade's letter for the consideration of Government; but they must request him to carry out the orders he has received, without further delay.

2. The Board have no reason whatever to suppose that their powers of revision over the procedure of Magistrates when dealing with their subordinates have been curtailed, as supposed by Mr. Reade. In their Proceedings, dated 9th November 1863, No. 7124, the Board suggested to Government that the general powers of superintendence, which the Board had formerly exercised in regard to Magisterial Officers, in accordance with the Order of Government, dated 10th June 1850, No. 546 (Circular Order Book, page 530), should either be transferred to the High Court, or be restored to the Board; and in their Order, dated 24th December 1863, No. 2021, the Government were pleased to act upon the latter suggestion, and to decline vesting District Magistrates with the powers which Mr. Reade apparently desires to assume to himself.

3. The Board do not see any force in the so-called difficulty referred to in paragraph 6 of Mr. Reade's letter. Every act of a Collector is subject to appeal to the Board of Revenue, and the Orders of Government have made certain acts of Magisterial Officers similarly subject to appeal. Hence, the fact of Mr. Reade's order of dismissal being reversed by the Board restores the Sub-Magistrate to precisely the same position and powers which he held before that order was issued. Mr. Reade's objection would apply with nearly equal force to the entire appellate authority of the Board.

(A true Copy and Extract).

(Signed) R. A. DALYELL,
Sub-Secretary.

To the Chief Secretary to Government.

*Proceedings of the Madras Government, Judicial Department,
17th September 1866.*

No. 152. ORDER THEREON, 17th September 1866, No. 1447.

Under G. O., 24th December 1863, No. 2021, the Board were competent to reverse the order of the District Magistrate, dismissing the Sub-Magistrate of Trikalore, and in doing so they restored him to the position and power which he held when the Collector's order was passed.

2. In paragraph 2 of their Proceedings, the Board remark that the Government have, in the Order above referred to, declined to vest District Magistrates with the power of dismissal as assumed in this case by Mr. Reade.

3. On further consideration, however, the Government are of opinion that as a Collector is authorized to dismiss a Deputy Tahsildar and Sub-Magistrate in his Revenue capacity, he should be permitted to exercise the same power in his Magisterial capacity, the appeal in both cases lying to the Board of Revenue.

(True Extract).

J. D. SIM,
Secretary to Government.

To the Board of Revenue.
" Magistrate of

Ed. J. H. Burns.

No. 4,346.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 26th June 1866.

Read the following letter from C. W. READE, Esq., Collector of South Arcot, to the Secretary to the Board of Revenue, dated Cuddalore, 28th May 1866, No. 103:—

As requested by the Board in their Proceedings, dated 18th instant, No. 3,487, I have the honor to forward the Report of Mr. Irvine, intimating his result of the examination of the cash chest of the late Sub-Magistrate of Trecullore, and the deposition given by that gentleman during the trial of the Sub-Magistrate before Mr. Wright.

ENCLOSURE No. 1.

Demi-official.

From G. D. IRVINE, Esq., Assistant Collector, to the Collector of South Arcot, dated Trecullore, 30th November 1865.

In compliance with your private instructions to me, I, this day, on my arrival at Trecullore, examined the Sub-Magistrate's cash chest, and the enclosed record will show you my proceedings in the matter. Mr. Wright's Gumastah was present, and heard all. The conduct of the Sub-Magistrate seems open to very grave suspicion; and I, therefore, thought fit to use the discretionary power with which you invested me. As there was no money at all in the box, which was not a regular cash chest, but only a box full of dufters, &c., I did not think it necessary to seal it up and transmit it to you; the Sub-Magistrate's Gumastah has the keeping of it ordinarily, and I have left it in his charge. As the post does not leave this till to-morrow, I send this by express, as it ought to be in your possession as soon as possible. The Sub-Magistrate's manner was extremely suspicious, and there are plenty of reports going about the place concerning him. Hoping that you will think my proceedings satisfactory.

On examination I find no money in the cash chest; a balance of Rupees 43-0-1 is shown in the account. I inquired from the Sub-Magistrate where this 43-0-1 was kept. He answered that it was in his house kept in a box with other things in a bag, unsealed. I immediately proceeded to his house, accompanied by the Head Constable, Mr. Wright's Gumastah, and the Sub-Magistrate himself. I sent for the key of the box in which the Sub-Magistrate told me the money was kept, and for the box itself, and allowed him to open it in my presence; no money was there. He stated, as a reason for his not keeping it in the cash chest, that he was obliged to send off money to the Taluk every month, and the peon had to start late at night: so he had taken all the money away the previous evening, and after preparing the Yadast to the Taluk Cutcherry, he had retained the balance in his house till the morning.

Q.—Do you know at this moment where that money is?

A.—I am certain it is in my house.

Q.—Do you know at this moment where in your house the money is?

A.—No, I do not. I put it in that box after giving the amount to be sent to the Taluk to the Peon. I gave the key to my wife, and told her to put the purse in my small chest for the purpose of taking it to the Cutcherry this morning. I did not make this statement at first, because I thought that, perhaps, my wife had not yet placed it in the chest, as it was still very early.

(Signed) G. D. IRVINE,
Assistant Collector.

November 30th, 1865.

The proceedings above noted seem to me to be very irregular. There is no regular cash chest, but according to the Sub-Magistrate's account, the money is usually kept in the same box as the dufters, &c. I should have sealed the cash chest, in compliance with the Collector's private instructions, had there been a separate one; but as there was no money at all found in the box, I did not seal up the dufters, &c. As the Sub-Magistrate appears to me to have

shown culpable carelessness, to say the least of it, and as his account of the money is very unsatisfactory, I think I have no course but to give him the taked of suspension as supplied by the Collector. I send this record of my proceedings in the matter.

November 11th, 1865.

(True Copies.)

(Signed) G. D. IRVINE.

(Signed) C. W. READE,
Collector.

ENCLOSURE No. 2.

DEPOSITION of G. D. IRVINE, Esq., Assistant Magistrate of South Arcot, before W. E. WRIGHT, Esq., Deputy Magistrate.

Second witness.—I am Assistant to the Collector and Magistrate of South Arcot. I proceeded to Trecullore, under instructions from the Collector, to examine the cash chest of the Sub-Magistrate of that place. I arrived there at 6 A.M. on the 29th or 30th of November. I am not certain which now, and at once sent for the Sub-Magistrate, and told him I wished to examine his cash chest. He said he supposed I would wait until office hours, 10 o'clock, but I said, no; I wished to go immediately. I then accompanied the Sub-Magistrate and the Deputy Magistrate's Gumastah to the Cutcherry. I then asked what balance he had in the cash chest. A box was opened either by him or his Gumastah, which he pointed out to me as the box in which the money was ordinarily kept, the cash account was taken out, and which showed a balance of 43 Rupees and odd. On looking into the box there was no money at all. I then asked him where the money was; he said it was his usual custom to send, at intervals, money to the Tahsildar, retaining the permanent advance and any other money for carrying on the duties of office, and that the night before my arrival was the proper time for sending it, and that he had, therefore, taken all the money away with him the previous evening to his own house. I asked why he took it to his own house, and did not despatch it direct from the office.

His answer was that, until he made up the accounts, he could not tell the exact sum he had to send to the Tahsildar, and that he took the money home to look into the accounts and to prepare the Yadast; and that his reason for not preparing the Yadast at his Cutcherry was that the Peon had to start very late at night, and sometimes one or two o'clock in the morning. I asked him what sum he had sent to the Tahsildar; he mentioned, to the best of my recollection, a sum of about 90 Rupees. I then asked him where the balance of 43 Rupees was. He said it was in a box in his house. I said, "I suppose you keep it sealed in a bag." He said, "No; it was loose in the box." I first proposed sending for the box, but he said it was so large, comparing it to one of the large dufter boxes in the Cutcherry, that it could not conveniently be brought to the office. I then determined to go to his house myself and examine the box. I went, accompanied by the Sub-Magistrate, the Head Constable, the Sub-Magistrate's Gumastah, and the Deputy Magistrate's Gumastah. As I was just going into the house, the Sub-Magistrate spoke to a native and told him to bring out that bag containing 43 Rupees. I did not allow this, but sent the Head Constable to bring the box and the key to the inner verandah where I was. After a short conversation between the Head Constable and some persons behind a screen, the box was produced, and proved to be a small chest, certainly not more than one-fifth or one-sixth the size of any he had compared it to in the office. The bag was produced with the box. I allowed the Sub-Magistrate to open it in my presence. There were various things in the box, but no money or bag. On my asking for an explanation of this, he said he could produce the money if I allowed him. I said I could wait no longer, as he had already given me a false account. I returned to the Cutcherry with him and took down, in writing, his answers to certain questions (shown paper marked D). This is that paper. These are the questions* and answers. I had considerable difficulty in getting any answer

* Read in Court.

from him. The account he did give seemed to me to be quite false, and so I handed him the

POST AUDIT DEPARTMENT.

No. 263 — Dated 3rd November. 1866.

FROM THE ACTING DEPUTY ACCOUNTANT GENERAL.

Madras

TO THE Chief Secretary to Government —

VIDE {your} {Proceedings} No. dated 186
{this} {Office Letter} {Memo.}

The undersigned has the honor to request that the orders of Government dated 17th September 1866, No. 1447, Judicial Department, investing Collectors in their capacity of District Magistrates with power to dismiss Deputy Tahsildars & Sub Magistrates in their districts, may be furnished to this Office —

[Signature]
Actg Dy Accountt Genl.

doing so they restored him to the position and power which he held when the Collector's order was passed.

2 In para 2 of their proceedings the Board
remark

* Read in Court.

2 In para 2 of their proceedings the Board

Remark

DEPARTMENT.
ACCOUNTANT GENERAL'S OFFICE, MADRAS.

No. 263.

From

ACTING DEPUTY ACCOUNTANT GENERAL

To

The Chief Secy to Govt

Dated. 3^d } November 1866.
Recd. } (No. of answer.)
Ansd. }

(Subject.)

*Requests to furnish the orders
of Govt dated 17th September 1866
No. 1447 investing Collectors with
power to dismiss 2^d Tahsildars
& sub Magistrates.*

Sent

Sent 6/11

behind a screen, the box was produced, and proved to be a small chest, certainly
than one-fifth or one-sixth the size of any he had compared it to in the office. I
produced with the box. I allowed the Sub-Magistrate to open it in my presence.
various things in the box, but no money or bag. On my asking for an explanation
said he could produce the money if I allowed him. I said I could wait no longer,
already given me a false account. I returned to the Cutcherry with him and took
writing, his answers to certain questions (shown paper marked D). This is that paper
are the questions* and answers.

* Read in Court.

from him. The account he did give seemed to me to be quite false, and so I have

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Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

*Read the following
Proceedings of the Board of Revenue
(Here enter 17th August 1866 No. 5812)*

Order 17th Sept 1866 No. 1447.

*Under G.O. 24th December
1863 No. 2021 the Board were
competent to reverse the order
of the District Magistrate
dismissing the Sub Magis-
trate of Sirkalase, and in
doing so they restored him
to the position and power
which he held when the
Collector's order was passed.*

*2 In para 2 of their
proceedings the Board*

remark

remark that the Government
have in the order above
referred to declined to vest
District Magistrates with
the power of dismissal
as summed in this case by
Mr. Prade.

3 On further considera-
tion, however, the Government
are of opinion that as a
Collector is authorized to
dismiss a Deputy Tah-
sildar and Sub Magistrate
in his Revenue capacity,
he should be permitted
to exercise the same power
in his Magisterial capa-
city, the appeal in both
cases lying to the Board
of Revenue.

N.B. It seems
anomalous that
while the C.M. can
dismiss A.B. his
Deputy Tahsildar -
he - as Magistrate can -
not dismiss the
same A.B. as Sub-
Magistrate.

To the Board of Revenue
" All Magistrates } de p.
" Accountant General de p.

Index 1866. Department.

No. 1447.

PROCEEDINGS OF GOVERNMENT.

Dated 17th September 1866.

300 No. 228-229
24-12-63

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