

MADRAS RECORD OFFICE.

Government of Madras.

Insane DEPARTMENT.

G.O. No. 1039

Press

~~Mis~~

³⁻⁴
Dated

1-7-1867

Not to be folded or roughly handled

251

Proceedings of the Madras Government, Judicial Department,

1st July 1867.

No. 3. Read the following :—

To

HIS EXCELLENCY THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL,

Fort Saint George.

The humble Petition of BATCHEE RAMA-SAWMY, late Sub-Magistrate of Nursannapettah, in the District of Ganjam.

MOST HUMBLY SHEWETH,

Dissatisfied with the following three endorsements passed by your honorable Government on the 25th June, 27th August, and 20th November 1866, in Nos. 1627, 2281, and 2901, on the appeal petitions of your Excellency's humble petitioner, dated 30th May, 8th August, and 17th October 1866, respectively, preferred against the decision of the Board of Revenue :—

1st.—“The Board of Revenue having disposed of the petitioner's case on a reference to them from Government, and having given the matter every consideration, the Governor in Council declines to entertain this appeal.”

2nd.—“The Government having passed one order on any appeal made to it, will not notice a second petition on the same subject, unless it contains some new and important matter.”

3rd.—“The petitioner has already been informed that Government, after full consideration, decline to entertain his appeal. This order is final.”

2.—Your Excellency's humble petitioner most respectfully submits herewith, in triplicate, appeal Memorial against the above orders to the address of the Right Honorable the Secretary of State for India in Council, which he most humbly begs to solicit may be directed to be despatched to that noble power.

For which act of benevolence your Excellency's humble petitioner will, as in duty bound, ever pray.

25th January 1867.

(Signed) B. RAMASAWMY.

To

THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA IN COUNCIL,

London.

The humble Memorial of HATCHEE RAMASAWMY, late Sub-Magistrate of Nursannapettah, in the District of Ganjam, under the Presidency of Madras.

MOST RESPECTFULLY SHEWETH.

This is an appeal against the following three endorsements passed by the Governor in Council of Madras on the 25th June, 27th August, and 20th November 1866, in Nos. 1627, 2281, and 2901, on the appeal petitions of your humble Memorialist, dated 30th May, 8th August, and 17th October 1866, respectively, preferred against the decision of the Board of Revenue of Madras :—

1st.—“The Board of Revenue having disposed of the petitioner's case on a reference to them from Government, and having given the matter every consideration, the Governor in Council declines to entertain this appeal.”

Enclosure No. 1.

2nd.—“The Government having passed one order on any appeal made to it, will not notice a second petition on the same subject, unless it contains some new and important matter.”

Enclosure No. 2.

Enclosure No. 8.

3rd.—“The petitioner has already been informed that Government, after full consideration, decline to entertain his appeal. This order is final.”

2. Your humble Memorialist most respectfully begs to state, for the graceful information of Her Majesty the Queen in Council, the great injustice displayed towards him (who is a public servant of 22 years) by the authorities of Madras Presidency.

3. After holding several important and responsible posts in the Madras Government service for 22 years under several gentlemen (Collectors and Principal Assistant Collectors, &c.,) noted in the margin, and obtained very favorable testimonials of good character, your humble Memorialist was at last appointed Sub-Magistrate of Nursannapettah on the 20th April 1863.

Mr. Bannerman.*	Mr. Thornhill.
Mr. Shubrick.	Mr. Morris.
Mr. Onslow.	Mr. Tod.
Mr. Knox.	Mr. Hooper.
Mr. Fraser.	Captain Stuart.
Mr. Foord.	Captain Grove.
Mr. Davidson.	

While he was performing his duties without any short-comings a certain man brought a complaint before him, charging another with having fraudulently made away with a deed of sale executed on a stamped paper. On full inquiry your humble Memorialist, being of opinion that the evidence adduced was sufficient to commit the accused to the Session Court on a charge of “cheating,” accordingly committed the case under Section 418 of the Indian Penal Code, but the Session Judge of Chicacole dismissed the case and sent, as usual, a copy of his proceedings* to the Principal Assistant Magistrate of Ganjam

District, stationed at Chicacole. The Session Judge never mentioned in his proceedings that your humble Memorialist should be removed from his office.

4. Captain Grove, the late Acting Principal Assistant Magistrate of that station, through ill-will against your humble Memorialist, made a false report on the 4th May 1864† to Mr. Forbes, the District Magistrate of Ganjam District, to the effect that your humble Memorialist illegally committed the case to the Session Court, and also committed some irregularities; the District Magistrate without receiving any defence, and without finding the truth of the charges imputed by Captain Grove, misbelieved his report and directed him summarily, on the 13th idem, to remove your humble Memorialist from the post of Sub-Magistrate.

Enclosure No. 5.

Enclosure No. 6.

5. This order ought to have at once been carried out by Captain Grove, as there were then many passed candidates both in Revenue and Magisterial tests, and others in the Ganjam District, available to succeed to the office, but he was silent until six months, when he dismissed your humble Memorialist on the 6th October 1864 from his office on a fresh charge, that some anonymous letters, which were said to have been addressed to one Potapregada Narsimharow Pantulu of the Godavery District, and sent by him to Captain Grove, had been written by your humble Memorialist. No inquiry whatever was instituted into the fact in the presence of your humble Memorialist according to the regulations, nor were the letters shown to him, nor their contents made known to him, nor any defence or explanation received from him, but appointed in your humble Memorialist's post the said Narsimharow Pantulu on the 6th October 1864. The Madras Government have strictly issued orders that candidates, who may not have passed the Revenue and Magisterial tests, should not be appointed to the post of Sub-Magistrate from and after the 1st May 1864; and there were several candidates who have passed those tests in this Ganjam District, yet Captain Grove appointed to the post of Sub-Magistrate the said Narsimharow Pantulu on the 6th October 1864, who passed only the Magisterial test prior to the 1st May 1864. The said Narsimharow Pantulu was subsequently transferred to Itchapore Sub-Magistrate; the former salary of that station was Rupees 65, subsequently increased to Rupees 100. Should Her Majesty

the Queen in Council consider how that Narsimharow Pantulu is receiving Rupees 100 without the special sanction of Madras Government, how it was concealed without coming to the notice of the higher authorities, and how Captain Grove is justified in appointing such an unpassed candidate as a Sub-Magistrate and Deputy Tahsildar contrary to the recent orders of Madras Government, it will be clear that Captain Grove has done much injustice against your humble Memorialist, with the view to favor the Sub-Magistrate post to the said Narsimharow Pantulu.

6. Your humble Memorialist having appealed against the order of his dismissal, dated 6th October 1864, to the Governor in Council of Madras, it was referred to the then Acting Collector (Mr. Foord) of Ganjam District for report, who, after taking every necessary information, stated in his letter to the Chief Secretary to that Government, dated 31st March 1865, that there were nothing on the records to support the imputations mentioned in Captain Grove's letter, dated 4th May 1864, and that his (Mr. Foord's) proceedings, passed in his capacity of Session Judge, were not intended to effect the entire removal of your humble Memorialist from his office in any way. From this only fact it is clearly evident that Captain Grove with an ill-will had given a false report to the District Magistrate, and that the order of the District Magistrate, without requiring any defence, authorizing Captain Grove to remove your humble Memorialist, was quite unlawful.

7. Although your humble Memorialist's dismissal was not based on the District Magistrate's letter, dated 13th May 1864, it is, nevertheless, quite necessary to refute the ground of removal therein alluded to.

8. It is the duty of the Magistracy, both European and Native, to inquire into the cases triable by the Session Court brought before them, and to commit them if they are well proved, and the Session Judge dismisses or convicts some of such cases as he thinks proper on the trial before him. A mere committal of a case in which the committing Magistrate may find, according to his own judgment, sufficient proof for so doing, will not, under any law or ruling, render them liable to removal from office. A Sub-Magistrate in Ganjam District, named Dhilli Koneterow Pantulu, having dismissed two cases, though supported with ample proof, the Session Judge in his re-examination of the said cases sentenced the defendants to rigorous punishment, and that Sub-Magistrate was first removed by the District Magistrate of Ganjam to a post of Sub-Magistrate of less payment, and subsequently dismissed from his post for his not committing the cases to the Session Court. Your humble Memorialist never dismissed well proved cases without committing to the Session Court as that and some other Sub-Magistrates of Ganjam District, but committed the aforesaid case to the Session Court, being convinced of its propriety, and not being justified to dismiss well proved case. Her Majesty the Queen in Council will observe that the commitment of the above-mentioned case is quite insufficient to be made the ground of your humble Memorialist's removal.

9. When your humble Memorialist's case was referred by the Madras Government to the Board of Revenue of that Presidency for disposal, they called upon Captain Grove to report why he delayed to remove your humble Memorialist till six months after receipt of the District Magistrate's order, and what steps he took to assure himself that the anonymous letters were written by your humble Memorialist; whether the very Narsimharow Pantulu, from whom he received those letters, was appointed in your humble Memorialist's place; and also required the District Magistrate to report on some other circumstances contained in your humble Memorialist's appeal petition, as well as on the character of your humble Memorialist, and mode of doing his business. The Acting Collector and Magistrate then gave a report, on the 14th August 1865, to the Secretary to the Board of Revenue, supporting his letter to the Chief Secretary to Government, and fully admitting of your humble Memorialist's qualifications and good character; but Captain Grove then thinking that the great injustice done by him would be apparent to the higher authorities, wrote a letter to the said Acting Collector and Magistrate of Ganjam District on the 5th August 1865, accusing him of some other false and fresh charges detrimental to the character and pros-

*Proceedings of the Madras Government, Judicial Department,
1st July 1867.*

pects of your humble memorialist, who requested the Board of Revenue (before passing their final orders), by a petition dated 8th September 1865,* to allow him an opportunity to defend Captain Grove's false and fresh allegations, but the Board of Revenue (who remarking, in paragraph 6 and 10 of their Proceedings, that a defence must have been taken from your humble Memorialist) took no notice of the petition and passed their final orders on the 6th November 1865.

* Enclosure No. 7.

10. From the Proceedings* of the Board of Revenue it clearly appears that they, having fully admitted that your humble Memorialist is not guilty at all of any charges, &c., imputed by Captain Grove, which are not founded on any proof on records, were still pleased to mention that they could not order to restore your humble Memorialist his former post from which he was dismissed, as it appears from the papers before them that, though your humble Memorialist is a man of ability, he is not to be trusted in so important a charge as that of Sub-Magistrate. Your humble Memorialist much regrets not to know from what papers the Board of Revenue have formed so serious an opinion against him, unless they did so from Captain Grove's false statements, and there are no other such papers at all amongst those sent to them by the Madras Government for disposal. A reference to the papers in question will satisfy Her Majesty the Queen in Council that the opinion formed by the Board was quite erroneous. Had they required your humble Memorialist's defence according to his request, there would be no room left for them to pass such severe proceedings. In your humble Memorialist's case, the authorities ought to have considered only the reports made by the Acting Collector of Ganjam to the Chief Secretary to the Madras Government on the 31st March 1865, and to the Secretary to the Board of Revenue, dated 14th August 1865, and also those available from the public records, &c., but not at all the false statements of Captain Grove, who gave in false reports to the superior authorities from the very beginning to injure your humble Memorialist.

11. The decision of the Board of Revenue having been based merely on the false and defamatory explanation given by Captain Grove, and without a complete examination of the whole important records, and the Madras Government (who acknowledged on several occasions the right of public servants to appeal on decisions of wrongful dismissal) having favored your humble Memorialist, on his application dated 30th December 1865, with their Proceedings, dated 17th November 1865, which contains the Board's Proceedings, &c., to enable him to appeal to them against the decision of the Board, and that decision being detrimental to the present and future prospects of your humble Memorialist, who is a public servant of 22 years' standing, holding the appointment of Sub-Magistrate prior to the examination system coming into operation, your humble Memorialist took the liberty of appealing to that Government for the purpose of cancelling the false and defamatory statement of Captain Grove, and the adverse decision passed thereon by the Board of Revenue, but they did not admit his appeal petition, nor did they take any notice of his two subsequent petitions, in which he prayed them to order formal inquiry to be made, or even to receive a defence from him to the false accusations imputed by Captain Grove.

12. The following are the refutations to whole of the principal points alluded to by Captain Grove in his letter, dated 5th August 1865, to the Acting Collector of Ganjam:—

1st.—Captain Grove objects to the time for appealing against the order of his dismissal.

Vide Captain Grove's letter, dated 5th August 1865, paragraph 2.

To this your humble Memorialist begs to explain, that the order was dated 6th October 1864.

Immediately after giving over the charge to T. Narainsawmy Naidoo, English Clerk, who was appointed to act by Captain Grove until Potapregada Narsimharow Pantulu's arrival, your humble Memorialist proceeded to Chatterpore and applied to the District Magistrate for copies of certain documents affecting his case, and on

*Proceedings of the Madras Government, Judicial Department,
1st July 1867.*

obtaining them from the Magistrate's office, and some others from the Session Court then at Chicacole, he appealed to the Governor in Council of Madras on the 30th November 1864. On the receipt of the District Magistrate's letter to remove your humble Memorialist, Captain Grove merely stated that he was ordered to be removed, but neither dismissed him at once nor communicated to him the contents thereof; and if he had done so your humble Memorialist would have already obtained redress before the competent authorities. He leaves it a subject to the consideration of Her Majesty the Queen in Council, how it can be possible for him to make an appeal while he was still in employ, and even ignorant of the reasons whereby he was to be dismissed. Thus it is evident that no time was unnecessarily allowed to elapse.

Captain Grove further says—

2nd.—That there are certain papers on record to show disobedience of orders on your humble Memorialist's part, but no reference was made to any particular order of that kind, nor any exist in fact.

Vide paragraph 4.

3rd.—That there were petitions presented and orders issued regarding the persecutions, &c., to which your humble Memorialist is said to have subjected a proprietor, whereas there was not a single complaint or orders of that

Vide paragraph 4.

nature. In the charge brought before your humble Memorialist against the proprietor, he was in no way oppressed, but was allowed freedom in attending your humble Memorialist's office, as well as the Court of Session, after security having been produced by him as the nature of the case required. That such petitions were presented, and such orders issued thereon, are *entirely false*.

4th.—That the charge of writing anonymous letters was not the cause of your humble Memorialist's dismissal, whereas the order of dismissal issued by Captain Grove on the 6th October 1864* plainly refers to that only one point as the cause of his dismissal.

Vide paragraph 5.

* Enclosure No. 9.

5th.—That he dismissed your humble Memorialist from his post months before the anonymous letters were written, whereas *he never did so*.

Vide paragraph 5.

6th.—That he ordered your humble Memorialist to continue in the post until a competent person could be found to relieve him, whereas *he never issued such orders*.

Vide paragraph 5.

7th.—That he published in the *District Gazette* that the post of Sub-Magistrate of Narsanapettah was vacant, whereas *he never did so*, but on the contrary wrote to the Treasury Deputy Collector of Ganjam District, on the

Vide paragraph 5.

20th July 1864, not to publish so in the *District Gazette*. While this is the case, it is not at all reasonable that the Board of Revenue of Madras should have remarked, in paragraph 8 of their Proceedings, against your humble Memorialist, and have believed the statement of Captain Grove without taking any proof of record.

8th.—That as no fit persons were available in the District to succeed your humble Memorialist his removal was delayed, whereas three or four passed candidates, both in Revenue and Magisterial tests, and others were available in the District of Ganjam. There is no reason at all to believe Captain Grove's false report, that he was unable to find out a fit person to fill up your humble Memorialist's place at once.

Vide paragraph 5.

9th.—That there were records to believe that your humble Memorialist was in the habit of writing anonymous letters when he was Revenue Clerk in the Principal Assistant Collector's Office at Chicacole, &c., &c., &c., whereas no proof whatever was shown to that effect,

Vide paragraph 5.

1st July 1867.

6

except the false writing of Captain Grove; there was not a single charge ever brought against your humble Memorialist, nor were any proceedings held by the authorities against him. Your humble Memorialist no doubt believes that a full consideration of the above facts will convince Her Majesty the Queen in Council that Captain Grove is not justified in writing defamatory words contrary to the regulations without any proof in public letters, with a view to subject the character of your humble Memorialist to disgrace. Your humble Memorialist most respectfully urge Her Majesty the Queen in Council to bring these circumstances into their just and favorable consideration; why Captain Grove (who is a Commissioned and Judicial Officer) gave such a false and defamatory statement to the superior authorities to injure your humble Memorialist. He further begs to state that the conclusion of Captain Grove, that your humble Memorialist was the author of the letters because they were posted at Calingapatam, close to his station, &c., &c., &c., is quite unlawful, and the mere supposition assigned are not sufficient to lead to such conclusion. Moreover, while there were several passed Candidates and others available in the Ganjam District to succeed to the office of your humble Memorialist, the assertion that he tried to discourage a man of another District by frightening him, that he would be ruined if he came up to this District, should be erroneous, as such a frightening expression must have been used by any passed Candidates or others who were anxious to obtain the post, and whose expectation would be unsuccessful were an outsider to succeed in getting the post. As the letters in question are never shown to your humble Memorialist he is at present quite unable to state further on the subject. He, therefore, prays Her Majesty the Queen in Council to issue necessary orders to the lower tribunals to make full inquiry about the letters, whether that they were certainly received by Captain Grove or not, and to show them to him for his full defence, which was the principal cause of his dismissal. It is quite erroneous that the Board of Revenue of Madras, as they admitted in paragraph 7 of their Proceedings, without finding any truth of this fact should believe the false supposition of Captain Grove, accusing your humble Memorialist of being the writer of the above letters.

13. That there were Brahmins charged before him a few weeks after his arrival at Chicacole as an Acting Principal Assistant Magistrate, and that your humble Memorialist, who was then Magisterial Clerk under him, connived at

Vide paragraph 7.

their being set at liberty. This is very far from truth; there were then no Brahmins at all under trial, nor was your humble Memorialist the officer empowered to set prisoners at liberty or to keep them under confinement. All such orders are always given by the authorities themselves and executed by the Police people. How could prisoners have been released during the progress of the case before Captain Grove merely upon your humble Memorialist's advice, without the order of the authority before it was closed? Why would the Police people have set at liberty the prisoners in their custody upon his mere advice? Captain Grove only thus falsely charged your humble Memorialist with the intention of making his circumstances worse than before, believing that what he said would be supported by his superior authorities.

14. With regard to the 3rd paragraph of the Board's Proceedings, dated 6th November 1865, your humble Memorialist most humbly begs to state that the case therein alluded to was dismissed by him on the 26th February 1864, and the Calendar thereof despatched in due time; but Captain Grove's order of a subsequent date (20th March 1864) was only to send up to him the records of the dismissed case, but not at all to send the case for trial before Captain Grove, and it could not have been for trial before him as it had already been dismissed. The record was accordingly sent to him.

• Enclosure No. 10.

15. In explanation of the allusion made by the Board of Revenue in paragraph 9 of their Proceedings, your humble Memorialist begs to represent that Captain Grove fined him 3 Rupees, accusing him of having Magisterially interfered with a Revenue case, but a full explanation of the nature of the case having been given him he cancelled his first order for fine. The Acting Collector of Ganjam District was not aware of Captain Grove's order in the above-mentioned case to send up the record, and that he subsequently remitted the fine in the present case.

1st July 1867.

7

16. Your humble Memorialist will prove the above-mentioned circumstances by various public records, when it will be known whether your humble Memorialist's statement or Captain Grove's statement is true.

17. Although Her Majesty the Queen in Council and the Madras Government have strictly ruled in several other matters, that no public servant should be removed without sufficient reasons being assigned and defence received at first time to the accusations brought against them, neither the Acting Principal Assistant Magistrate, nor the District Magistrate, nor the Board of Revenue, nor even the Governor in Council of Madras, were pleased to receive any defence from your humble Memorialist. It is quite contrary to the repeated orders of the noble authorities that the lower tribunals should have issued serious orders for the removal of your humble Memorialist from the post of Sub-Magistrate without any sufficient reasons, merely from the correspondence held by themselves in a confidential manner.

18. While it is quite evident that the case of your humble Memorialist has met with gross injustice from the lower authorities by a consideration of the above-mentioned facts, viz., false and defamatory reports made by Captain Grove, the failure of receiving any defence whatever, the absence of all inquiry into those letters which are the main grounds of dismissal, and several other inaccuracies in your humble Memorialist's case, it is not reasonable for the Madras Government to endorse finally that your humble Memorialist's appeal cannot be entertained.

19. Your humble Memorialist transacted his post of Sub-Magistrate for 18 months, during which time he discharged his work very faithfully without a single complaint against him, but he was never remarked by his superiors as untrustworthy, as stated by the Board of Revenue, nor did he commit any mistakes in discharging his duties, nor did he ever interfere in any case beyond his jurisdiction like some other Sub-Magistrates in the Ganjam District. In the said 18 months he disposed of about 900 cases, of which nearly 200 cases were decided on merit, 46 cases were committed to the superior authorities. In the cases disposed of by him the appeals were few, and all of them were confirmed, except only three which were reversed. The public records themselves bear evidence of the above matter.

20. Jeyyepah Iyengar, a Sub-Magistrate of Tricalore, in the South Arcot of Madras Presidency, who was charged with embezzling 43 Rupees and convicted by the Deputy Magistrate of that District, was acquitted by the Session Judge on appeal. Mr. Reade, the District Magistrate, and Mr. Irvine, his Assistant of that District, strongly reported to the Board of Revenue of Madras that there was very strong suspicion against the Sub-Magistrate, such as to render it very undesirable that he should any longer hold the same responsible post, and declined to reinstate him in his post. Notwithstanding the very severe reports made against him by those Officers, the Board of Revenue have strictly ordered his reinstatement in his post, stating that his acquittal by the Session Judge has removed him from all blame, and that his suspension is a sufficient punishment for the suspicions entertained against him. Although the Board of Revenue can admit that no record whatever can be proved to identify your humble Memorialist's case with his, though there appears no charge against him to warrant even a single day's suspension, though Captain Grove's allegations can be plainly proved to be false, and though your humble Memorialist repeatedly requested them to receive his defence, yet that the Board of Revenue should rely merely on the false assertions of Captain Grove, and decline to order his restoration, involves gross injustice. Authorities should make it a rule to deal with every one as equal.

21. Captain Grove's letter to the Acting Collector, dated 5th August 1865, the Acting Collector's letter to the Board of Revenue, dated 14th August 1865, and the Proceedings of the Board of Revenue, dated 6th November 1865, are contained in Enclosure No. 8. Although your humble Memorialist applied for some important documents affecting his case, the local authorities refused to grant them. The letter of the Acting Collector, dated 31st March 1865, men-

Vide Despatch from the Right Honorable the Secretary of State for India, to Madras Government, dated 24th September 1863, No. 28, and also Proceedings of the Madras Government, dated 2nd June 1863, and 20th February 1864.

Proceedings of the Madras Government, Judicial Department.
1st July 1867.

tioned in paragraph 6 of this petition, having been in the Madras Government office, your humble Memorialist applied to them for a copy of that letter on the 30th December 1865, they endorsed on his petition on the 7th March 1866, in No. 117, that they granted a copy of the Proceedings of their Government, dated 17th November 1865, which contains the said letter; but as the letter not having been embodied in those Proceedings, your humble Memorialist again requested the Government by a petition, dated 29th October 1866, but the Government now declined to grant a copy thereof. Therefore your humble Memorialist is unable to submit the said letter, &c., with this appeal petition.

Enclosure No. 11.

22. Your humble Memorialist submits his original testimonials* also, for the kind perusal of Her Majesty the Queen in Council, of his good character.

23. From all the foregoing circumstances, Her Majesty the Queen in Council will observe that the false and groundless allegations, and mere suppositions of Captain Grove, are by no means sufficient to call forth your humble Memorialist's dismissal from the post of Sub-Magistrate, and therefore with due respect he most submissively prays Her Majesty the Queen in Council will be graciously pleased to peruse this appeal petition and its enclosures, and also taking into their favorable consideration his long and faithful services, to reverse the proceedings of the local authorities of Madras Government, and to order his reinstatement in the post of Sub-Magistrate from which he was wrongfully dismissed; but if Her Majesty the Queen in Council would deem it necessary to have the case properly inquired into, he solicits that it may be remanded to the Governor in Council of Madras or to the High Court of Judicature of Madras (who strictly ruled in their Proceedings, dated 26th November 1866, that whenever the removal of a Judicial or Magisterial Officer is to be recommended, a formal inquiry be held in the presence of the accused, and the evidence, oral and documentary, recorded and submitted to their Court with the defence) for full inquiry and disposal, after receiving your humble Memorialist's full defence to the whole charges, &c., imputed by Captain Grove.

For which act of benevolence your humble Memorialist will, as in duty bound, ever pray.
25th January 1867.

(Signed) B. RAMASAWMY.

No. 4.

ORDER THEREON, 1st July 1867, No. 1039.

Ordered that the Memorial received with this letter be forwarded to the Secretary of State for India.

(True Extract).

R. S. ELLIS,
Acting Chief Secretary.

Exd. J. Tulloch.

Abstract of the Papers
Connected with Butcher
Rama Sawmy's Case
Sub-Magistrate's Case.

Pro: of B. of Rev.
h. ~~1118~~ 7/18. 7 6.
h. 1118/65.

In May 1864 Cap.
Grove the Ag. Principal
Magistrate of Ganjam
brought to the notice
of the Magistrate the
conduct of B. Rama-
Sawmy, Sub-Magistrate
of Narsanna Petta
in having instituted
a charge of "mischievous"
against a landed pro-
prietor, without due
cause, and ~~after~~ after
acquitting him, com-
mitted him for trial
on a charge of Cheat-
ing, which charge
having been pronounced
to be "unsustain-
able" the Sub-Magis-
trate was warned
"against"

against again com-
mitting a case for
trial before the Sessions
on such utterly insuffi-
cient grounds."

Enclosure to IV

Captain Grove
advising the acquittal
of the accused by the
Sub Magistrate on the
charge of mischief, sug-
gested that the result
was in a measure
owing to his owing
to his having directed
the Sub Magistrate to
send up the case to his
Court for trial. On
this he was mistaken
as the order to which
he referred had not
been passed till the
20th March 1864, while
the case was dismissed
by the Sub Magistrate
on the 26th February
preceding.

He

Para: 6. of Letter
to Magistrate - of
4th May/64.
Enclosure to V.

Enclosure to VI.

The reason assign-
ed by Captain Grove
for sending up the
case was that
he had repeatedly dis-
sected him dealing
magisterially with the
case. He was in spite
of reproofs and
warnings. His
conduct and particularly
arrogance - and Captain
Grove urged that con-
fidence could no
longer be placed in
him.

On receiving Capt.
Grove's report the Magis-
trate wrote in reply
on the 13th May/64 that
the Sub Magistrate had
"shown himself quite
unfit for his position."
But he had treated the
case brought to notice
with "extreme ignorance
as a deliberate abuse
of his functions," and
directed his removal
from

from his appointment.

The Sub Magistrate however was not called upon for explanation.

It is stated that the Magistrate's order was communicated to the Sub Magistrate but it was not enforced.

The Sub Magistrate did not appear until Cape Horn left the district.

The Sub Magistrate was not dismissed until Oct 1864. as no fit person could be found to take the place. Cape Horn in his order dated the 6th Oct 1864 accused the Sub Magistrate of causing anonymous letters to be written, & removed him from his app't.

The Sub Magistrate in his petition dated 30th Nov 1864. endeavoured to show that he was not

transmitter of order. En: TK
"The anonymous letters which you caused to be written to Potyngunda Look Shini having now reached my hands - to prevent further intrigues, I have now removed you from the office of Sub Magistrate & app't &c. &c."

and one of the Magistrate's orders dated 13th May 1864. until he appeared to that Office after his dismissal in Oct.

Captain Brown's letter of 5th Aug 1865. No 71. Shows that the vacant post had been advertised in the District Gazette, between May & Oct.

The records do not lend out Captain Brown's statement respecting the Sub Magistrate's repeated acts of his conduct. He Acting Collector states in his letter of the 31st March and 16th August 1865. that only one instance was on record of the Sub Magistrate dealing Magisterially with a revenue subject. The papers to which Cape Horn referred in his letter of the 5th Aug 1865 were not forthcoming in the District Office. The friend of Brown who went into the whole matter

in other words their opinion
that they do not regard
the Sub King's conduct
behaviour "in so serious
a light as did the magis-
trate in May 1864. His
opinion that the Sub King's
conduct should have been
called upon for explanation
and that it is on record
that the late Acting Comm.
who as Judge presided the
inquest which was the
immediate cause of
Mr. Herby's death, never
intended that it should be
so construed as to produce
such a result.

His Board were
- were ~~not~~ prepared
however, not prepared
to restore B. Hanna
- Hanna to his post. His
remark that though he
knew of ability he was
not to be trusted in so
important a charge,
and concluded by directing
the Collector to arrange
for his re-employment
in some suitable post.

* Extract from Acty Comm.
his Honor's letter to Chief
Secy. of 31st March/65.
Vol. 53.
"While disclaiming
any intention of calling
in question the expediency
of the order of my Prede-
cessor, removing Pettin
from his post, I think it is
only fair to Pettin to
say that the Minister
thought proper to make
on his conduct in my
Capacity of Acting Secy.
Pettin was not intended
in any way to cause his
removal from office."

The attention of the other to receive
the Memorialist as to forward his petition
according to the rules of the Court and the fact
that a subordinate official has been offered
to him which he declined. I address to the Secy.
of W. Phillips that the Petition may follow.
Home. N.

00 * * "his late magistrates
must have thought nothing
of criminal liability the
in so long the Defendant
committed any offence.
The Acting Secy. Judge
directs that the Defendant
shall be discharged, and that
the late magistrates be
warned against again
committing a case for
trial before the Secy.
on such utter inferences
drawn."

It appears from the
the question of the
whether if this memorial
to such house the
Secretary of State
will uphold the
proceedings of the
local authorities.
his Petitioner was
disregard in consequence
of the remarks made
by his Hon. Judge
as to a case committed
to him for trial
which remarks the Hon.
Judge. The Hon.
not in fact to bear
the meaning which
was applied to them.
After his removal from
office he was kept
in office for five
months. I am inclined
to think that the
Board ought to have

9
The Records of the Revenue
& Judicial Departments
have been searched, but
there is no letter or report
of the nature referred
to by the Honorable Mr. Phillips.
The Petitioner has come up
to Government on several
occasions, but on none
of these occasions does it
appear that he was re-
ferred to the Hospital
of the District for Em-
ployment. The Petitioner seems
from the first to have persistently
applied to be re-instituted in
the office from which he was re-

moved.

1867 Oct 10
1867
1867
1867

[Signature]

And to the same
July 24th 1867.

3. 4.
 12. 13.

*Intimation made to the Petitioner of the despatch
of his Memorial - vide Endorsement on Petition No 1648 of 1867.*

[illegible]

With our order.