~~73 R 11~~

49

CONFIDENTIAL.

[G. 11]
200-23-11-96.

Judicial (189 6) Department.

ORDINARY Mis.

G.O., No. 603

Confidential No. 48

DATED 23-3-96

[Despatch Abstract.]

Sub-judge Sivaramakrishnayar

forwarding to the Hon'ble the judges for remarks Mr Meyer's report on the charges preferred against ——

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
a	450	Jud	4-3-96				
Con	28		27-2-96				
fr	278	Jud	10-2-96				
Con	3		14-1-96				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Con	60	Jud 96					

CHIEF SECRETARY'S
21 MAR 1896
GOVERNMENT OF VICTORIA

Mr Meiers Report

(80. K0603 Jud 23-3-96)

Confidential

Madras
16th March 1896

No. A.

CURRENT N° 1245

From

W. S. Meyer Esquire I.C.S.,
Sub collector and
Joint Magistrate
Godavari

To.

The Hon'ble Mr J. F. Price C.S.I.,
Chief Secretary to
Government, Madras
Judicial Department

Sir,

I have the honor to submit my report on the investigation into the conduct of M.R. Ry N. Swaminadha Aiyar, Subjudge of Ellore, (now at Masulipatam) which I have made under G.O. 14.1.96 No. 83 Judicial.

2. That investigation was ordered with reference to a petition, dated 6.12.95, submitted to the High Court by 9 Vakils who had been practising in the Ellore Sub Court, in which the Subjudge was accused of—

Petition from which the investigation has arisen.

Summary p. 163
W 24/3
BOARD OF REVENUE
CHIEF SECRETARY'S
21 MAR 1896
GOVERNMENT OF MADRAS

corruption. Various statements were made in support of this assertion, and it was affirmed that if a Government officer were appointed to enquire into the Subjudge's conduct, specific cases would be proved against him.

3. The petition was referred by the High Court to the District Judge of Godavari for report.

Mr. Mackenzie's report, dated 21-12-95, with the statements taken by him and the original petition, will be found in appendix I attached to this post receipt. The High Court considered that some further investigation was necessary, by an Officer who should be empowered to tender pardon to persons who might confess to having been offered bribes to the Sub-judge; and the Government was pleased in the G.O. aforesaid to appoint me to this duty.

Mr. Mackenzie's report and the action taken thereon.

Principal movers against the Subjudge
A. Kanakaraz
M. Achutaramiah
Mote Venkataswami

Section I. Preliminary

4. I shall offer some remarks presently with reference to the signatories to the petition to the High Court; but I may say at once that the principal movers against the Subjudge are two of these Vakils, A. Kanakaraz and M. Achutaramiah; and Mote Venkataswami who may be described as "the uncrowned King" of Ellore. He is the Chief merchant of the place and has been for over 20 years a member of the Municipal Council in which he has long exercised a predominant influence. His attitude in the present matter is due to the belief that an important suit, of which I shall have occasion to speak a good deal later on, was decided against him because the Subjudge had been bribed by the other side.

Before proceeding to

5. Ellore I saw Kanakara

Note.

* Venkataswami says (app II p. 49) that he had nothing to do with the Vakils petition and that he would have kept quiet - having had the judgment in his suit reversed by the High Court on appeal — had he not been sent for and questioned by Mr. Mackenzie on the 20th December. I believe however, that, though he kept in the background, the petitioning Vakils were not acting without his cognizance and support. See for instance statement in para 2 of the petition as to the evidence he can supply. Also quotation from the evidence of Vakil S. B. Sankaram in para 12 below.

and Achutaramiah at Rajahmundry, and they promised to send me a memo specifying the various allegations they had to make against the Subjudge, and the witnesses and documents to be examined with reference thereto. I wrote at the same time to Mote Venkataswami asking him to put in a similar statement. He preferred however to have the names of such witnesses as he had to name in connection with his suit above mentioned inserted by the two Vakils in a joint memo which they put before me at Ellore on the 27th January, and which will be found in appendix I below the papers referred to in para 3. The red ink entries in it are my own or my clerk's. I had also various interviews with these three gentlemen in which they gave further explanations by word of mouth as to the facts alleged in the memo

and the purpose for which each witness was to be called. Their depositions as witnesses were taken subsequently.

6. All the witnesses named in the memo whose attendance was procurable have been examined, as well as others whose attendance I thought necessary on my own motion or with reference to subsequent information given to me by Kamakaraz, Achutaramiah and two other petitioning Vakils S. B. Sankaram and Dasu Sriramulu.

7. In all 59 witnesses were examined — most of them at Ellore, but a few also at Rajahmundry and Masulipatam. Their evidence and the Subjudge's explanations will be found in original in appendix III. Unhappily however my handwriting is, not to put too fine a point

Descriptions of appendices to Report — Nos II to V.

on it, villainous, so I have had the whole of the depositions fair copied in book form in Appendix III, the evidence of each witness being prefaced by a précis of his statement.

8. Appendix III gives the depositions in the order in which they were taken; but as I had to examine witnesses as I could obtain their attendance, and the evidence bearing on any one charge may therefore be scattered through the book, while again a single witness (e.g., some of the petitioning Vakils) sometimes speaks of matters relating to several allegations, something more than this is required for convenience of reference. I have therefore prepared what may also be called a subject-matter appendix (No. IV) in which I have entered in order, with reference to each matter dealt with in the report, the

evidence given in connection therewith.

9. With reference to the allegations and the oral evidence, it was necessary to go through the records of a large number of suits, proceedings &c, now in the district Courts at Rajahmundry and Masulipatam, or in the Sub-Court at the latter place. I was allowed access to the originals through the courtesy of Messrs. Mackenzie and Hammett, whose kindly assistance in any matter in which I had to apply to them for information I desire gratefully to acknowledge, and when I have deemed it necessary to take copies of any such papers, these will be found in the proper subject place, in appendix IV. This appendix then is the one which will be most useful for consultation and to which I shall constantly refer in the body of the report.

not sent

10. Appendix V contains some miscellaneous Exhibits which are described in its table of contents.

11. Before enumerating and dealing with the various allegations against the Subjudge, it will be well I think to submit some remarks in regard to the Vakils who signed, and others who did not sign, the petition against him to the High Court, and to the circumstances which led to that petition being presented.

Remarks upon the petitioning Vakils and others.

12. The petition, a copy of which will be found on page 1 of Appendix IV is signed by the 9 Vakils noted in the margin; but only the four 1st Grade Vakils and Nos: 6 and 7 took an active part in getting it up. Second grade pleaders could practise in the Sub Court only in small-cause cases; and No: 6 admits that he never made use even of this privilege. His reason for concerning himself with

1st Grade pleaders.
1. A. Kanakaraj
2. A. Achutaramiah
3. G. Venkatasiva Rao
4. Dasu Sriramulu.

2nd Grade pleaders.
5. P. Krishnamurazu
6. S.B. Sankaraw
7. S. Sundara Ramasastri
8. V. Rama Rao
9. N. Seshagiri Rao

S.B. Sankaraw
see app II Pages.

the Subjudge's conduct is characteristic.

"I am (he says) a prominent
"local politician I organize
"and address meetings in
"favour of the Congress, agitate
"enhancement of water-rate,
"and other questions of the
"day ..... and I was fre-
"-quently urged by members
"of the public to take up
"the Subjudge's conduct which
"was becoming very Scandal-
"-ous. Mote Venkataswami
"in particular wanted me
"to take action. So I worked
"with the Sub-Court pleaders
"(being convinced from
"what I had heard that the
"Subjudge was a bad man)
"in the interests of justice
"and the public"!

P. Krishnamurazu
see app IV p 5.

13. No 5 has evidence to give on certain matters but had nothing to do with the preparation of the petition.

S. Sundararamasastri

No 7 gives some corroborative evidence in regard to certain allegations against the

10.

Subjudge; but admits that he took an active part in the proceedings which culminated in the petition he came of information which he had received from other Vakils.

11.

This man is however from all that I have heard a man of high character and his joining in against the Subjudge is not without its significance.

No 8 knows nothing at first hand against the Subjudge and signed because of rumours.

12.

No 9 can only testify to a certain significant remark made by Maddula Rangasayi (of whom more hereafter) and signed on account of rumours against the Subjudge and because the other signatories were his friends.

14. It appears from the evidence of the Sub-court Shenistadar that there were

* app IV p. 19

See app IV p 6.

V. Rama Rao
See app IV p 4

N. Seshagiri Rao
See app IV p 5.

12 local first grade, or High Court, Vakils practising in the Sub-court while at Ellore; of only four of these have signed the petition. The others are

Vakils who did not sign the petition.

1. D. Madhava Rao
2. D. Narayana Rao
3. Ch: Sitaramayya
4. C. Krishna Rao naidu
5. P. Gopalam
6. J. Gowrinadha Sastry
7. V. L. Narasimham
8. W. Gopalaratnam.

15. Of these however nos: 1 and 2 are the undivided sons of the signing Vakils D. Srikamulu, and have only lately been admitted as pleaders. Their father's signatures may be held therefore to cover them also, and I know as a fact that they have been helping him to collect evidence.

D. Madhava Rao
D. Narayana Rao.

No. 3 is the Chairman of the Municipality and has for years practically retired from his profession.

Ch: Sitaramayya
See app III p 153.

E. Krishnarao naidu
see app III p 84.

No. 4 was at ellore only between January and April 1895 and has given evidence against the Sub-Judge on a charge with reference to a man named Venkayya.

No. 5 deposed to irregularities by the Subjudge in certain suits and refused to sign the petition only because certain of the allegations related to facts he had not heard of.

P. Gopalarow
app III p 7

No. 6 who is, I have ascertained, a quiet religious man of very high character, explains at length why he would not sign the petition and had deprecated submitting one at an earlier date, as one of the signing Vakils promised to do; but he has given important evidence against the subjudge and is thoroughly convinced of his guilt.

J. Gowrinadha Sastri
app III pp 7-10.

No. 1 is now Receiver of the Medur Estate. He was (while on) latterly one of the Sub-Judge's friends; but at one time, at any rate, disbelieved in his integrity. See copy (on p 10 of app: III) of a letter that he wrote to the Kistna Collector's Sheristadar in October 1894 in regard to the Venkatapuragada case, in which the Court of Wards was resisting an application under sec: 7 Regulation II of 1804 by the then Proprietrix of the Venkatapuragada Estate to be declared competent to manage her own affairs. See also (p 46 of app: III) Statement of Kamakaraz with reference to Sub Court O.S. No. 1 of 1893

V. L. Narasimham.

W. Gopalaratnam.

No. 8 left Ellore with the Sub Court and has now, it appears, nothing to say against the Subjudge (Vide evidence of Kamakaraz above referred to).

The local 1st Grade pleaders all but unanimous against the subjudge

Ib. It will thus be seen that the Senior bar of the Sub Court is almost unanimous aga

Mr. Swaminadha aiyar
and this fact is, I think,
very significant.

17. The Subjudge says (app. IV pp 10-12) that he has had to find fault with the Vakils in the discharge of their duties and to rebuke them for dilatory and unprofessional conduct, and that their resentment has led them to make false charges against him.

He mentions Dasu Sriramulu, A. Achutaramiah and A. Kanakaraz as his special enemies, and has filed extracts from his judgments containing unfavourable comments on the two first named and on G. Venkata-Sesha Rao. As regards Kanakaraz, the Subjudge says that he is a dependent of the Hon'ble Mr. Subbarao;

Subjudge's Explanation of their hostility.

Note ✓ here and throughout the rest of the report this mark (✓) put over a man's name will indicate that he is one of the petitioning Vakils.

* copy will be found on pp 12-18 of app: IV. The original is put up with the subjudge's statement in app. II

and that the latter, knowing of the impending transfer of the sub court (to Masulipatam) wanted the Kistna cases then on the file to be kept on the Godavari District for the benefit of the Godavari Vakils. This he could only do by injuring my (Subjudge's) character and so getting the cases transferred to the Godavari District Court."

17A That Mr. Subbha Rao has supported the action taken against the Subjudge and that he 'touched up' the draft of the petition to the High Court he himself admits; but the reason the Subjudge assigns for his action is too farfetched for credence. I have no doubt that Mr. Subbha Rao acted in perfect good faith, deeming the Subjudge to be corrupt; while Kanakaraz is also

* app IV p 29.

Subjudge's imputation on Hon'ble Mr. Subbha Rao not credible.
Character of Vakils
A. Kanakaraz
Venkatasesha Rao
Achutaramiah
Dasu Sriramulu
and Gowrinadha Sastry

believe, an honest man
and Venkatasawa Rao
likewise.

18. Achutaramiah, on
the other hand, does not
bear a good reputation,
nor do I think much of
Dasu Sriramulu. But
allowing that these men,
and possibly others, were
actuated by personal
animosity it is impossible
to believe that the Subjudge's
senior pleaders would be
almost unanimous against
him without some more
worthy reasons — and some
of the strongest evidence
against him is given by
the man who bears the
highest character of all —
Gowriadha Sastri — whom
the Subjudge does not include
among those who had
special reasons for attack-
ing him.

Events which led up to the petition.

17

19. The true history of the matter seems to be that the affair of the water-brahmin (Vide sec VI below), which occurred soon after the Subjudge joined the Ellore Court in January '94, not only irritated the pleaders but caused them to suspect his honesty; and that their suspicions were further aroused by rumours in connection with Zamindari suits, and by the appointment of certain persons to execute commissions. Thence on 26th September 1894 came the decision in the Mote Maintenance suit (Vide sec: III below) which led to the general belief that the Subjudge had taken a bribe from the Plaintiff — a suspicion which was

Voiced even before the suit was decided by a remark (Vide para 41B) dissuade by Gowrinadha Sastry in open Court.

20. A. Kanakaraz, who may be taken as the best representative of the petitioning Vakils, says that previous to October 1894 he had been intimate with the Subjudge; that he then in consequence of rumours about his character to gave up frequenting his house; and that in 1895 these rumours got very frequent.

(2) Soon after the Note maintenance case was concluded Gowrinadha Sastry told witness of what he knew in that case; about November 1894 witness was informed by one Bepin Behari Bhose, his client in another suit, about attempts that had been made to extort a bribe from him. ⊗.

* Note. The whole of the witness's evidence as given in, pp 24-48 of app: III will repay perusal in this connection. I shall later on deal seriatim with the various allegations against the subjudge which it contains, but the perusal of the whole deposition at this stage will give a general idea of the misconduct alleged on the part of Mr. Swaminadha Aiyar and of the attitude of the Vakils towards him.

†† Gowrinadha Sastry also ceased used to visit him except occasionally after the first few months of 1894 - see app III p 9.

⊗. Vide sec: III below: Bepin Behari Bhose puts the conversations at the beginning of December.

Meetings of Vakils to discuss Subjudge's conduct.

× Note. It was apparently not intended at this stage to charge him with actual bribe taking.

(3) About March 1895 there was a meeting held to discuss the Subjudge's conduct at which witness, M. Achutaramiah, S. B. Sankaralee and Sundararamasastri were present. It was resolved to petition the High Court bringing certain irregularities on the part of the Subjudge to notice; but the matter dropped as witness, to whom the drafting of the petition had been entrusted, was dissuaded by Gowrinadha Sastry.

(4) After the recess there was another meeting at the house of Gowrinadha Sastry. Nothing definite was done here; but witness, Achutaramiah, Venkatasiva Rao and Sundararamasastri then went on to the house of the Sub Court Sheristadar C. S. Narasinha Rao; there discussed a fresh the Subjudge

* Note. He is just at present acting as District Court Sheristadar at Masulipatam.

iniquities; and drew up
a list of irregularities
which might be reported
to the High Court. Witness
subsequently drafted a
petition, but it never came
to anything, Gowrie advis-
ing Sastri against dissuading.
(5) It is asserted that the
Sheristadar* merely took
no part in the discussion
at his house, though present
all the time, but this I can-
not believe.

(6) On the 17th September 1895
the Collector of Kistna had
a petition put in to the District
Court of Masulipatam
on behalf of the Court of
Wards asking for the
transfer of Sub Court O.S.
30 of 1893, which was a suit
for the recovery of the
Managala Zamindari
from its present minor
proprietor, in which the

Transfer of the Managala suit

* See Sheristadar's statement in app: III p 18 as well as that of Kanakaraj app: III pp 39/40.

CHIEF SECRETARY
21 MAR 1895
GOVERNMENT OF MADRAS

Court of Wards was 1st defendant,
to the file of the District Judge.
The application which
was granted, was on the
ostensible ground of the
importance of the suit
and of the difficult questions
of law involved. As Mr
Mackenzie remarks in
para 3 of his report (app I)
"on the face of it this is
"not the true reason, because
"everybody knows that Sub-
"ordinate Judges decide
"difficult cases as those
"that go to District Judges".
The real reason was a
private representation
from the Collector that the
Subjudge was likely to deal
corruptly with the suit; and
this fact was at any rate
suspected and no doubt
encouraged the Vakils
to further action.

(6) On the 23d October 1895

* Vide note A at close of the report, on the Managala suit.

Application for transfer of the Vallur partition suit.

Hon'ble Mr. Subba Rao who was counsel for plaintiff in sub court O.S. 14/1895, a suit for the partition of the Vallur zamindari brought by the younger brother of the present zamindar, moved the Rajahmundry District Court to transfer that suit to its own file, and on the 28th idem, arguing in support thereof, he asked for and obtained an adjournment to prove that the Subjudge was unfit to try the suit. The application was subsequently withdrawn under the circumstances explained by Mr. Subba Rao (app: IV p 21), but in the meantime — Kamakaraz and other Ellore Vakils had apparently been asked (but unsuccessfully) for affidavits on which it was proposed to

Application for transfer of O.S. 8 of 1895

* Note. Vague insinuations have been made against the Subjudge (some) with reference to the suit itself; but nothing positive has been put forward.

* As to this vide note B at end of report.

× Note. But he informed the High Court apparently that these allegations had been made vide reference in para 2 of his report in app: I.

adduce evidence hostile to the Subjudge's reputation and conduct.

(1) On 15th November 1895 a petition was presented to the same District Court to transfer O.S. 8/95 from the Sub Court on the ground that the Subjudge's preliminary proceedings in the matter of attachment of defendant's property were so suspicious as to indicate that he had been bribed by plaintiff and that there was a widespread belief which petitioner (1st defendant in the suit) was prepared to prove by evidence that the Subjudge was corrupt. Copies of the petition and of Mr. Mackenzie's order thereon will be found in extenso in app: IV pp 21-25. Mr. Mackenzie, it will be seen, declined to go into the general allegations against the Subjudge; but was ready to consider the application with reference to the

circumstances of the particular suit involved. This was however rendered unnecessary by the Vakil for the Counter-petitioner (Plaintiff) assenting to the transfer.

18) This application naturally caused considerable excitement at Ellore as the leading local Vakils had been summoned as witnesses, and Kanakaraz had taken statements* from several of them as to what they knew with reference to the Subjudge. The matter had moreover been telegraphed to the Madras Mail Vide Extract on p 25 of app IV.

21. The Vakils now thought that, if they were to take action at all against the Subjudge — and they could not well help doing something after the open allegations, and the informal evidence taken in support thereof, that the transfer petition above mentioned

* see app III p44.

Circumstances under which the petition to the High Court was drawn up

had given rise to — they could no longer safely delay, and the petition to the High Court of 6th December 1895 was the result.

Several preliminary meetings were held at which Kanakaraz, Achutaramiah, Sundararama Sastri, and S. B. Sankaram were present and the petition was finally drafted by the first named, shown to and corrected (with reference to form not to facts) by Hon'ble Mr. Subbarao who was then in Ellore, and fair copied by Sankaram.

22. pp 26-29 of app: IV contain Extracts from the evidence of M. Achutaramiah, Dasu Sriramulu, and Hon'ble Mr. Subbarao with reference to the meetings of Vakils &c with which they were individually connected. That of S. B. Sankaram and Sundararama Sastri has been already entered in pp 5 & 6.

V. Venkatasiva Rao

Section II. Charges against the Subjudge.

Allegations against the Subjudge

23. The memo referred to in para 5 above, put in by A. Ramakaraz and Achutaramiah with the assistance of Mote Venkatasawmi, contains the names of witnesses to support the following allegations against the Subjudge.

+ Note. The charges marked + are those to which particular or general references were made in the Statements taken by Mr. Mackenzie in appx I.

+(1) That he received a bribe of Rs 1,000 from the Plaintiff in the Mote maintenance Suit O.S. 26 of 1890.

The mote maintenance suit.

+(2) That he attempted to obtain an illegal gratification from Babu Bepin Behari Bhose in O.S. 59/1893.

Case of Bepin Behari Bhose.

+(3) That he made improper and corrupt appointments of certain persons to be Commissioners in suits under Chap: XXXV of the Civ: P.C.

Re Commissions in Suits.

Affair of the water-brahmin.

Re his house.

Parthasarathy Appa Rao's horse.

Supplies.

Jewels.

Improper reception of plaints

+(4) That he was guilty of improper interference with reference to the Subcourt water-brahmin with a view to obtaining the manual services at his own house for nothing.

(5) That he got large encroachments made, without consideration, to his dwelling house which belonged to Papamma Rao, Zamindarni of Sanivarapet, who had many suits in his Court.

(6) That he obtained, without fair consideration, a valuable horse from Raja Parthasarathy Appa Rao, nephew of the said Papamma Rao.

+(7) That he obtained supplies of rice &c for his domestic use without paying for them.

(8) That he gave large orders for jewels which were improperly obtained.

(9) That he admitted plaints

in rent suits by Zamindars which were presented out of time.

24. The following additional allegations were put forward, or referred to in the course of their evidence or privately, when their own information rested on hearsay only by one or more of the petitioning Vakils, and other witnesses were called or documents examined with reference thereto.

The Kovvali bribing case.

(10) That the Subjudge took a bribe of Rs 400 from one M. Lakshmanadas (on behalf of S. Seshayya of Kovvali) in an appeal suit in his Court.

alleged bribe from G. Subbanadri

(11) That he took a bribe from one G. Subbanadri of Kesanapalli.

The Tangallamudi suit

(12) That the decree he gave in a suit brought by the Zamindarni of Sanivarapet against the Court of Wards (O.S. 11 of 1886)

Appointment of V.L. Narasimham as Receiver of the Medur estate.

was obtained by corrupt means.

(13) That he improperly appointed as Receiver of the Medur Estate, which was under litigation, a Vakil (V.L. Narasimham) who had been retained by one of the contending parties.

Re Quarterly returns.

(14) That he 'doctored' his quarterly returns of suits by throwing out plaints towards the end of a quarter and letting them be readmitted afterwards

Irregularities evidencing corruption in various suits.

(15) That he was guilty from corrupt motives of grave irregularities in certain specified suits.

The Subjudge's alleged bribe-mongers.

25. Before dealing with these various charges, I may mention that the following persons are alleged to have been active and habitual bribe-agents for the Subjudge.

(1) Maddula Rangaraji, a timber merchant of Ellore.

(2) The Subjudge's nephew N. Subbier.

(3) 30 Narayana Pillai, alias Narayanappa, alias Narazadu, a servant in the Subjudge's house, and said to be related to one of his keptwomen. + Note. The Subjudge from all I have heard appears to have been a person of loose morals from the sexual point of view.

(4) Vallamanmadi Venkayya, a Brahmin convert to Christianity and master of a mission school, Ellore.

26. No. 1 plays a prominent part in the Mote maintenance suit (Vide sec III). He is at present in pecuniary difficulties and his property has been attached in connection with the suits against him. — Maddula Rangaraji

× Note. He apparently could not converse in that language Vide para 35 below

27. No. 2 is the Subjudge's sister's son. He came to Ellore first in connection with a municipal appointment, being put in by the Chairman in September 1894 to fill a temporary vacancy as Sanitary Sub Inspector. He was appointed to this post in September 1894 but held it only for 26 days (Vide — The Subjudge's nephew.

Extracts from Chairman's evidence and my note thereto on pp 32-33 of app: III). It is an instructive commentary on the ways in which "Local Self Government" appointments are sometimes worked that the Chairman never enquired before appointing him whether he knew Telugu, and that his only certificate of fitness was one speaking to his excellence as copyist!

But his relationship to the Subjudge with whom the Municipal Chairman (the retired pleader referred to in the first subpara of para 18 above) seems to have been very lié naturally made any further qualification superfluous. When his municipal appointment came to an end, he got another appointment in Ellore in connection with

a Survey office, under a Deputy Collector, that was then Established there and which he seems to have retained till the office was moved Elsewhere between June and September 189 (Vide Subjudge's Explanation in p 30 of app: IV). Soon after that he left Ellore for Kumbakonam; but the Subjudge professes not to know where he is now. He lived with his munsh all the time that he was at Ellore.

28. As to No: 3 vide the Extracts from the evidence of the Sub Court Sheristadar and the Explanation of the Subjudge on pp 33. 34 of app: IV. He has been, it appears, a private servant of the Subjudge's for 10 or 12 years, and has followed him from District to District, while, in one of these

'Narayadu'

* Note The Subjudge says he took him into his employ at Trichinopoly where the 'History of Services' shows Mr Swaminadha Aiyar to have been from July 1883 to December 1887. Mr Swaminadha Aiyar's subsequent appointments have been

District Munsiff of Cuddalore	Jan: '87
" " Salem	Feb: '91
Asst: Subjudge, Cocanada	Oct: '92
Temporary Subjudge, Vizagapatam	Jan: '93
Subjudge, Ellore	Jan: '94 to Dec '95

districts, Salem, Mr Swaminadha Aiyar, then District Munsiff, rewarded him at the expense of the state by making him his Housekeeper. When his master left Salem he followed him taking leave without pay from his Government appointment which he subsequently resigned.

29. No: 4 lived in a house adjoining that of the Subjudge who admits having been on friendly terms with him and his wife 'an educated lady who does not keep goosha', as two of his (the Subjudge's) sons were attending the Mission schools. But he repudiates any immoral relations with the lady (which was also alleged) or any connection with either of them in regard to bribes

Vadlamannadi Venkayya

× A kind of headpeon apparently.

× Vide app IV p 34

34. There is no evidence connecting this man, Venkayya, with any specific charge against the Sub-judge. I examined him however and he speaks of his relations with the Subjudge in the same way as the latter does.

30. I proceed in the following sections of this report to deal with the various charges set forth in paras 23 and 24 above, discussing the evidence which has been laid before me in support of them, the records examined in connection therewith. The Subjudge's Explanatory statement, where it deals specifically with any of these matters will also be referred to. The whole of it will be found on pp 212-220 of app: III, and I may say at once that it is practically a general and blank denial of all the

* Note. But see with reference to the T. Angallamudi Suit Sec: para 157 below.

* app IV p. 35

The Subjudge's Explanatory Statement. Its general Character.

charges, which he describes as the invention of men who, he had made his enemies by his upright dealing and aversion to delay and legal chicaneries certain of the Vakils and Mote Venkataswami. I have already referred to certain portions of it in paras 17, 27, 28 and 29 above.

Section III.

Allegations against the Subjudge in respect of O.S. 26 of 1890 on the Ellore Sub Court file - The Mote Maintenance Suit.

Character and history of suit.

31. This was a suit for maintenance brought against a number of members of the "Mote" family, the Chief of whom was

Mate Venkataswami (already referred to in para 4 above), by Mate Mahalakshmi, widow of a deceased member of the family. Plaintiff claimed maintenance at Rs 100 a month with effect from 1st January '88, a house and Rs 100 in cash for domestic utensils.

× He was 3rd defendant in the suit

32. In January 1894 Subjudge Swaminadha Aiyar set aside the issues which had been framed by his predecessor and framed fresh ones of his own; and, after trial of the suit, gave judgment on 26th September '94, in favour of plaintiff to the extent of a maintenance allowance of Rs 75 a month with effect from date of the plaint — (28th November 1890). His printed judgment will be found in app: V Ex: 1.

There was then an appeal

to the High Court which reversed the decision, with somewhat severe comments on the procedure of the Subjudge — vide copy of appeal judgment in app IV pp 37-40.

33. Mate Venkataswami as above remarked was the principal defendant, while the Plaintiff's case was worked for her by Maddula Rangasayi, referred to in para 26 above, who is said to have been previously hostile to the defendants.

× Mate Venkataswami's evidence app IV p 42.

Statement of Mate Venkataswami that the Subjudge tried to obtain a bribe of Rs 3000 from him through his nephew.

34. There are two serious allegations against the Subjudge in connection with this suit. The first rests on the sole evidence of Mate Venkataswami. He says that in July or August 1894 while the suit was going on that is, the Subjudge's nephew mentioned in para 27 above came to his house, and said that his uncle had

told him that if Venkataswami paid Rs 3000 the suit would be decreed in his favour.* Venkataswami declined to do this and received no further overtures.

35. The nephew being a Tamil man, this conversation is said to have been carried on through an interpreter, one Sinjupidi Ramaswami. This man was summoned on three occasions, but always failed to appear and could not be found at Ellore. As he is said by Venkataswami to be a sharer with him in an Alkani contract, I think that, if he was prepared to give evidence in support of his partner, he would have been produced. The only corroborative evidence available is that of Dasu Sriramulu one of defendants Vakils, who says* that a few days before the suit was decided, Mate Venkataswami

* app: IV p 43-44.

Absence of corroborative evidence.

* app IV p 52

told him that some one (witness thinks the Subjudge's nephew) had asked him to pay to have the suit decided in his favour and that he had refused.

This only shows however that Venkataswami's allegation is not now newly made. I do not think that his unsupported story can be accepted against the Subjudge's denial.** Granting even that his story is correct, it would not necessarily follow that the nephew had authority from the Subjudge to speak as he did.

36. The second charge rests on very much stronger grounds. Mate Venkataswami states that after the Conversation above referred to he had the Subjudge's house watched,

* Note. Chisitaramayya another pleader for the defence says that Venkataswami spoke to him on the Subject but only 2 or 3 months ago - see app IV p. 64.

** See app IV p 93.

And for this reason this fact was not brought out in Evidence on the 2nd July.

Allegation that the Subjudge then obtained a bribe from Maddula Rangaraji.

Evidence of Mate Venkataswami app IV p. 44

knowing that Maddula Rangasayi, the adversary's 'friend' was going there frequently. The man he selected for this duty was a servant of his Tuta Seshayya.

37. Seshayya states that he watched outside the Subjudge's house every night for over a month and that he saw Rangasayi go there every two or three nights. Rangasayi went in there alone except on two occasions. On the first occasion, about 15 days after the watch began, a 'Vizagapatam (Uriya) man' was with him and waited outside while Rangasayi went into the house and came out. The night after Rangasayi came again with another Vizagapatam man, and the witness then

Statements that Rangasayi went into the Subjudge's house at night with a bundle apparently containing money.

Evidence of Tuta Seshayya App III pp 53-55.

goes on to say "this second object "man, like the first, waited "for Rangasayi on the road. "Rangasayi was inside for "about two minutes only; "then he came out and called "for the Vizagapatam man. "The latter had a bundle on "his shoulder which he gave "to Rangasayi who went in "again while the other man "went away. Rangasayi "came out again in 10 minutes "or quarter of an hour, without "the bundle, and went away. "The bundle was carried by "the Vizagapatam man on "his shoulders, inside his "cloth, so that I could not "see the size of it. When Rangasayi "came out for him he took "him to another gate. I had "to follow at a distance for

"fear of being recognized,
"so that even when the bundle
"was handed over to Rangaraji
"I could not make out how
"big it was and what it con-
"tained. I told my master
"the next morning; and showed
"him the Vizagapatamman
"who was then in Rangasaji's
"timber-yard that afternoon
"or evening."

38. Witness does not know the man's name; but says that he and the Companion of the previous night were both men whom he had seen working as coolies in Ellore. Mate Venkatasami says the man was one Kodduri Papayya.

39. Kodduri Papayya states that on three nights successively he accompanied Rangasaji to the Subjudge's house, being then a cooly in his (Rangasaji's) employ. On the first two nights witness merely waited outside the house, while Rangasaji

Evidence of Kodduri Papayya
app IV pp 55-57

went in and stayed for about half an hour. On the third occasion they started from Rangasaji's timber-shop about 8 P.M. and, says the witness, "he (Rangasaji) "gave me a bundle to carry. "He did not tell me what "was in the bundle; but "from the weight and the "clinking I judged it to contain "rupees... I carried it on "my right shoulder, under "my cloth, and accompanied "him to the Subjudge's house "carrying it. He asked me "to stand (with the bundle) "by a wall opposite the house "and went in alone. Very "soon after he came back "and told me to come round "with him to a back door. "When we got there some

"one opened the door
"from inside. Rangasayi
"took the bundle from
"me; told me to go away
"and himself went in. I
"went home as I was told."

40. It will be observed that, while this witness says that he had accom-panied Rangasayi on the previous night also, Jutta Seshayya states that Rangasayi's then companion was a different person. I do not however attach much weight to this dis-crepancy. The spy only knew Kaduri Papayya by sight and might easily have failed to recognize him the first night when he did nothing to attract special notice.

Alleged confessions of Rangasayi.

Evidence of Gowrinadha Sastri app. II pp. 57-62

41. Gowrinadha Sastri, the 1st Grade pleader referred to in para 15 above, says that Rangasayi was a client of his in several suits and used to come to his house in connection therewith. On these occasions they spoke also of O.S. 26/190 which was at that time going on, but in which witness was not engaged. In the course of various conver-sations Rangasayi admitted to witness that he was negotiating with the Subjudge through the man Narayadu, referred to in para 28 above, for a favourable decree in that suit. Later on (but while the suit was still pending) Rangasayi told witness that he had actually paid

A46

a bribe to the Subjudge direct.
He had, he said, got into the
house through a small side-
-gate in the compound. "The
"Subjudge, he said," (I now
quote Gowrinadha Sastry's
own words) "was seated in
"a chair. He (Rangasayi)
"took the money (Rs 1000 I
"think he said) and placed
"it before the Subjudge. I
"asked him if he carried
"the money himself. He said
"he brought a man with him
"to carry it and left him
"outside when he went in
"by the side gate. Narayadu,
"he added, was present
"when the money was paid,
"and it was Narayadu
"who took him by the side-
"gate to the Subjudge's presence.
"He did not, he said, have
"much talk with the Subjudge
"on this occasion. He put
"the money before him

"and said "you must favour
"me," and the Subjudge made
"him swear, Kanya Kanniamma,
"the Komati goddess, that he
"would never divulge the
"matter. This is the substance
"of what he said on this occasion.
"His manner was such that
"I was convinced that he was
"speaking the truth."

41A. After the Judgment had
been given, witness had a
further conversation with
Rangasayi in which he
asked him why plaintiff
had not got the full amount
he asked for. Rangasayi,
after an abusive remark
in regard to the Subjudge,
and a suggestion that he had
taken money from the other
side, said "I was made to
Expect a decree as prayed for."

41B. After the former con-
-versation with Rangasayi,
and while the concluding
arguments in the suit were

× See app IV p 61.

having delivered, witness,
who was sitting in Court,
said aloud to one of the pleaders
who was speaking "What is
the use of speaking further -
Plaintiff will have a decree
as prayed for" or words to that
effect. The remark seems to
have attracted considerable
attention - vide statements of
Mole Venkataswami, Ch:
Sitaramayya, and Dasu
Sreeramulu, who were his
Vakils in the suit; and M.
Achutaramiah and G.
Venkatasiva Rao who were
on the other side. Witness
was questioned about it
by his brother Vakils and
subsequently told them
what he had heard from
Rangasayi - Achutaramiah
and Dasu Sriramulu above
mentioned, and A. Kanaka-
raz, a Vakil, who was not
concerned in the suit, speak
to having been thus informed.

42. Kanakaraz says further

App IV p 60.

× App IV pp 45, 63, 51, 72, & 68

× App IV pp 72, 52 & 67

G. Venkatasiva Rao
App IV p 69

A. Kanakaraz

N. Seshagiri Rao
App IV p 70

that after the transfer petition
in O.S. 8/95 had been filed (which
would be about November 89,
he had a talk with Rangasayi
about the Subjudge's conduct
in O.S. 26/90 and that Rangasayi
said "the Subjudge cannot
get away without paying me
all that I have paid him."

43. G. Venkataswia Rao,
above mentioned, says
that Rangasayi came to see
him after the judgment
in the suit had been deli-
vered and that witness
taxed him with having
obtained the result by
bribing the Subjudge. Ran-
gasayi answered Ydo
tantalu padamu which
may be translated freely
"somehow we overcame
difficulties". Another
Vakil N. Seshagiri Rao who
was present at this interview
corroborates the above statement

struck
Rao,
Rao
that
dras
that
d
essed
ally
ut
so
with
judge
suit,
he
a
es
ud
t
ulus
ud
d

44. M. Achutaramiah who, as above stated, was Vakil for plaintiff in the suit, says that whereas Maddula Rangasayi and other persons interested on that side had been constantly coming to see him and urge him to do his best for them, at the most critical point, a few days before the decision when the last evidence was being taken and the issues argued, they ceased to come at all.

M. Achutaramiah
app IV p 71.

45. M. Venkataratnam Naidu, a High Court Vakil of Rajahmundry, who was one of the Plaintiff's Counsel in the Suit, says that about March or April 1895 he had a conversation with

M. Venkataratnam
App IV p 73.

CHIEF SECRETARY
21 MAR 1898
GOVERNMENT OF MADRAS

Hon'ble Mr Subba Rao
app IV p 74

Rangasayi on the subject and that the latter said that both sides had bribed, but did not give details or mention himself as having been implicated.

46. The Hon'ble Mr. N. Subba Rao, High Court Vakil, Rajahmundry, and member of the Madras Legislative Council, says that Rangasayi was an old client of his and had pressed him but unsuccessfully to act in O.S. 26/190. About September last witness had a conversation with Rangasayi at Rajahmundry with reference to that suit, and Rangasayi said he had given the Subjudge a gratification. Witness goes on to say "He mentioned "the figure which I think "was Rs 1000. I put a number "of questions as to the manner "of payment, and he said "distinctly that he had paid

the money direct to the Sub-
-judge. He told me various
other details which I don't well
remember now."

47. Jurlapadi Solkanadri

J. Solkanadri
app IV p 76&79.

is a 2nd grade pleader of Ellore
who worked for plaintiff
in the maintenance suit
when defendants appealed
to the High Court. It is alleged
by two of the petitioning
Vakils, S. B. Sankaranand
Sundararamasastri that
he knew of the bribe given
by Rangasagi to the Subjudge
and that when they question-
-ed him on the subject
towards the close of last
year he actually or implic-
-itly admitted that Rangasagi
had told him of it. Solka-
-nadri however denies this.
He says that these two men
and Achutaramiah urged
him to give evidence in the
matter against the Subjudge,
saying that he need not be
afraid to come forward,

as Gowrinadha Sastri, Hanble
Mr. Subba Rao and G. Venkatasiva
Rao knew about it also.
Witness replied "If he (Ranga-
-sagi that is) has told so many
"persons why do you want
"my evidence when I do not
"know anything?" This witness
however appears to be very
lié with the Subjudge - He admits
that being in Rajahmandry
when the transfer petition
in O.S. 8/95 referred to in para
20(1) above, came on for
disposal in the District Court,
he at once telegraphed what
he thought was the result
to the Subjudge at Ellore, acting
as he puts it, out of mere
officiousness!

Pledging of jewels by
plaintiff in suit and
Rangasagi for Court purposes.

Evidence of E. Veerabhadrudu
app IV p 80
+ Oraganti Ramalingam
app IV p 80 & 81

48. Eleswarapu Virabhadrudu
states that in the latter part
of 1894 he was called in to
value certain jewels which
Mate Mahalakshmi pledged
to Oraganti Ramalingam
for Rs 1000 and that he hea

the lady and Rangasaji who was in the hey say that the money was wanted "for Court purposes". Oraganti Ramalingam confirms this statement; but puts the words last mentioned in the mouth of Rangasaji only.

49. Bangaru Narayanamurti, B. Narayanamurti
than Ellore goldsmith, was app IV p 81
also cited as a witness, but
merely says that 7 or 8
years ago he made a string
of gold beads similar to
one of the articles the last
two witnesses describe as
having been pledged for
a Mr. Mahalakshmi.

50. The following witnesses Witnesses who speak to
speak to facts showing intimacy of Rangasaji with
the intimacy of Rangasaji the Subjudge.
with the Subjudge.

(1) Gundu Eguaga is a Brah- Gundu Eguagga
-min who used to do pooja app IV pp 82-83.
in the Subjudge's house
every morning. He speaks
to having seen Rangasaji

there once or twice a week
during the second year of the
Subjudge's stay at Ellore (1895
that would be).

Seerla Venkamma app IV pp 83-84. (2) Seerla Venkamma saw
Rangasaji go into the Subjudge's
house on two occasions in
the evening "more than a year
ago".

Baday Saib app IV pp 84-85 (3) Baday Saib says that during
the Dipavali of 1894 Rangasaji
sent him with a basket of
crackers to the Subjudge's
house.

X. Namasivaya app IV pp 85-86 (4) X. Namasivaya, an Uloo
S. Ramamurti " 86. Komati, and S. Ramamurti
his gumasta, say that towards
the close of 1895 they saw the Sub-
-judge, who was driving, stop
his carriage outside Ranga-
-saji's timber-shop and that
Rangasaji came out and
spoke to him.

Mallikharjuna Sastri app IV pp 86-89 (5) Mallikharjuna Sastri
K. Rangayya - app IV pp 89-90. and Kalavalapalli Rangayya
speak to having seen Rangasaji
come to a musical party
at the Subjudge's house.

61. Que Vitala Venkataramam was alleged by Mote Venkataswami to be able to speak to visits by Rangasagi to the Subjudge's house; but says he knows nothing.

57. Rangasagi himself was conveniently absent from Ellore while I was there (26th January to 9th February). After several summonses I obtained his attendance at Rajahmundry on 20th of February. He spoke without asking for or obtaining any promise of immunity from prosecution, and denied absolutely having given any bribe to the Sub-judge in O.S. 26/190 or having told Gowrinadha Sastry, Hon'ble Mr Subba Rao or any one else that he had done so. He denies also any knowledge of Kodur Papayya (Vide para 39 above)

× app II p 90

Rangasagi's denials app II pp 91-92.

or of the pledging of Mote Maha-lakshmi's jewels. He never, he says, had any acquaintance or a conversation with the Subjudge, and only once went to his house, uninvited, to hear a new singer; but withdrew on hearing the Subjudge remark that parties in suits ought not to come there. This appears to be the occasion spoken of by the two witnesses referred to in para 50(5), Mallikharjuna Sastri and K. Rangayya.

They appear to be false.

52. I have no hesitation in saying that I believe Rangasagi is lying. Otherwise one would have to assume (what appears to me to be incredible) that nearly all the witnesses above referred to, including even the high character of Hon'ble Mr Subba Rao and Gowrinadha Sastri, were in a plot to ruin the character of an innocent man, and

expose him to criminal prosecution. Moreover Rangasayi himself protests 'too much'. If the facts were as he says, how would the Subjudge have at once 'spotted' him, when he went to the musical party, as a litigant in his Court.'

Subjudge's denials also disbelieved

52 A. The same remarks apply to the Subjudge's blank denial (app IV p98) of any knowledge of Rangasayi. I see no reason whatever to doubt the evidence that shows that he and Rangasayi were on very friendly terms, and I also believe the story of the bribe to be well-founded. It may be urged, as the Subjudge does, that Mate Venkataswami is such a powerful man in Ellore that a corrupt Judge would at least have been prudent enough to conceive his money-making

Suspicious movements of Rangasayi

to suit in which Venkata-Swami was not concerned. But I think a satisfactory answer to this is that the Subjudge, a stranger and a Tamil man, had not then gauged Venkataswami's real power which lies largely below the surface.

53. I am informed that Rangasayi was in Ellore where I arrived there on 26th January and then at once decamped to Madras, and the facts render this not improbable. I reached Ellore on the afternoon 26th January. Rangasayi says he went to Madras on business that morning; but admits that he did not get there till the 29th and has to explain the delay by a some-what improbable halt at Nandyal.

Ex. (2) Having ascertained his address in Madras I sent Rahim a formal summons through the Commissioner of Police to attend before me on the 14th February at Rajahmundry. He admits having received the summons on the 11th but did not appear till the morning of the 20th. I do not consider his explanation of the delay satisfactory, and think it at least as probable that he went in the meantime to Masulipatam to take instructions as to his attitude.

54. If Government should think that a case for prosecution has been made out against the Subjudge on the evidence above summarized, I would recommend that Rangasayi be also dealt with as an accomplice. Rangasayi's confessions to Gowrinatha Sastry and the rest would then be relevant against both under sec 10 of the Evidence

× Note. When I went to Masulipatam I was told by several persons that Rangasayi had been there but my informants all spoke hearsay.

In the event of prosecution Rangasayi and the Subjudge should be dealt with together.

attempt of Rangasayi to dissuade Gowrinadha Sastri from giving evidence about him

Execution proceedings in the Suit.

Statement of Mole Venkataswami App: IV p 47

55. I may add that Gowrinadha Sastri states that towards the end of last year when he had been summoned as a witness against the Subjudge's character in support of the transfer petition in O.S. 8/1895 Rangasayi came to witness and implored him not to speak of what he (Rangasayi) had told him or to bring about the ruin of the Subjudge.

~~56~~ 204. The decree in O.S. 26/1890 ordered payment of arrears of maintenance (Rs 3445) to plaintiff within a week (Vide App IV Ex. 1 p 10).

Mole Venkataswami states that though the defendants applied for an extension on the ground that they were going to appeal to the High Court and that the money once paid would never be recovered, the Subjudge would only give a fortnight's more grace and that the High Court had to be applied for to stay execution pending

appeal. According to plaintiff's Vakil, M. Achutaramiah, the Subjudge, when ordering execution, directed that plaintiff should give security but only for one half of the decree amount, whereas full security should have been given under sec: 546 Civ: Prb: code.

M. Achutaramiah
App IV p 72

57. A perusal of the Execution records shows that these statements are more or less correct. A note on the subject will be found in app: III pp 95-97.

57A It will be seen that the Subjudge, in his order of 22.10.94, while admitting the fact that there was to be an appeal, that the defendants might not be able to recover their money if they eventually succeeded, and that Plaintiff was not able to give security for repayment — allowed her to draw 'at least one-half the amount due'.

The documentary evidence shows bias of Subjudge in favour of plaintiff.

Then again the very next day he allows attachment of defendant's property on the application for realization of the whole amount of arrear maintenance decree (Rs 3445) with costs.

Note re S.C 631 of 1895

These proceedings seem to me to show a bias in favour of plaintiff which goes to corroborate the allegations of a bribe having been paid to the Subjudge by her agent.

58 57A In connection with O.S 26 of 1890 it will be convenient to deal with the petition in Small Cause Suit 631/1895 referred to in the Vakil's petition to the High Court. A copy of the petition will be found on p 99 of App: III, and it will be seen that the petitioning defendant actually tells the Subjudge himself that "there "is friendship between the "Subjudge and Rangasayi", who is alleged to be the real plaintiff in S.C. 631, and that "the Court has dealings "with Rangasayi", and asks for an adjournment (which

the Subjudge grant[s]?) so that
he may get the suit trans-
-ferred.

58A. On the 14th December last,
a petition was presented
by defendant's Counsel,
Mr. J. D. Samuel, to the District
Court of Kistna (app IV pp
100 and 101) for transfer of
the suit on the ground of
Rangaraji's having bribed
the Subjudge in the Mo to
maintenance suit and
being often seen about his
house. As to the upshot
of this petition, Vide the
District Judge's order thereon
and the evidence of Mr.
Samuel in app IV pp 100, 102, 103-104.
Mr. Samuel, it will be seen,
was not able to adduce
any independent evidence
for his allegations.

59. I also examined the
latter's client W. Venkata-
-ratnam who says that
he put in the original

× p. 100 app IV.

× app IV pp 104-105

petition of his own motion,
that he had no special
knowledge in regard to the
facts he alleged about
Rangaraji, but that he had
heard "general rumours"
on the Subject at Ellore.

60. This case therefore fur-
-nishes no additional evidence
against the Subjudge; but
it does show, I think, how
widespread was the belief
that he was corrupt — Especial-
-ly with reference to Rangaraji
and in what low esteem
he was held, when such a
petition as that presented to
himself could be put in.

The case showed a widespread belief that the Subjudge was corrupt.

Section IV.

Case of Bepin Behari Bhose.

61. This man is a works
contractor who resides at
Secunderabad, but fre-
-quently went to Ellore

upon business. He was an
Vakeel, in O.S. 5/1893* on the
Sub Court file, for N. Dhulal
Ghose of Calcutta. The suit,
which is still pending and
in which Dhulal Ghose was
defendant, was for the
settlement of partnership
accounts in connection
with a railway contract.

62. Bepin Behari Bhose
states that towards the close (by rail)
of 1894 he travelled from
Ellore to Rajahmundry with
the Subjudge. They got into
conversation and the
Subjudge asked him if he
could get Regunoicoat.
Hyderabad. Witness said
he would enquire and
let him know. The Subjudge
said "You need not write
"as I am going to Hyderabad
"for the holidays"; and
told witness he would
let him know where he

* Note. It was transferred to the Kistna District Court on 21st February last on a petition that the Subjudge would be prejudiced from the fact of Bepin Behari Bhose having given evidence against him in this enquiry.

Evidence of Bepin Behari Bhose. App: IV/pp 107-112.

Speaks to a conversation with the Subjudge in the train

would put up there.

63. A few days after at Ellore (in December '94) witness met a man whom he had seen serving the Subjudge with water &c in the train and who asked him why he had not come to the Subjudge's house. Witness explained he had a suit on in the Sub. Court.

64. This man subsequently went to see witness on several occasions at the Ellore Traveller's bungalow and told him
(1) That he was the Subjudge's nephew
(2) That "if he (witness) would make "some arrangement to oblige "the Subjudge" the suit would be decided in his favour.
(3) That witness should bring his principal to Hyderabad during the Xmas holidays (of '94) as the Subjudge would be there at a specified address.

And to subsequent interviews with his nephew who asked him for a bribe in the suit.

(4) That the Commissioner in the suit (V.L. Narasimham) was 'their man'.

(c) To see what would happen witness went to his principal, but the latter did not come, and witness himself remained at Ellore for the holidays;

(d) In March '95 he met the nephew again (at Ellore) who asked him why he had not turned up at Hyderabad.

(e) During one of the conversations in December '94, the nephew produced a bundle of papers which he said related to a suit in which Mote Venkataswami was concerned.

(f) Witness does not know except from the mans own statement whether he was the Subjudge's nephew or not.

(g) Witness kept his Vakil Kanakaraz informed of his

Evidence of Kanakaraz and Sankaram as to Bepin Behari's Statements to them
App IV pp 112-117

69

conversations with their man in December '94 and told him also of his previous meeting with the Subjudge.

64. Kanakaraz, who was defendants counsel in the suit, the stamp value of which he puts down at about Rs 10,000, states that Bepin Behari told him of the conversations with the Subjudge's nephew at the time they occurred, and related also his previous talk with the Subjudge in the train. He (Bepin) did not mention however that he had actually wired to his principal to come down till a year later. In December last, Kanakaraz and S. B. Sankaram took down a statement from Bepin Behari Bhose about these matters to substantiate the allegations that had been made in the Vakil's petition to the High Court. The statement is unsigned

but it is admitted by Bepin Behari Bhose to represent the substance of what he says. A copy of the statement with Bepin Behari's corrections will be found in app: IV pp 117–120.

65. The Subjudge (app IV p 120) denies ever having met Bepin Behari Bhose out of Court or having had anything to do with any interview that his nephew may have had with him.

66. I see no reason however to doubt the truth of Bepin Behari Bhose's statements. He was by no means an eager witness. A summons to appear before me was sent on him at Secunderabad, and he pleaded sickness and sent a certificate signed by a native private practitioner. It was not till he was informed that, if he did not produce a certificate of ill-health signed by a British Medical Officer, and make an affidavit of what he knew or did not know in the matter before a British Magistrate or Political Officer, his attendance at Ellore or Rajahmundry would be enforced by warrant, that he came to the latter place and gave evidence.

× The original is put up with his evidence in app II.

The Subjudge's denial

Bepin Behari Bhose's evidence appears to be true.

The conversation with the Subjudge that he reports must be considered with reference to what occurred subsequently.

67. The Subjudge's conversation in the train, which Bepin Behari Bhose reports, would, taken by itself, be quite capable of an innocent interpretation. Finding that the witness comes from Hyderabad, he asks if he can get ponies there and when witness offers to write and let him know says he need not take the trouble as he himself is going to the place shortly.

68. The subsequent conversations that the witness reports leave no doubt however, assuming witness's veracity, as to the attempt—

made to obtain a bribe from him; but the following points remain for consideration.

(1) Was the witness's interlocutor in these subsequent conversations really the Subjudge's nephew?

(2) Was he acting as an agent for the Subjudge or using the latter's name for his own purposes?

69. As to the first point it is clear that the man was at least a dependent of the Subjudge's and one who was influential enough to have access to Court records. I see no reason to disbelieve that he was, as he represented himself to be, the Subjudge's nephew of whom I have already spoken (paras 27 & 34 supra).

70. It is possible of course that the nephew was merely acting for himself; but the following considerations seem

No reason to doubt that the man who subsequently spoke to Bepin Behari was the Subjudge's nephew. Subject to grounds for holding that he was not acting on his own account.

tell, I think, against that supposition.

(a) He knew that Bepin Behari having made the acquaintance of the Subjudge in the train might go and see the latter and expose him.

(b) He asked Bepin why he had not come to the Subjudge's house.

(c) He wanted him to get his principal down and named an address in Hyderabad where the Subjudge would be at xmas (and where as a matter of fact he actually went) to which the principal was to be brought.

I don't think that one who was merely "taking the Subjudge's "name in vain" would play an audacious game of this sort. His object would on the contrary be to keep his dupes and the Subjudge apart.

70. I think this is a case that calls for further action, whether against the nephew alone in the first instance or against both Subjudge and nephew it is for Government to determine. I do

* See apt IV p 120.

The case appears to call for further action.

* In this case, as remarked in para 54 above, Sec 10 of the evidence Act would apply to the statements alleged to have been made by the nephew.

think it is at all likely (supposing both to be guilty) that any promise of pardon will induce the nephew to come forward as "Queen's evidence".

Section V

The allegations against the Subjudge in regard to Commissions in Suits

General allegations

71. It is alleged that the Subjudge appointed unqualified persons to be commissioners in suits and did so without consulting the Vakils engaged; that the men so appointed were persons to whom he was under personal obligations for private services; and that the Subjudge either went shares in their fees or made the fees a payment for the services above mentioned.

Vide Evidence of
A. Kanakaraz ✓ app IV p 121
B. Srirámulu ✓ app IV p 122-123
G. Venkatasiva Rao ✓ app IV p 125-126

72. It appears that Mr Ross when District Judge of Godavari ordered a Proceedings that a Register should be drawn up in each Court subordinate to him of persons qualified to act as Commissioners in suits and submitted to the District Court for sanction; and that thereafter the issue of Commissions should be restricted to persons figuring in these lists. It is alleged by the Sub Court Sheristadar, C.S. Narayanarao, that the Subjudge wilfully disregarded this proceedings, though its existence was brought to his notice, and that when taken to task by Mr Ross he pleaded ignorance of the latter's instructions. The Correspondence in the Godavari District Court does not however support this allegation.

Sub Court Sheristadar app IV p 127 says the Subjudge deliberately disregarded Mr Ross's instructions about appointment of Commissioners and then pleaded ignorance of them.

72A. Quarterly returns were submitted by the Subjudge, to the District Court, of Commissions executed in connection with suits, showing the name and remuneration of each Commissioner. On the return for the 1st Quarter of 1894 [illegible] Mr Ross noticed therein [illegible] and

name of T. Venkayya, a
military pensioner, and
remarked "It should be
"explained why a person other
"than a registered Commissioner
"was employed."

The Subjudge in reply submitted
a letter, copy of which will be
found in app IV pp 133-134. It
will be observed that so far
from professing ignorance
of the order requiring a com-
mission register he explained
that certain names had been selected
& approved for appointment as Commissioners
but that the proper papers were not available; & that he proposed
to send up a list of fresh names for
that purpose; and that he
explained (para 5 of his letter)
the special circumstances
under which Venkayya had
been appointed. Mr Ross
on this called for fresh no-
minations for the Register,
but I do not find that any
fresh list was sent up accordingly.

The Sheristadar's explana-
tion appears to be mis-
-founded.

73. Apart from this I should
be disposed to distrust the
statements of the Court
Registrar, as it appears

Reasons for mistrusting
his statements against the
Subjudge.

* app IV pp 130 & 131

* see app IV p 18

* app IV p 19

from the evidence of pleader
E. Krishna Rao Naidu with
reference to the conversation
he and the Sheristadar are
said to have had with the man
T. Venkayya, whose case is
dealt with below, that the
Sheristadar deliberately spoke
for disclosures which might
damage the Subjudge. There
was likewise a meeting of
Vakils at the Sheristadar's house
on one occasion (Vide para
20(4) above) to discuss action
against the Subjudge, and
though the Sheristadar says he
took no part in the proceedings
I take the liberty of doubting
his veracity on this point.
He further admits that in
December last after the petition
in the Vallur Zamindari suit
(para 20(b) above) which was
distinctly hostile to the Subjudge
had been put in, some of
the Vakils who subsequently
petitioned the High Court came
to his house to discuss matters.
He admits again that though
these petitioning Vakils &c

for long been openly hostile to the subjudge he remained on friendly terms with them. I think therefore it must be assumed that for some reason or other he was on bad terms with his Chief and his evidence discounted accordingly.

Consolidated returns of Commissions.

74. I have prepared a consolidated statement from the Quarterly returns of Commissions sent in from the Sub Court during 1894 and 1895 which will be found in pp 135 & 136 of app IV

On a general perusal of this it will appear that the principal Commissions were granted to pleaders, the largest of all (Rs 500) to one of the petitioning Vakils A. Kanakaraz. He Explains that this was at the special request of the Hon'ble V. Krishna Rao, one of the Commissioners in the suit, which some-what damages the general [illegible] that Commissions were

× app IV p 121-122

CHIEF SECRETARY 21 MAR 1895 GOVERNMENT OF MADRAS

given without consulting pleaders.

75. Coming now to the special appointments in regard to which allegations have been made against the Subjudge, these are with reference to the following names

(1) T. Venkayya
(2) Pullapatla Sitaramayya
(3) Dasyam Gireppa
(4) T. Seshachelam
(6) Mahommed Yakub.

Case of T. Venkayya.
Alleged to have been the Subjudge's night watchman and to have been remunerated by appointment as Commissioner for oaths.

Evidence of Sub Court Sheristadar and Vakil E. Krishna Rao Naidu
app IV pp 128-129 & 131

Case of T. Venkayya.

76. This is the pensioned sepoy referred to in para 72A above and the Chief evidence against the Subjudge is that of the Sub Court Sheristadar and the pleader E. Krishna Rao Naidu, mentioned in para 73.

They state that on one occasion which must have been in the early part of 1895 (Krishna Rao says he was at Ellore only from the End of January to the End of April in that year) as they were

-ted together Venkayya passed and was called up by the Sheristadar, who knew him to have formerly been a watchman in the house of the Subjudge. The Sheristadar asked him why he had left the Subjudge's service and he said that it was because, though his nominal pay was Rs 4 a month he was left to get this from the Commission fees that he obtained by being appointed to administer Bleeman oaths in a temple to parties in suits. If he got less than Rs 4 a month by such commissions the deficiency only was paid for his private services by the Subjudge, if more the surplus balance was credited to the next months account.

77. G. Venkatasiva Rao (app IV 125) states that Venkayya told him that he was the Subjudge's watchman and that pressure was put on parties to get them to permit their suits to be dis-

Evidence of G. Venkatasiva Rao app IV p 125

-posed of under the Indian Oaths Act with a view to his appointment as Oath Commissioner. Of this latter statement there is however no corroborative evidence.

Dasu Sriramulu app IV pp 122-123

78 Dasu Sriramulu speaks to Venkayya having been a servant of the Subjudge's and an illiterate man. To administer an oath however no great amount of learning is necessary.

Venkayya not found

79. Venkayya's own evidence could not be obtained. He appears to have left Ellore and a summons sent to him through the Police has not been returned.

The commission statement app IV pp 135-136

80. A reference to the consolidated commission statement above referred to will show that Venkayya was appointed a Commissioner to administer a solemn oath under sec 10 of Act I of 1873 (Indian) only in 5 small-cause suits, and that only during the first quarter of

1894; and that his total remuneration was the modest sum of Rs 5. This does not fit in well with his story as reported by the Sheristadar and Krishna Rao which implies that he was employed habitually as on the Commissioner for several months and that his fees for a single month occasionally exceeded Rs 4. From para 5 of the Subjudge's letter given in p 134 of app IV it would seem that Venkayya had left Ellore by June 1894.

81. The Subjudge denies that Venkayya was ever in his service and says that he was appointed Commissioner because he applied for the work and had good certificates.

Subjudge's denial that Venkayya was ever in his service.
App IV p. 148

82. Taking into account the non-appearance of Venkayya, the evident animus of the Sheristadar, and the evidence of the Commission returns, I do not consider that the charge that the Subjudge

The allegation not made out.

P. Sitaramayya said to have been appointed a Commissioner in return for gifts to the Subjudge.

Evidence of Chada Ramayya re presentation and subsequent return of a cow and calf.
App IV pp 137-138

utilized this mans commission fees as payment for private services has been made out.

Case of Pullapatla Sitaramayya

83. This man is entered in the Commission Statement, where he is described as "passed surveyor", as the recipient of 3 commissions for which the aggregate remuneration was Rs 45 in the 3d and 4th quarters of 1895.

84. It is alleged that the 'consideration' for these appointments was a cow and calf, which Sitaramayya sent to the Subjudge, but which were returned subsequently in consequence of a petition. A friend and neighbour of his, Chada Ramayya says "In August or September last "Sitaramayya told me that "10 days previously he had

"bought a cow from a
"toddy drawer for Rs 20. I
"asked him why he wanted
"another cow when he had
"several already. He said
"he had brought it to the
"Subjudge for milking purposes.
"I said what was the necessity
"for this? He said 'there are
"children in the Judge's
"house and having been
"appointed a Commissioner
"I wanted to give him a
"cow in return'. The cow was
"not immediately sent. It was
"kept 10 days or so in Sitaramayya's
"house and there brought
"forth a calf. I saw the cow
"and calf often during these
"days. One day, about 3 months
"ago as I was in Ellore, I
"passed the Subjudge's house
"and in the compound saw
"the cow and calf about accom-
"panied along with two other
"Cows. The cow was a redcow
"with white marks on its fore-
"head, and the calf like its
"mother. I recognized them,

* Witness gave his evidence on 4th February.

"having seen them often
"with Sitaramayya. The cow
"and calf would be worth
"Rs 25 or Rs 30 together.
" About a month ago I again
"saw this cow and calf in Sita
-"ramayya's possession. I asked
"him how they came there. He
"said there was some petition
"against the Subjudge, and the
"District Judge or some other
"officer was coming to make
"enquiries, so he sent the
"animals back."

86. The last witness to go into the witness box after seeing the animals in the Subjudge's compound, he told P. Krishnamurayya, who appears for him in this Krishnamurayya corroborates his statement and adds

Evidence of Krishnamurayya app III p 140

" I subsequently questioned
"P. Sitaramayya on the subject
"after the floods of October last.
"He said he had given the cow,
"but that on a petition being
"presented against the Subju
"the cow was returned. He said

he was not paid for the cow which the Subjudge required for milking purposes."

P. Sitaramaayya not forthcoming

P. Sitaramaayya and another man Y. Venkayya who was alleged to be able to speak on the subject were summoned, but failed to attend being said to be absent from their village

Discrepancy in evidence given.

85A. It will be noted that there is an important discrepancy between the evidence of Chada Ramayya and Krishnamurayya. The former says that the cow had been returned recently apparently in consequence of the petition by the Vakils to the High Court. The latter puts its return in October last when the Subjudge's conduct had not yet been publicly impugned.* The subjudge says that Sitaramayya was appointed because he applied and was a qualified surveyor, and the services

*Note. It was not till the End of that month (28 Oct.) that Hon'ble Mr. Subbarao said in the District Court that he would bring evidence if allowed time, to show that the Subjudge was unfit to try the Vallivar Partition Suit - see para 20(b)

Subjudge's statement. app IV p. 148

of such an one were much needed in various cases. He absolutely denies the story about the cow; and in view of the incomplete and unsatisfactory evidence adduced per contra I think his explanation must be accepted.

The allegation against him not made out.

86. Chada Ramayya* added that on another occasion he became cognizant of Sitaramayya's sending curds and milk to the Subjudge; but here he is absolutely uncorroborated; the Subjudge denies having received anything except possibly some trifling complimentary offering.

*app IV pp 138-9

Case of Gireppa or Narasimham said to have been appointed because he was tutor to the Subjudge's sons.

Case of Dasyam Gireppa alias D. V. Narasimham.

87. A. Kanakaraz (app IV p 121) says that this man was appointed because he was tutor to the Subjudge's sons. Vakil S. B. Sankaram who was named as a witness to this says he

* app III p 102

he
"co
"pr
f.
an
Who
to s
wee
to a
abo
86A
the
ca
de
an
fo
ho
app
of t
to
pu
whe
ha
mi
say
ap
ap
su

has no personal knowledge of any cases in which unfit persons were appointed Commissioners.

88. The name of 'D. V. Karasuitham' appears in the Statement of Commissions on 3 occasions in 1894 for sums aggregating in all to Rs 80 with the following note against the first entry. "His services as a teacher in "the Mission High School were "dispensed with. He is a matriculate and qualified as pass "Candidate. He was given commissions by the local Munsiff "and the District Court approved "of the same. He is highly spoken "of by the Head of the Mission "as well as by the District Munsiff"

His Commissions.

88A. Mr J. D. Samuel, a High Court Vakil at Masulipatam, who was formerly Head Master of the C. M. S High School at Bezwada, says that Dasyam Gireppa who had been a master under

Mr Samuel's evidence as to Gireppa's character and statements to him app IV p 147

him there was dismissed in 1887 or 1888 for drunkenness; but that otherwise he was a good and honest man. He adds that in December of last year Gireppa told him that he had been tutor to the Subjudge's children at Ellore, and that his remuneration took the form of Commissions in suits.

c.f. Chicacole D.M.'s case III

Subjudge's denial of private relations with Gireppa.
app III p. 149.

89. The Subjudge denies that Gireppa was ever employed by him as a tutor or that he had any private motive in appointing him. He appointed him a Commissioner "because "he was a poor man and "showed by his certificates "that he had good qualifications", one of his recommendations being from Mr White, the District Munsiff, who had employed him as a Commissioner. The Subjudge was not aware that he had lost his situation through drunkenness.

The allegation not made out.

90. The only evidence per contra is that of Mr Samuel, and

so this gentleman was not
mentioned to me as a
witness till just as I was
coming to Masulipatam,
I do not attach much im-
portance to his evidence.

91. Case of T. Seshachelam.

This was a pleader now
dead who appears for 2
Commissions, aggregate
Value Rs 35, in the Commission
statements for 1894. It is
alleged that the Subjudge took
a share of them. His son
T. Sobhanadri denies any
knowledge of the fact. As I
have said in dealing with
the affair of Madula
Rangaraji, this witness is
"suspect", but there is no
evidence to refute him.

Case of T. Seshachelam
No evidence in support
of the allegation.

Vide app IV p. 79

× see para 47 supra

Case of Mahommed Yakub.

92. This gentleman obtained
a Commission for Rs 50 in
A.S. 350/194 on the Sub Court which
is entered in the Commission
statement for the 1st quarter
of 1895. He is alleged to have

× Case of Mahommed Yakub.

A fit person but probably
got his appointment as
Commissioner because he
was the Subjudge's doctor.

ignorant and unfit person,
but seeing that he is a Munici-
-pal Councillor, a Taluk
Board member, an elected
member of the District Board
and a member of the District
Primary School Committee,
it seems to me that he was
a person eminently suitable
for such work. He was
however, it appears, the Subju-
-dge's medical attendant
and it is alleged that it was
on account of this that he
got his Commissionership.
He admits that he was not
appointed before, and applied
only in his Swaminadhadiga
time. As for the medical attend-
-ance, he received, for very
frequent visits during most of
the time the Subjudge was there,
some Rs 40 in cash and Rs 10 or
15 worth of drugs. He explains
however that, though he went
to the Subjudge's house twice or
thrice a week, he often just
looked in as he habitually
passed the house twice if his

× see his evidence in
app IV pp 141-145

services were required,
and that he did no work
of a difficult character.
He doubtless owed his
appointment as Commissio-
-ner to the fact of his pro-
-fessional and friendly relations
with the Subjudge, but con-
-sidering his position, I do
not look on this as a 'job' of
a very heinous character.

93. There is however another
more serious allegation.
Dasu Srikamulu was a Vakil
for plaintiff in O.S. 8/89 of the
Sub court. That was a suit for
the partition of certain Mokhasa
villages which had been already
decided, but in which the
decree had not yet been executed.
The Subjudge, he says, appointed
Mahommed Yakub to be a Com-
-missioner for the survey and
division of lands in accordance
with the decree, his fee being
fixed at Rs 100. Witness petitioned
against the appointment
but to no purpose. Mahommed
Yakub went twice to one of

* Note. The Subjudge says that Mahommed Yakub got this commission before he attended him professionally; but Mahommed Yakub states that, though he applied for a Commissionership before his professional relations with the Subjudge began, he did not get one till afterwards, and I believe him to be speaking the truth.

Irregularities alleged with reference to Mahommed Yakub's Commission in O.S. 8 of 1889.

Evidence of Dasu Srikamulu.
app IV p 122

Explanation of Mahommed Yakub
app IV p 143

No entry of this Commission in the Commission returns.

the villages, but did nothing
and nevertheless, as witness
understands, received his full
fee.

94. Mahommed Yakub says
that his fee was fixed at
Rs 100 for carrying out the
division of the property; that
he could not complete the
work because the parties
asked for a preliminary
survey; but that for what
he had done in the way of
taking statements from
parties and inspecting and
classifying lands he received
Rs 50.

95. Now there is no entry of
the Commission in the Commi
-ssion statements for 1894
or 1895 submitted to the District
Court, though in the "register
of Commissions" kept in
the Sub Court from which
these returns are prepared,
there is an entry in the first
quarter of 1895 of Rs 100 to
Munshi Mahommed Yakub
Sait, Member of the District

Board for "making partition
"of plaint immoveable
"properties into four equal
"shares" in O.S. 9 of 1889. Against
this there is no entry of
"executed" as appears with
reference to the other Com-
missions.[x] The Subjudge
admits the appointment
and the payment of Rs50
to Mahommed Yakub.
He says "The work was
"delayed for want of a
"Surveyor regarding which
"the party applying for a
"Commission had said
"nothing originally. I proposed
"to appoint a surveyor on
"Rs20 to work under Mahommed
"Yakub .... and in the
"meantime ordered payment
"of Rs50 to the latter for his
"past services. No steps were
"afterwards taken by the
"parties and so the matter
"dropped. I passed the Rs50
"because that job was done
"and I knew that it would
"be a long time before the
"Surveying was completed."

Subjudge's statement
app IV pp 149-150.

[x] Note. The register is of commissions issued; the returns, of commissions executed. But except for this entry, the items in the register and the returns tally for 1894 and '95 except in regard to Commission to D. Gopalarow in O.S. 8/191 where the register puts down Rs 65 in the 1st Quarter of 1895 (executed in 2d Quarter) and the 2nd Quarter return gives Rs 60 only.

Information collected
from records.

Case a suspicious
one

96. The records relating to the
matter have been perused
and a note thereon will be
found in app IV pp 153-155.
It will be seen that the plain-
objection petition to Mahomed
Yakub's appointment does
not appear to have been
put in till he had actually
done work and submitted
a report.

97. The ugly features of the
case appear to me to be
"payment of Rs50 at once
to Mahommed Yakub on
an interim report, when
it was proposed to retain
him as a superintendent
of the Surveyor who was to
be appointed.

(2) The non-appearance of
the appointment and
payment in the quarterly
Commission returns.
For the latter omission, as
the Subjudge says, the Sheristadar
might have been responsible;
but taking the other facts
into account, I think the case

is a suspicious one, though there is, of course, no actual proof of misconduct on the part of the Subjudge.

98. It is worthy of note that with the exception of T. Seshachelam none of them on whom I have noted were, as the records show, appointed Commissioners previous to the time of Subjudge Swaminadha Aiyar.

98A As regards T. Venkayya, P. Sitaramayya, and Seshachelam, the allegations against the Subjudge fail; but I note with a little suspicion the repeated appointments of Dasyam Giruppa, and think that the circumstances attending the second Commissionership of Mahommed Yakub lead to show that his nomination was hardly a 'clean' transaction.

99. It was also alleged

Summary of opinions expressed in the allegations re Commissions.

A Vizagapatam case)

that when Mr. Swaminadha Aiyar was acting Subjudge in Vizagapatam, he appointed one B. V. Jogarao, Ag: District Munsiff of Srikakulam, who was then his Sheristadar, to be a Commissioner in a suit on Rs 25; that when the fee had been paid the Subjudge sent one of his dependents to get a portion of it; and that Jogarao was so disgusted that he gave the man the whole of the money.

V. Janakiramayya, Now Ag: District Munsiff of Tirupati, and G. Suryanarayana, Record-Keeper in the Vizagapatam District Court, are said to have been informed by Jogarao of this fact. But as I understood that I was only intended to enquire into the Subjudge's conduct at Ellore, and as the men named were all outside the district, I did not consider it to be

within the scope of my commission to investigate this allegation. But since I left Rajahmundry, Jogalas has returned to his present permanent position of Sheristadar in the District Court there, and I submit for the information of Government copy of a letter from Mr Mackenzie who questioned him on the subject (Vide pp 151-152 of app: IV). As Mr Mackenzie remarks further evidence would be required to make out any case against the Subjudge in this connection.

Section XI.

The appeal of the Water-brahmins.

100. As to this, section on pp 157-189 of app: IV, the evidence of the marginally noted witnesses and the Subjudge's explanation. The statements of the Vakils are not altogether consistent, but the following

1. A. Kamakaraz
2. The Sub Court Sheristadar
3. G. Venkataswa Rao
4. Gowrinadha sastri
5. Dasu Srikanulu
6. P. Krishnamaraz
7. M. Achutaramiah
8. Subjudge
9. Subbayya

Affair of the Water-brahmins

It seems proved that the Subjudge arbitrarily interfered between the brahmins and the Vakils and tried to revise their subscriptions.

facts appear to me to be proved.

(1) In the time of the previous Subjudge, Mr Sundara Rao, there had been a Court water-brahmin who supplied water to the Vakils and parties in the Subcourt and was paid by subscriptions from the Vakils and apparently from some of the Court officials also, which he collected privately.

(2) One Narasayya, who was Court water brahmin when Mr Sundara Rao left, had also done private work for the latter for which he was duly paid; but this had nothing to do with his appointment as 'Court-brahmin'

(3) Soon after Mr Swaminadha Aiyar he converted the Court water brahmin's appointment from a purely private matter into a quasi-official one. He had a list drawn up by the Sheristadar in which the subscription which each Vakil was

to pay was entered, the sum being generally in excess of that had been voluntarily paid previously. That list was withdrawn, on protest by V. Kanakaraz and possibly by others; but the Court duffadar went round occasionally with the water brahmin to collect subscrip-tions in excess of the old rates, and though some Vakils refused to pay, the generality consented.

The Subjudge denies that he ever interfered in this way and explains that he merely made a remark once, out of office, that the water-brahmin's pan-dal was very dirty and that the Vakils ought to pay him regularly; but I think the evidence on the other side is too strong to allow me to accept this statement.

(4) That Narasayya was subsequently replaced by one Subbayya who also worked privately for the Subjudge,

and had, like his predecessor, the assistance of the Court duffadar in collecting his fees from the Vakils.

101. So far we have only an arbitrary interference by the Subjudge in a matter which ought to have been left to the Vakils and other persons interested. But it is further alleged that the object of the Subjudge's action was to get the Court brahmin's services at his own house, either gratis or for an inade-quate remuneration, in con-sideration of obtaining for him regular and enhanced subscriptions from the Vakils.

It is alleged that this was done by way of payment for the brahmin's services in the Subjudge's house.

Evidence of the Sub Court Sheristadar
App IV pp 159-160

102. The Sub-Court Sheristadar says "Narasayya once told "me that he was removed be-"cause he would not take "what the Subjudge offered him "for private service.... Narasayya "told me that Sundara Rao "paid him Rs 5 a month for "his private services, and that "Swaminadha aiyar would

"only give him Rs 2."

G. Venkatasawia Rao says

Of G. Venkatasawia Rao
app IV pp 160-161

"Narasayya told me that
"the Subjudge would ask
"pay him for his services
"and told him he would
"have him paid by the
"pleaders".

Gowrinadha Sastri who, as
I have previously remarked,
is a man of high character
and veracity says.....

Of Gowrinadha Sastri
app III pp 162-163

"Narasayya was also working
"at Swaminadha Aiyar's
"house. He once told me
"that he was not paid the
"whole amount of the sub-
"-scriptions that were collected.
"As to his private work for
"the Subjudge he once told
"me that he was paid
"Rs 2 a month only. I won't
"be certain about this latter
"statement, as I did not pay
"much attention to the matter
"at the time. I myself employed
"Narasayya subsequently
"at my house and paid him
"Rs 5 a month for some time
"and in recent months Rs 8.
"I used him as a general Brahmin
"servant, not merely as a

CHIEF SECRETARY
21 MAR 1898
GOVERNMENT OF MADRAS

"waterman".

Of Doss Srikanulu
app IV pp 163-164

Doss Srikanulu says

"Subbayya told me that he
"had asked the Subjudge for
"his monthly wages as Subjudge's
"private water brahmin and
"that the Subjudge had told
"him to go to the pleaders."

With reference to the memory
or credibility of this witness,
it has however to be noted
that he says that Narasayya
was displaced by Subbayya
directly Mr Swaminadha
Aiyar came which does
not appear to be the fact.

Of P. Krishnamurazu
app IV pp 164-165

P. Krishnamurazu says

"Subbayya once came to
"me. I asked him why he
"should be paid so much
"more by the Vakils than
"he used to be. He said 'I
"have to supply water to the
"Subjudge's house, and he
"told me that he would get
"my services paid by increased
"subscriptions from the
"pleaders'."

Statement of the Subjudge
app IV pp 166-168

103. The Subjudge says that
he paid Succession Court

"only

G. Ve

"Nar

"the Su

"pay

"and

"Rs

"ple

Gow

Ran

is a

and

"Nar

"at S

"hon

"that

"who

"Scrip

"to t

"the

"me

"Rs2

"he c

"State

"mus

"at

"Nar

"at

"Rs 5

"and

"I as

"Serv

-brahmins Rs 2 a month and presents at festivals for their private work in his house. The worker, he explains, in other houses also.

104. The man Narasayya above referred to had left Ellore and his whereabouts were not known. Subbayya, his successor, appeared on summons and denies that he got any official assistance in collecting his fees from the court Vakils. For his private work for the Subjudge he was, he says, paid Rs 4 a month.

I do not believe this man's statement. The Subjudge himself says he only gave him Rs 2 a month, and, though in Ellore when summoned to give evidence before me, he would not appear till he was threatened with a warrant.

105. I consider that there is some basis of truth in the allegations made against

Evidence of weaver brahmin Subbayya

app IV pp. 168-169

Reasons for disbelieving it.

of truth; but sufficient legal proof is at present wanting.

Imprisonment to subjudge's house.

There seems reason for believing that the allegation against the Subjudge referred to in para 101 have a basis

the Subjudge in this connection. I will not say that he paid the weaver brahmin nothing, but I think that he got their services for less than the market value by putting pressure on the Vakils in regard to their fees for work in the sub court. But to prove this without the direct statements of the men concerned, and with no further supplementary evidence than what has been adduced above, is a different matter.

Section VII

Regarding the Subjudge's house &c

106. It is alleged that the Subjudge got large repairs executed in his dwelling house which belonged to Rani Lapamma Rao without having to pay any extra rent. As suggested in the memo put in by Kanakaraz and Achutaramiah I examined the Rani's house - Immediately P.

Lakshmayya, on the subject and he also showed me over the house. The main improvements made in Somasundara aiyar's time were.

(1) The construction of a side-door in the compound wall.

(2) It is suggested that the purpose of this was to admit bribe-givers, but while it might of course have been used for that object, its evident motive was to admit watercarts to the back of the house.

(2) The extension of the upstairs Verandah which involved the alteration of part of a tiled roof below into a terraced roof.

(3) The construction of a Chunnam staircase leading up to the said Verandah.

107. The accounts produced by Lakshmayya show that on these and other matters an expenditure of Rs 991 was incurred in the years 1894 and 1895; but on the other

Evidence of P. Lakshmayya
app III p 171

* see extract in app IV pp 173-174

The improvements led to increased rent and

the charge against the Subjudge altogether fails.

* Evidence of Somasundara p. 171 & app IV

Allegation that the Subjudge tried to extort money from the owner of the house in which the Sub-court was located.

Evidence of Nanjaluri Subbarayadu
app III pp 175-176

hand it appears that while the previous subjudge, who also occupied the house, paid Rs 20 a month only, Mr Swami-nadha aiyar's rent was raised to Rs 25. It appears too that very little had been done to the house in the two previous years.

I think that this charge altogether fails.

108. In this connection I may deal with an allegation in regard to the Court house at Ellore which was not referred to in the memorandum quoted.

The Sub-court was for several years located in the house of one Kandi-Appanna, now deceased. His brother-in-law Nanja-luri Subbarayadu, who appeared before me without being summoned, I believe at the instance of Mate Venkataswami, alleges that About April or May last the Subjudge sent for him

and demanded a year's
rent (Rs 480) threatening that
otherwise he would get the
Court transferred elsewhere.
Witness told his brother-in-law
who refused to pay. The house-
-owner having recently died,
the only corroborative evidence
for this statement was (I
was informed) letters from
the Subjudge in which he had
urged the District Judge to get
his Court removed from
K. Ayyanna's house. I have
gone through the correspondence
on the subject in the District
Court records and have given
an abstract of it in app IV (f)
pp. 177-179

109. From this it will be seen
that, though it is true that the
Subjudge was urgent in trying
to get ~~get~~ move his Court from
the house in question,
the building had been also
emphatically condemned,
upon personal inspection
by the District Judge, Mr.
Mackenzie, as "in every
"way unsuited for a court-
"house". I do not think

Letters of the District
and Subjudge on the
subject.

therefore that the Subjudge's
letters in this connection
can be adduced as evidence
of improper motive; and
as the allegations of the witness
above referred to rest on you
his own evidence, it must
be dismissed as, at any rate,
unproved. The Subjudge of
course altogether denies the
charge (app III p 176). It is
quite possible that, it being
well-known that the Subjudge
was trying to get his court-house
removed, this story has
been invented to ascribe his
action to improper considera-
-tions.

The allegation against
the subjudge is not
made out

Section VIII.

Affair of Parthasarathy Appa Rao's house.

110. This man is a nephew
by marriage of Lapamma
Rao, Rani of Sanivarapet,
and himself Raja of Bha-
-drachalam. He lives at
Sanivarapet.

110

The allegation (which was made to me privately by A. Kanakaraz and is also briefly alluded to in his evidence - see app IV p 184) is that he had a fine horse worth Rs1000, his only animal; that the Subjudge saw and fancied it, and sent Rs300 to the Raja asking him to send the horse with the receipt; and that the Raja, who had never sold a horse before, was so disgusted that he sent the horse and returned the money.

111. The Raja denies all this. He sent the horse in for sale to Ellore (he says) by a sowar of his named Musa Sheriff because "it had pains in the legs" and used to trip. The Sowar, using the discretion his master had given him, sold the animal to the Subjudge for Rs 300 — the

Parthasaratthi Appa Rao's horse

Said to have been extorted from him by the Subjudge.

* app IV pp 181+182.

The Raja says his sowar sold the horse for the price he had himself fixed.

The sowar says the same.

This cannot stand.

* See also the Subjudge's Explanation on p 184 of app. IV.

upset price the Raja had fixed, and brought the Raja the money. The Raja had previously sold a horse in the same way, but through another servant, to Mate Venkataswami and subsequently bought 4 others.

The Raja adds that he only had one suit in the Subcourt in Swaminadha Aiyar's time and that that was given against him.

112. Musa Sheriff confirms his master's story as to the sale, but there is one important discrepancy in their statements. The Raja said the money was brought to him in notes, the Sowar that he was paid in rupees.

113. Nevertheless, in view of these men's sworn statements* this case must, I think, be held to have broken down.

112

I may add that the Subjudge showed me the horse while I was at Masulipatam. It is a fine, showy, animal and at first sight worth a good deal more than Rs 300. But the sight of one eye appears to be affected and the forelegs seem 'shaky'.

Section IX.

Alleged extortion of free "supplies" by the Subjudge.

114. It is alleged that the Subjudge got free supplies of grain &c from the following persons:-

(1) Ch: sitaramayya, the Municipal Chairman,

(2) Ch: Venkataswami,

(3) Ch: Subbanayadu,

(2) and (3) being local Komatis.

115. Dasu Srikanulu states that a month or two after Mr Swaminadha Aiyar came to Ellore, Ch: Sitaramayya whom above mentioned complained to him that he had to supply the Subjudge with grain, grass and other things.

Alleged extortion of grain, gravel &c from Mr Sitaramayya Municipal Chairman
Evidence of Dasu Srikanulu
App IV p 185.

Denial by Sitaramayya
App IV pp 185-86

116. Sitaramayya denies this. The Subjudge, he says, asked him where he could get good rice, and witness got his father-in-law and general agent, N. Bhairavamurti, to arrange with Chodisetti Venkataswami, with whom the latter dealt, to supply the Subjudge at bazaar rates. Witness had nothing more to do with the matter.

As to the gravel, that was supplied by the Municipal Office and paid for - Vide witness's evidence and para 4 of a letter from the Municipal Manager, that he produced, on p 1909 App III.

117. Witness lent a carriage which he had little use for himself to the Subjudge with whom he appears to have

been on very friendly terms for a month or so at a time.

118. N. Bhairavamurti con- Of N. Bhairavamurti app IV p. 187.
firms the above statements in regard to the rice and the carriage.

119. Chodisetti Venkataswami says he supplied the Subjudge with rice 'on account' for two months previous to the recess of 1894. (His cadjan accounts showed the supply as having been in February and March of that year). Chodisetti Venkataswami supplied rice on account to the Subjudge in February and March 1894 and was paid in December '95. App IV pp. 187-89

After that the Subjudge's peon used to come and purchase for ready money what was required from time to time.

(1) The previous supply was not paid for till 20th December 1895 when witness asked
(2) for the money.
(3)

120. Ch: Subbarayadu denies Ch: Subbarayadu denies having supplied rice.
having supplied the Sub- app IV p. 185.
judge with rice. It was
alleged that his accounts
would show that he had
done so, but they do not.

The only suspicious matter is the delaying paying Ch: Venkataswami

Jewels to be made up for Subjudge.

121. The only allegation to which I attach any importance in this connection is with reference to the rice supplied by Ch: Venkataswami. It will be noted that after March 1894 he ceased to supply the Subjudge on credit, and that he was not paid for his supplies previous to that time till 20th December last (i.e.) the day on which Mr Mackenzie came to Ellore to enquire into the Vakil's petition to the High Court. It seems to me probable that, but for that petition, he would not have asked for payment and would not have obtained it spontaneously.

Section X.

Note re Subjudge's Jewel transactions.

122. It is alleged that the Subjudge took bribes largely in the shape of jewels which he had made up again by a certain goldsmith named Medide Veerayya.

Evidence of Medidoddi Veerayya.

123. This man was examined (vide app IV pp 191-193) and gives a list of the chief articles he worked for Subramanadha Aiyar while the latter was at Ellore. Their total value comes to £39 and Rs 1015 or say something less than Rs 1700 in all.

In some cases the Subjudge supplied jewels (an emerald worth Rs 300 for instance) from an old chain and so forth; in other cases he gave gold and silver. I do not think that the articles the witness speaks of and their value are at all out of the way for a native officer in the Subjudge's position. The witness is speaking, it must be remembered, of transactions which extended over some two years.

124. It was further alleged that the Subjudge was in the habit of sending parcels of jewellery to and receiving similar consignments from Messrs Ranganatha Tawker & Co. of Madras, and that the parcels having been

The transactions witness speaks of were not abnormally large.

The allegation that the Subjudge despatched large consignments of jewellery to, and received alterations, Ranganatha Tawker at Madras entirely fails.

insured their contents would be discovered by reference to the Postal records. I applied through the District Magistrate to the Postmaster General for information on this point; and in G.O $\frac{22.2.96}{366\ Jud.}$ he was authorized to supply it to me. I have received a telegram* from him on the subject, copy of which will be found on p 193 of app: IV.

*confirmed by post subsequently.

125. It will be seen that during 1895 the Subjudge only sent two insured parcels to Ranganatha Tawker and received none from them, and that the parcels he sent contained jewels worth in all only Rs 150.

The records for 1894 are not in the Madras Office having been sent apparently

to the Director-General of Post Offices for India, but the charge has failed so completely (so far as 1895 is concerned that I do not think it necessary to trouble about them.

Section XI

Alleged irregularities in regard to the admission and return of plaints.

126. The Sub Court Sheristadar states that a number of zamindari suits were admitted out of time (vide app: IV pp 195-196). It appears from the 'register of papers received' that the suits he referred to were presented on the 1st July 1895. The Sheristadar admits that the day was correct but says they were put in out of office hours. As they were put in apparently

Improper rejection of plaints not made out.

Allegation of the Subcourt Sheristadar that plaints were improperly rejected to improve the quarterly returns.

only a little after 5.30 P.M. and while the Sheristadar was still in Court, I think this was a technical objection which the Subjudge was perfectly competent to overrule

127. It will be convenient to deal here with the allegation referred to in para 24 (14) above.

The Sub court Sheristadar says (app IV p 195) "all the time "he was here, the Subjudge "used to make me return "plaints presented towards "the end of the quarter in order "that his quarterly returns of "suits should show less "arrears. All plaints presented "in the latter part of the last "month of the quarter were "returned on various pretexts "such as the supply of omissions

128. I have examined the quarterly returns of suits received and disposed of in the Ellore Subcourt during 1894 and 1895 and a consolidated statement of the same

will be found in app: IV
p: 197).

The figures of the first quarter of 1894 afford some support to the ~~Subjudge's~~ Sheristadar's statement, for it will be seen that 177 "unregistered plaints" were returned for "supplying omissions" and "deficient Court fees &c" against 252 Small cause and 9 original plaints admitted. The number of plaints returned seems to be abnormally large; but it is fair to say that the District Judge made no remark on the subject. In the remaining quarters the number of plaints returned bears a very moderate proportion to the number of suits admitted, except in the 2nd Quarter of 1895, when we get 134 Small cause plaints returned against 249 admitted. This however is explained as due to plaints represented during the recess, and which were not all the fees of them in full order,

The figures afford some foundation for the statement; but other officers work in a similar way for good returns.

being returned for submission after the Court reopened. I think it quite probable that towards the end of a quarter the Subjudge was more severe than he would have been at other periods in regard to returning plaints for amendment &c; but this method of working up to a 'good return' is, I fear, common to many native officers.

Section XII.

The Kovvali bribery case.

Evidence of M. Lakshmana Das of his conversations with Narayadu and of having paid a bribe of Rs 400 to the Subjudge on behalf of Somayajula Seshayya

App IV Pp 199-204.

129. M. Lakshmanadas of Chatapuram, who gave his evidence on a promise of immunity from prosecution as an accomplice of the Subjudge. (Vide para 3 of G.O. $\frac{14\cdot1\cdot96}{83\ \text{Judl.}}$) - if he be found to have spoken the truth, says he paid a bribe of Rs 400 on behalf of Somayajula Seshayya, a friend of his who lives in the adjoining

Village of Kovvali, where
witness himself has land.
130. There was a suit, he says,
in the Ellore District Munsiff's
Court against Seshayya.
The district munsiff's decision
was in Seshayya's favour,
but there was an appeal to
the Sub Court.
Hearing that the other side
was confident of success
in the appeal, and that the
Subjudge was open to 'mamuls'
of Seshayya and witness, who
was working for him in
the suit, determined to
offer a bribe. This was in
1894. Witness went to Ellore,
made acquaintance
with the Subjudge's depend-
-ent, Narayadu, referred
to in para 28 above, and
had various conversations
which he describes, with
this man at the Subjudge's
house. The result was that
it was settled that the
appeal should be in

Seshayya's favour, if Rs400
were paid to the Subjudge.
131. Witness told Seshayya,
who raised the money, and
the two brought it to the
Subjudge's house that
evening. Here they were
met by Narayadu who
(it having been agreed
that the money should be
paid to the Subjudge him-
-self) brought him into the
house, leaving Seshayya
outside the compound.
Witness then says "We saw
"the Subjudge on a pial down-
-stairs. Narayadu went
"first and said 'He has come'.
"Then I approached the Subjudge
"and put the bag by the
"side of the chair in which
"he was sitting. The Subjudge
"said 'How much?' I said
"'Rs400, you must protect
"Seshayya'. He said 'Have

"no fear - you can go". I said
"I had suits of my own and
"that he should keep from
"on me. He said "We shall
"see" and then told me
"to go away and not tell
"any one.

"Narayadu then took
"me outside again and
"told me not to frequent
"the house but to come
"and see him when I had
"any work. I said I would
"do accordingly and went
"home with Seshayya."

132. Within a fortnight after this the appeal was decided in Seshayya's favour, but he had to bear his own costs. Witness complained of this to Narayadu who said "there would have been "a row if costs had been "given".

133. Seshayya told witness

that he had borrowed the money from one Vadlapatla Venkayya.

Persons who state that Seshayya borrowed Rs 400 for Court expenses.

V. Venkayya app: IV p 204 and 205

V. Ramayya app: IV p 205

Y. Gangamma app: IV p: 206.

This man states that about 18 months ago, Seshayya borrowed Rs 400 from him on a pro-note "for Court ~~purposes~~ expenses". The money was repaid and the pro-note returned two or three months after.

V. Ramayya and Y. Gangamma state that they were present when this money was borrowed and signed the pro-note as witness. It was stated therein that the money was for Court expenses.

S. B. Sankaram says he was told by Lakshmana Das of this affair last November.

134. Vakil S. B. Sankaram (app IV p 206) says that Mr. Lakshmana Das, who is one of his clients, told him about this affair at the close of last November; that he ascertained

by enquiry (apparently of the three witnesses last mentioned) that a loan of Rs 400 had been raised by Seshayya.

135. S. Sundararamasastri says that a few days before the petition to the High Court was put in (the petition was sent on the 6th December) Lakshmanadas told him, but without apparently entering into details that, he had clear evidence of a case in which a bribe had been paid to the Sub. Judge by Seshayya.

Evidence of Sundararama Sastri app: IV p 210

136. Seshayya was summoned to appear before me at Ellore on the 8th February, but did not attend on the plea of illness. I had arranged to return to Rajahmundry on the 9th idem; I was going by canal, and Kovvali is not far from the canal bank, about 4 miles from

Non-appearance of Seshayya.

His alleged illness.

Ellore. I accordingly requested the Ellore Tasildar, who had revenue work in the village, to get Seshayya to come to the bank in a palanquin so that I could take his statement as I passed. He came, it appears, though very reluctantly; but on the plea that my boat had not arrived at the time that had been mentioned went away again; so when I passed I did not find him there. The Tasildar reported that he was feigning illness and submitted a statement from the Village officers to that effect.

Filed in app: V Ex: 2.

137. On the other hand a letter from S. B. Sankaram abovementioned was put before me in which he alleges that Seshayya was really dangerously ill; that even going to the canal bank had injured

It will be found in app: V Ex: 3

him; and that pressure was being put upon him to make him give false evidence. I sent word to Sankáram and Rm. Achutaramiah, who appear to have been working up this case, that I would not, in view of Sankaram's statement as to his health, enforce Seshayya's attendance; but that if he was not produced before me at Ellore on my way to Masulipatam, I should assume that he had no evidence to give which would affect the Sulipidgi's character. I passed through Ellore on the 27th February; but though due notice had been given of the fact, Seshayya was not present at the Railway Station as directed, nor were either of the Vakils abovementioned.

138. The Tasildar of Ellore,

Opinion of Tasildar of Ellore that the case is a got upone. Facts which seem to support this belief.

CHIEF SECRETARY 21 MAR 1898 GOVERNMENT OF MADRAS

If so this is abandoned as no witnesses produced

M. R. Ry. T. Suryaprakasa Rao Naidu, had previously written on the 8th February that in Kovvali it was openly said by the Village Munsiff that this case was a got upone, & that a pro-note had been concocted and antedated to support it. Vide Tasildar's letter of 8th Instant in app: IV pp 207-209.

139. I should say that I have known this Tasildar and his family since I was an Assistant in the District 13 years ago. When I came to Ellore, I told him confidentially of the nature of my errand, which was indeed by that time an open secret; & questioned him about the character of the Sulipidge

138.

and of the Municipal Vakilo; and told him to bring to my notice any-thing that he might hear. He is not by any means a friend of the Subjudge's, in fact he told me (though I did not examine him as a witness as he had no direct evidence to offer) that the latter bore a very bad character in the Pettah town and that he believed him to be a bribe-taker. His statement (which he repeated when I saw him personally on 9th February) that he believes the case now under discussion to rest partly at any rate on concocted evidence is therefore worth some consideration — also the further facts

(1) That though the matter is said to have occurred in 1894 Lakshmanadas

said nothing about it to Sankáram till Novem-ber 1895.

(2) That this case was not referred to before Mr. Mackenzie or in the memo. put before me by Vakilo Kanákaraz and Achuta-ramiah. It was not till Sankáram appeared to give evidence on 1st Feb-ruary that I heard any-thing of it.

140. On the other hand the Kovvali Munsiff is said to be an enemy of Sankáram and Seshayya.

141. The charge, which the Subjudge (app IV p 210) utterly denies, is, I consider, as likely as not a false one; and if true, Seshayya's non-appearance would seem to indicate that he has been 'got at' by the

The charge is very likely false; but some action seems advisable with reference to evidence of Lakshmanadas.

* Note. At any rate with reference to the evidence about the loan with which it is sought to corroborate the story of the bribe.

hu
w
he
fr
wo
an
wh
wa
Su
sac
as
Sea
hu
pro
Ell
pa
tha
to
the
Sp
on
tho
hee
Seah
ap
as
of

138.

Subjudge's friends. But in view of the detailed evidence of M. Lakshmana Das, I think that if it be decided to take further action with respect to the Subjudge on other matters this case also should be included.

Section XIII.

Allegation regarding a bribe by Gudupudi Sobhanadri

142. Just before I left Rajahmundry for Masulipatam, I was informed by Dasu Srikamulu that a Masulipatam Vakil named Venni Subbarao could speak to a bribe having been given to the Subjudge by one Gudupudi Sobhanadri of Kesarapalli

143. I examined V. Subbarao

Allegation of a bribe by Gudupudi Sobhanadri.

Evidence of V. Subbarao re a statement on the subject made by Vakil Rangachari

at Masulipatam on 29th February; but all that he can say (app II pp 211 & 212) is that on 16th February last he was told by C. Rangachari, a High Court Vakil of the place, that he (Rangachari) could main the Subjudge over a bribery case if he chose. Witness questioned one B. H. Venkataroyadu, a 2nd grade pleader who works under Rangachari, next day, and learned that the case related to one Gudupudi Sobhanadri of Kesarapalli, who had paid a bribe of Rs 300 to the Subjudge in a case in which a Zamindar was his opponent.

Denial of Rangachari app II p 212.

144. C. Rangachari (Examined 29th February), who admits that he is advising the Subjudge in reference to the petition and accusations against him, says

that what he told V. Subba
Rao was that Gudupudi
Sobhanadri was going
about saying that he had
bribed the Subjudge; but
that witness had had no
communication with the
man on the Subject.

Finding that Sobhanadri
was in the Town, I sent
for him and Examined
him on the morning of
12th March, and he denies
having given any bribe
His allegations in fact
resolve themselves into
the common and paltry
Statement that in a suit
which one of the Nuzvid
Zamindars brought
against himand others
in the Sub court, adjourn-
ments were granted to
favour the plaintiff.

145. It is worthy of note
however that this man
admits having gone to

and of Sobhanadri
app IV pp 212 & 213

Remarks

Rangachari above mentioned
on the evening of the 29th
February. Rangachari, it
appears, is his legal adviser
in the suit above mentioned
in which an appeal is now
pending; but I have little
doubt that that occupied
a secondary place in the
interview; and that if
Sobhanadri ever had any
reliable allegation to make
he has now been effectually
"Squared." Even had he
come forward as an
"informer", however his
Statement would have
had to be discounted by
the fact that the accusation
was not launched till just
at the end of the enquiry.

Section XIV.

Allegations against
the Subjudge in the
Tangallamudi Suit
O.S. 11 of 1886.

146. This was a suit for the possession of the Jan-gallamudi Estate which, after having been dismissed in the Subcourt, was restored on appeal to the High Court and decided by Mr. Swaminadha Aiyar on 16th September last. The suit was brought by Papamma Rao, Zamindarni of Sanivarapet, to recover the Estate from one Venkayamma Rao, and subsequently from the latter's successor, the son of the Venkatagiri Zamindar, who, being a minor, was represented by the Court of Wards. The Estate con-sists of 8 villages and the Subjudge's decision gives seven of these to Papamma Rao.

Jangallamudi Suit

147. It is alleged that this decision was obtained by corrupt means and in support of this it is stated

(1) That the terms of the decree were known before-hand to Papamma Rao's people

(2) That Papamma Rao's accounts contain an entry of Rs 5000 paid to attorney P. Subramania Aiyar of Madras in connection with this suit, of which the whole or a major part was really a bribe to the Subjudge.

The Subjudge denies having generally having taken money from Papamma Rao or any other Zamindar.

In regard to the first point

148. D. Balakrishnamma Karnam of Jangallamudi village States that on the

Allegations in support of Charge of bribery against the Subjudge.

Subjudge's denial app: II p 236

The terms of the decree were foretold by one of Papammarao's

146 10th or 11th September he was informed by Sinhadri-
-g. Bhimadu, a retainer of
of the Sanivarapet family, that
de a decree had been passed
w granting one of the suit
to villages, Malkapuram,
de a bungalow and certain
A gardens to the defendant
Th (the Court of Wards minor)
Pa, and the rest of the Estate
of to Papamma Rao. Witness
th at once went to the Estate
Ve Manager's office, which
is in his village, and, the
Manager being absent,
told a clerk what he had
heard.

Remarks.

Evidence of Karnam of Tangallamudi
App IV pp 215 & 216.

149. Valluri Seshachelam,
Manager of the Estate for
the Court of Wards, states
that he got to Tangallamudi
from tour on 13th Septem-
-ber last; that hearing
what the Karnam had said

Of the Estate Manager
App IV pp 216-218

he sent for him; and that
the Karnam repeated his
story. Witness then went
to Ellore and told A. Kana-
-karaz, the Junior Counsel
for the Court of Wards in
the Suit, and he said that
the Suit had not yet been
decided.

Of A. Kanakaraz
App IV pp 218 & 219.

A. Kanakaraz confirms
this statement.

Denial of Sinhadri Bhimadu App IV p 219 & 220.

150. I sent for Sinhadri
Bhimadu above mentioned
but he denies all knowledge
of the matter.

The story seems true.

151. I see no reason however
to disbelieve the story of
the Karnam and the
Manager, and it points
in my opinion to commu-
-nications between the
Subjudge and Papamma
Rao.

152. In regard to the second point the Hon'ble Mr. Subbha Rao, who also appeared for the Court of Wards in the suit, says that, hearing that Papamma Rao's accounts contained an entry of Rs 5000 as paid to Attorney P. Subramania Aiyar, which might have some reference to the Jangallamudi suit, he questioned that gentleman and was informed that he had only got Rs 2000, and that that was in connection with another matter.

As to an alleged entry in Rani Papamma Rao's accounts.

Evidence of Hon'ble Mr. Subbha Rao App IV pp 220-222

153. I sent for the Sani-Varapet Estate accounts for 1894 and 1895 and Examined D. Rajayya, the Estate Head Accountant in connection therewith. The accounts showed

Result of Examination of the Estate accounts and of the Estate Head Accountant App IV p 222

three payments to Attorney P. Subramania Aiyar in connection with the Medi adoption suits and other work he did for the Rani. On 20.10.95 there are two entries one for Rs 3000 and one for Rs 2000 in favour of this gentleman. The former entry (Item 114* referred to in witness's evidence) is explained as payments fees in a Privy Council appeal for the possession of the Village of Uppurajapuram, which was in dispute between the Sanivarapet Estate and a Local Mokhasadar. The latter is said to have been for a jewel which the attorney purchased for Papamma Rao. The accounts, granting them to be correct, are not however a full record of payments for 'Court Expenses' as they show that considerable

*Note. A numbered extract of certain items from the State accounts and a memo obtained from the Head Accountant with reference thereto will be found in app: IV pp 223-234

×Note. Benign in Madras, I asked Mr. P. Subramania Aiyar if these entries represent sums actually paid for him and for the purposes stated, and he has replied in the affirmative Vide copy of letter in app IV p 236.

sums were from time to time remitted to the Rani's private treasury; and for these no accompts furnished. The "private treasury" is in fact a sort of "Secret Service fund", and payments in the nature of a bribe would naturally be met from there. The Rani, I may add, is a very capable woman of business and quite competent to manage her own "Secret Service expenses".

The Rani's Secret Service fund.

154. It may be noted as a significant fact that no entries in regard to the Tangallamundi suit now in question appeared in the ordinary Estate accounts.

No entries re the Tangallamundi suit in the general accounts.

155. There was some confidential correspondence in regard to this suit between the Hon'ble Mr. Subba Rao and the Godavari Collector, which the latter has kindly permitted me to see. I quite true Extracts in

Correspondence between Hon'ble Mr. Subba Rao and the Godavari Collector.

App IV p 221.

There is no actual proof of corruption but there are grounds for suspicion.

Statement of Vadlamundi Venkayya that an attempt has been made to get up false story about bribes and implicate him.

App IV p 203.

Not substantiated.

Mr. Subba Rao on the 12th February he told me that he had not yet replied to the Collector's query as to the Subjudge's partiality to plaintiff; but his grounds for thinking that the Subjudge was biassed in plaintiff's favour are stated in his evidence.

156. To sum up I think that though there is no actual proof of corruption in this case there is ground for a good deal of suspicion.

157. I may add that when I examined the man Vadlamundi Venkayya referred to in para 29 above as to his relations with the Subjudge, he stated that an attempt had been made to get up false evidence regarding a bribe of Rs 15,000 which was to be alleged as having been given by Rani Papamma Rao to his wife in connection with this suit. He gave as his informant one Mahommed Isaac, a clerk in the Estate Manager's office. I sent for this man and it appears

from his evidence (app IV
p 237 & 238) that he was asked
by two brahmins whom he
did not know, not to give
false evidence, but to speak
to a matter on which he had
told them that he had heard
rumours, viz, the reception
by the Subjudge of bribes
through Mrs Venkayya.

Section XV

Alleged improper appoint-ment of a Receiver for the Medur Estate.

158. This was in connection with a suit for the succession to the Estate which is described as follows (app IV p 239) by High Court Vakil M. Venka--taratnam Naidu who appeared therein

"Appeared in O.S. 35/195 on
"the file of the Sub court. That
"was a suit for the succession
"to the Medur Zamindari
"on the death of the late minor,
"Narayya Appa Rao. Papamma
"Rao claimed as the boy's

Description of Medur Succession suit.

"adoptive mother, while the
"natural mother, Gopala
"Venkayamma Rao, claimed
"the Estate for herself. Peti-
-"ed for Papamma Rao. The
"Court of Wards, under whom
"the Estate had been, proposed
"to hand it over to Papamma
"Rao. The other party to the
"suit asked for an injunction
"against this, and for the
"temporary appointment of
"a Receiver. The Sub Court
"granted these applications
"as I think wrongly; but the
"District Court has confirmed
"the order."

159. It is alleged that V. L. Nara-
-simham, an old first Grade
pleader who practised in the
Sub court and was on friendly
terms with the Subjudge, was
improperly appointed Receiver
on Rs 400 a month, though
he had been pleader for the
natural mother and had
argued the case for her.

* Vide. This was one of the oral allegations we asked by Vakil A. Kamakkaraj on points on which he disclaimed personal knowledge.

Appointment of V. L. Narasim-ham as Receiver though he had, as pleader, been engaged by one side.

x Zamindari of Sani-Varapet.

160. I find from the records that the subjudge first recommended the appointment of the Collector of Kistna as Receiver; that he refused to serve; and that finally, after some correspondence with the said Collector, V. L. Narasimham was appointed Receiver by the District Judge Godavari Vide the latter Officer's proceedings of 18.11.95 and 16.12.95, copies of which will be found in app: IV pp 241-244.

It will be seen from the second proceedings that Mr. Mackenzie was perfectly cognizant of the fact that his nominee had originally accepted the position of plaintiff's Vakil, but that he overruled this objection under the circumstances stated in his proceedings, and evidently made the appointment on his own personally knowledge of, and confidence in, the nominee. So this allegation against the Subjudge entirely falls to the ground.

The appointment was made by Mr. Mackenzie, after consideration of the above circumstances and can form no charge against the Subjudge.

O.S. 8 of 1891.

Subjudge's judgment.

Section XVII

Alleged irregularities evidencing corruption in Certain suits.

161. The Sub-court suits in which these improper proceedings alleged are as below:—

(1) O.S. 8 of 1891
(2) O.S. 6 of 1895
(3) O.S. 4 and 5 of 1895
(4) A.S. 178 and 195 of 1895
(5) O.S. 8 of 1895 preliminary proceedings.

162. In this suit in which Rani Lapamma Rao of Samiravapet was a defendant; it is alleged that the Sub-judge improperly framed issues, and caused a Commissioner to correct his report and his evidence, in order to favour the defence. Having gone through the records of the suit, I find that the facts in issue therein are fairly stated in Mr. Swaminadha Aiyar's judgment, a copy of which will be found in app IV pp 245-262.

63. Vakil Dasu Sriramulu appeared for plaintiffs and was also (a fact which he omits to state) interested in the subject matter of the suit vide para 8 of the judgment above referred, which is also quoted in the extracts furnished by the subjudge referred to in para 17 above. He alleges that when the subjudge took up the suit (after the High Court's order of retrial) from his predecessor Mr. Sundara Rao, he allowed the issues which the latter had framed and allowed for the first time the contention that the mortgage debt had not been discharged.

This is explained in paras 7-9 of the judgment. But no reference is there made to the fact, which appears from the records, that on the statement of issues as passed by Mr. Sundara Rao the following note is added in his hand.

Allegations of Dasu Sriramulu
app IV pp 263/264

(1) That a fresh material issue was improperly allowed.

The subjudge's action does not prove corrupt partiality.

"Even defendant's Vakil did not urge that the mortgage debt was not discharged".

It appears however that subsequently 3rd defendant's Vakil put in a petition requesting the mention of an additional issue as to "whether the debt was discharged or not"; and that Mr. Swaminadha Aiyar heard both sides before framing his amended issues. The suit when originally tried was defended on the ground that there was no longer any right of redemption in respect of the Village; but as the High Court had upset that contention and held that defendant's possession was on mortgage (paras 1 to 6 of Sub Court judgment in app IV p 145 ad), I do not think that Mr Swaminadha Aiyar's conduct in admitting the fresh ground of evidence is of itself any proof of corrupt partiality.

164. So too in respect to D. Sriramulu's second allegation — that irrelevant and time-barred documents were admitted in evidence. This is a matter in which every Court must exercise its discretion in interpreting the law on the subject, and is a ground of appeal. I do not find any circumstance here to justify a charge of corruption.

(2) That irrelevant documents were improperly admitted not made out.

165. A Vakil named Sunnaraya Gopalam was appointed Commissioner to investigate the accounts of the Village during 3rd defendant's possession thereof, and it is alleged chiefly by D. Sriramulu that this Commissioner having sent in a report was ordered to submit a fresh one more favourable to the defence.

(3) That the report of a Commissioner in the suit was tampered with.

166. Sunnaraya Gopalam states that he was only made to submit a supple-

Ev. of Sunnaraya Gopalam app. IV pp. 265-66 & the records

- mentary report with reference to a 'Samudaram' establishment which he had not taken into account. The Subjudge states (para 130 of judgment) that the supplementary report was in regard to road cess charges and was admitted by both sides, and this appears from the records to be correct. The Subjudge disagreed with the Commissioner's main report as unjust to defendants. Whether he was right or wrong in so doing is for an appellate Court to determine; but at any rate he has stated his reasons fairly and plainly in his judgment (para 13)

× Note. This showed a sum of Rs 4077 as still due from Plaintiffs, While taking the road cess entered in account the Subjudge makes it out to be Rs 9,954 - vide 11-17 of judgment

167. The Commissioner states further that he was examined in Court on his report on two days; that on the first day he made some mistakes which he rectified on the 2nd occasion after consulting the

accounts, and that the Subjudge then tore up his English notes of the 1st day's examination, while the Telugu record was scored out.

If Even if this were so, I would not regard their irregularity as necessarily proving moral obliquity. But on looking at the Telugu record of this witness's evidence, I find only three lines a bit scored out, towards the middle of a deposition of 5½ pages, and these few lines only do not occur in the English notes. If they had been allowed to stand, the Commissioner's evidence would have been more favourable to defendants (the side the Subjudge is supposed to have favoured) by a sum of Rs 12½.

168. To sum up, though the Subjudge's decision may be open to criticism from a

No evidence made out

legal point of view, I do not think that the records establish the charge of corrupt favouritism to defendants.

O.S. 6 of 1893.

169. In this case M. Achutaramiah - allegeo improper action on the part of the Subjudge in refusing an application for security to be taken from the decree-holder (Plaintiff) for the decree amount, though his client (defendant) had appealed - (Vide his evidence on pp 26) of app: II).

It appears from the records, which I have gone through, that the Subjudge ordered the amount realized in satisfaction of the decree to be paid to plaintiff on the latter filing a security bond in land for Rs 262, the total decree amount, with interest and costs, being

O.S. 6 of 1893.

M. Achutaramiah's allegation in this case frivolous.

Rs 10-0. This allegation is therefore frivolous.

O.S. 403 of 1895

170. These were suits brought by the Raja of Vallur against his two wives for the recovery of his minor children. The defendants' Vakil M. Achutaramiah alleges various irregularities committed by the Subjudge to favour the plaintiff, who is said to have been one of the persons from whom he received bribes.

Achutaramiah's evidence on this point will be found on pp 269-272 of app: III. and may be summarized as follows.

(1) An injunction was improperly granted to restrain the Ranis (defendants) from taking the children out of British India.

(2) There was a refusal to

O.S. Hand 5 of 1895.

Allegations of Vakil M. Achutaramiah and remarks thereon. They do not afford any valid evidence against the Subjudge.

permit the examination of the Ranis by Commission at Cocanada.

(3) Certain interrogatories framed by defendants' Vakil for the examination of witnesses at Secunderabad were rejected in toto because the other side took exception to some of them.

(4) Defendants were not permitted to summon additional witnesses.

(5) Certain Dasis, whom plaintiff had called but not examined, were examined as Court witnesses. I examined the pleader for the plaintiff M. Venkataratnam Naidu

(High Court Vakil of Rajahmundry) and he gives his version in regard to points (1), (2), (3) and (5) and states that in his belief there was no gross irregularity in the disposal of the suits.

171. I consider his explanations

* app IV pp 272-274

to be generally satisfactory, but have added certain remarks suggested by a perusal of such of the records as are now in the District Court at Rajahmundry. (The more important papers are in the High Court on appeal). These will be found in pp 275-276 of app: IV.

I do not regard M. Achuta ✓ ramiah's allegations in this suit as affording any valid evidence against the Character of the Subjudge.

A.S. 178 & 195 of 1895

172. These were practically cross appeals, though not by the same parties, from the District Munsiff of Tanuku and in both the main fact at issue was the validity of a certain will which the District Munsiff had held to be genuine. Pemmaraju Gopalam appeared for the appellant

Alleged in proper procedure in A.S. 178 and 195 of 1895.

Evidence of Pemmaraju Gopalam
app IV p 277-278

of M. Achutaramiah
app IV p 278-279

CHIEF SECRETARY
21. MAR. 1898
GOVERNMENT OF MADRAS

in No. 178 and for the respondent in No. 195, the appellant's Vakil in that suit being M. Achuta-ramiah. Both these pleaders state that the Subjudge had already heard arguments in No: 178, and had issued an order referring it back to the lower Court for further ~~suit~~ inq, when (on the following day) the said Achutaramiah came into Court to argue No: 195 and pointed out that if the will were (as he contended it to be) held invalid, that would dispose of No: 178 also. The Subjudge is then said to have put aside his previous order, and after hearing arguments in A.S. 195, and apparently P. Gopalam for a second time in A.S. 178, to have found against the will, and wrote judgments in both suits accordingly on 21st November 1895. Of the first order said to have been made in A.S. 178, there is no trace in the record;

but assuming the facts to have been as alleged, the worst that can be said is that the Subjudge acted irregularly in not having left it on the record and then allowed an application for review. There is no allegation of corrupt motive therein, nor had the Subjudge any reason for obliging Achchi Aramiah; while the cancellation of the first order was done openly.

Reason for holding that this was not done from corrupt motives.

O.S. 8 of 1895

173. This suit is dealt with in note B to the report. I need only say here that the records do not, in my opinion, confirm the allegation of corrupt partiality made against the Subjudge in connection with the preliminary proceedings.

O.S. 8 of 1895. dealt with in note B. No case made out against subjudge

Section XVII.

The Ventrapragada case.

174. Before concluding

my report I must say a few words in the Ventrapragada case. The

The Ventrapragada case

Ventrapragada Estate having, by the death of her husband, fallen into the hands of a lady named Sitamma Rao, the Court of Wards assumed management of it on her behalf. The lady put in a petition, under sec: 7 of the Court of Wards Regulation, claiming to be competent to manage her own affairs which the Court resisted on the ground that she was not only incapacitated by sex but was peculiarly unfit to escape from tutelage by reason of her intemperate, immoral

and extravagant habits.

175. The petition was presented to the Kistna District and the under orders of the High Court Ra was referred to the Ellore subjudge for investigation under clause 4 of para 7 of the Regulation. On the 17th October 1894 the Subjudge sent in a report stating that he found the lady fit to manage her own affairs. The subjudge's enquiry appears to have been very superficial; and, as remarked by the Court of Wards in its proceedings No: 1942 of 17.11.94, it was not conducted "in such a way as to elucidate the facts of the case", considering the allegations of the lady's incapacity that

The subjudge had to report on the capacity of a lady who sought to escape from the tutelage of the Court of Wards

Curious character of the enquiry

had been put forward by the Collector – vide Estate Manager's letter to the Collector of Kistna dated 14.10.94 and paras 1-3 of Collector's report thereon to the Court of Wards, copies of which I have obtained from the Court's office. The Court of Wards directed the High Court to be moved against the adoption of the Subjudge's report, (which will be found on pp. 292-329 of app III) before the matter came on for hearing there, the lady died in February 1895.

176. Thereupon Rajaveni-Kata Narasimha Appa Rao of Nuzvid filed O.S. 21 of 1895 in the Ellore Subcourt to obtain possession of the Estate on the strength of a lease executed in his

× app: IV pp 281-287

⁂ app IV pp 288-287

⊗ para 1 of Court of Wards' Proceedings dated 17.11.94 / 1942

iii app III p 290

⁂ a copy of this Proceedings was sent at the time to Government (Revenue department)

a subsequent suit

favour by the late Pro-
-prietrix. The defendant
was practically Raja
Ramachendra Appa Rao
of Nuzvid who claimed that
his son, under a will left
by the late Proprietrix and
then previous to that by her
husband, was heir to
the Estate. Plaintiff's Suit
was thrown out, the lease
having been held to be
unenforceable.

177. It is said that in
both cases the Subjudge
was bribed and that
Rajah Venkata Narasimha
Appa Rao, who was back-
ing the then Proprietrix
in the former case, but
had been disgusted by
the Subjudge's corrupt
practices having now
been turned against
himself
he, could give information

* Note My informant was A. Kamaraz but he admits that there was as yet no evidence outside the possible information that might be furnished by Raja Venkata Narasimha Appa Rao.

allegation that sub-judge was influenced by bribes

on the Subject. I wrote to the Raja and received in reply the letter given in app IV p 291 from which it will be seen that he is at present not prepared either to come forward himself or to supply the names of other persons who would do so. There is therefore no evidence against the Subjudge, but I think that the way in which he examined the Venkatapa-
-gada Rami and allowed no rebutting evidence to be submitted for the Court of Wards affords consider-
-able ground for suspect-
-ing his bona fides.

No injunction (the Manager from Raja Venkata narasimha Appa Rao)

* Note. The decision evidently gave rise to a good deal of local talk- see Kistna Collector's D.O. to me re the Mangapala suit - Note A to report para 3, and also the letter of Vakil V. L. Narasimham referred to in para 207 above and quoted in page 10 of app IV.

Section XVIII.

Summary and Conclusion

178. I have already indicated, in dealing with the various Charges made against the

Subjudge my view of the evidence, oral and documentary that I was able to obtain; but a bird's eye view of my opinion on each case will perhaps be useful.

Summary of opinion on charges referred to in report.

Mate Venkataswami's allegation of a requisition on him for a bribe rests on his own statement which must be discounted by reason of his hostility to the Subjudge.

The Mate maintenance case

See: III of Report.

That the Subjudge received a bribe of Rs 1000 from Maddula Rangaraji on behalf of the Plaintiff in the Suit is, I believe, true, and there is a large amount of evidence in support of the charge.

This I believe to be true also, but the only direct

The case of Bapiraju Behari Bhoge

See: IV.

The appointment and payment of Commissioners in Suits.

See: V.

evidence is that of Bapiraju Behari Bhoge himself.

Considering the [illegible] private relations between Mahommed Yakut and the Subjudge, the payment to him of Rs 50 for what was merely interim work in O.S. 8/89, and the non-appearance of such payment in the Commissioners returns are suspicious.

The other allegations in this connection are not made out; but the Vizagapatam story referred to in para 99 seems to show that there are riddles in the Subjudge's career before he came to Ellore which might repay investigation.

The affair of the Court Waiter-brahmin.

See: VI.

The Subjudge misbehaved improperly intervened between the brahmin and the

Vakils to increase the
former's income. I think
it quite probable that, as
alleged, he did this to get
the brahmin's services
for himself free or at in-
adequate rates; but full
proof of this is wanting.

The first is not made
out; the second seems
unlikely.

Not made out.

The delay in paying Ch: Ven-
kataramani and the
date on which payment
was finally made are
suspicious para 120.

Nothing made out.

Allegations regarding the
Sulijudge's Court house
and dwelling houses
See: VII

Affair of Parthasarathi
Appa Rao's horse.
See: VIII.

Alleged extortion of
Supplies.
See: IX

Alleged improper acquisition
of Jewels.
See: X

Irregularities in regard
to Manitoo.
See: XI.

Nothing serious proved.

The Kovvali bribery
case
See: XII

It seems not unlikely that
attempts have been made
to work up false evidence
against the Subjudge in
support of this charge; but the
deposition of Lakshmana
das that he paid the Subjudge
Rs 400 as a bribe calls for
some action. If the case
stood alone I should recom-
mend that the Subjudge be
allowed to clear his character
(if he can) by prosecuting
Lakshmanadas; but if, with
reference to other cases,
Government see fit to
order a criminal prosecution
or a Commission under Act
37 of 1850 I think this affair
might also be included.

1896

The alleged bribe given
by Gundupudi Subbamadi
See: XIII.

Nothing made out.

that the terms of the decree were known beforehand in the entourage of Rani Papammarao, the Plaintiff, and that the legal expenses she must have incurred find no entry in the general estate accounts and must therefore have been drawn from her Secret Service fund are I think very suspicious.

The decision in the Tangaturi suit

See: XIV.

The allegation of improper conduct on the part of the Subjudge fails. The appointment was made by the District Judge of Godavari.

Appointment of Vakil V.L. Narasimham as Receiver to our Estate

See XV.

The charges of corrupt partiality &c made in this connection are, I consider, unfounded.

Alleged irregularities in certain suits

See: XVI.

The procedure of the Sub-judge seems somewhat suspicious. I would have questioned him about the matter at Masulipatam

The Venkatapparagada case

See: XVII.

but had not then seen the papers subsequently obtained from the Court of Wards Office in Madras.

I have no doubt of the Subjudge's guilt.

179. I myself entertain no doubt, from all that I have heard in connection with this enquiry, that Sub-Judge Swaminadha Aiyar was thoroughly corrupt. He has, as I pointed out in section I, arrayed against him the almost unanimous opinions of the pleaders of this Court, some of whom are at any rate men whose character and veracity are entitled to respect. His character had become a bye-word in Ellore, and had sunk to such a low ebb that not only were open allegations made against him in the District Court of Godavari, but even

in his own Sub-Court. Vide the petition referred to in paras 58-60 of Section III. The name of an honest man would not have been dragged in the dirt in this fashion.

180 My own belief is that he took money mainly in suits in which local zamindars were concerned on one side or the other. But these are just the cases in which it is most difficult to obtain proof; for the Zamindar will not only not come forward himself, but will do his best to prevent other evidence being adduced, for fear of spoiling his market with subsequent bribe-takers. The leaders of the petitioning Vakils had But I believe that most of his bribes were taken in cases in which it is very difficult to obtain any evidence.

The evidence that has been adduced however in support of some of the Charges made calls I think for further action on the part of Government.

therefore to fall back on more doubtful cases, and to supplement their charges by ~~and~~ allegations which a perusal of records has shown to be unfounded and in some cases frivolous.

I fear that attempts have also been made by the less scrupulous among them (~~that~~ Aramiah, S. B. Sankaram and D. Srinavulu) to adorn a story that may have a basis of truth with a superstructure of falsehood. 1896

181. But, as I have stated above, I think that some of the charges on which evidence has been adduced are true, while others afford room for grave suspicion. It is for Government to decide what further action it deems

necessary with reference
to Mr Swaminadha Aejar;
but I may perhaps be
allowed to say that though
the evidence against him
may, speaking generally,
be not sufficient for cri-
minal prosecution, it
appears to call for some
action which will remove
him from a position which
I believe him to be altogether
unworthy to occupy.

I have the honor to be,
Sir
Your most obedient
Servant

C. Burgess
Sub Collector and
Joint Magistrate
Godavari.

The Mamagala suit

Transferred by the Kistna District Court to its own file on ground of importance and intricacy of the questions involved.

Note A on O.S. 30/93 on the file of the Sub Court Ellore.

1. This was a suit to recover the Mamagala zamindari from one N. Venkataranga Rao, a minor under the Court of Wards, the plaintiffs being 13 members of the Mamagala family residing at Sivapuram. On the 17th September last a petition on behalf of the Court of Wards was presented to the District Court of Kistna asking for a transfer of the suit to that Court on the ground of its importance and of the difficult questions of law involved. An order of transfer was issued accordingly vide copy of petition and order on pp 303-4 of appx: IV.

2. As remarked by Mr Mackenzie in para 3 of his report to the High Court (appx: I), there appeared to be

some other ground than that put forward in the petition for the application for transfer, and on a private reference to Mr. Hamnett, he favoured me with the following note on the subject.

"I did transfer the suit on "Atkinson's private information "that he had reason to believe "that the Subjudge was being "offered a large bribe in the "suit. I thought it unnecessary "to enquire into the truth of the "allegation as I considered the "transfer desirable on other "grounds, viz, that the suit "was an important one "and that such suits should "in general, be taken up by "the District Judge if he can "find time to do so."

(Sd) F. A. Hamnett.

3. On this I wrote demi-officially to Mr. Atkinson and transcribe the portions of his reply of 4.3.96 relating to this matter.

The collector also alleged privately corruption on part of Subjudge.

Collector's statement of his grounds for so doing.

× See sec XVII of Report

× Vide para 15 Sec I of Report and p 10 of app: IV

"In regard to the Mangalagiri "adoption suit, Hamnett is "mistaken in saying that I had "reason to believe that the "Subjudge was being offered "a large bribe. My information "was not as definite as that. "I told Hamnett that the Subjudge "was reputed to be corrupt, "and that I feared that the plain-"tiffs in the suit were offering "him illegal inducements.

"First as to general reputation, "I knew what had been said "about the Subjudge in the "Venkatapragada case under the "Court of Wards regulation. I "had seen the letter from "Varanasi Lakshmi Narasimha "(which I sent to you); and "my own English Head clerk "(Pandit Nageswara Rao B.A. B.L. "now Tasildar of Palnad); my "Sheristadar; and the Govern-"ment pleader Masulipatam "(P. Venkatappiah B.A.) had told "me that the Subjudge was be-"lieved to be corrupt.

"them as to the Special case-
"the Ellore pleader, engaged
"by the Court of wards in the
"suit (J. Gowrinadha Sastri BA)
"at an interview during the
"recess of 1896, had suggested
"that I should apply for a trans-
"fer. No special reason was
"assigned by him, but I
"certainly understood him
"to allude to the Subjudge's
"reputation. Some few
"weeks later my Estate Head
"clerk (Mahomed Bazlullah
"BA) went on leave to his
"native place, Ellore. On
"his return he brought me
"a verbal message from J.
"Gowrinadha Sastri that
"it was of the utmost im-
"portance that I should
"get the suit transferred
"from the Subjudge's file at
"once. I shall be in Masuli-
"patam about a week hence,
"and will then take statements
"from such of these persons
"as I can."

4. It will be seen that the allegations were all of a general nature and that there is, as yet, no specific evidence against the Subjudge in this connection.

Note B

Regarding O.S. 8 of 1895

Allegations of unfair action against defendants in the preliminary proceedings in O.S. 8 of 1895

Evidence of A. Kanakaraz
app IV pp 305-8

They are merely of a general nature.

It is alleged by Kanakaraz that in O.S. 8 of '95 in which Achutaramiah was for plaintiffs and he for defendants, the Subjudge, having passed orders on a petition by plaintiffs for attachment of defendants property (to satisfy a decree in the event of it being for plaintiffs) which allowed defendants to show cause against the same, modified his orders in favour of plaintiffs and on subsequent petitions presented by them but which were unaccompanied by the affidavits and informations as to property required by sections 483 and 492 Civ: Pro: code.

Judge Achutaramiah
app IV pp 308-9.

Achutaramiah, Plaintiffs vakil, corroborates his statements.

Facts as ascertained from records.

2. The facts as ascertained from the records from now

in the Godavari District Court are as follows:—

The suit was for recovery of Rs 2675 on a promote. There were various petitions by Plaintiffs for action under Sections 483 and 492 Civ: Pro: Code on the ground that the defendants would alienate or conceal their moveables before the suit was decided.

3. (1) The first was dated 24.1.95 and was accompanied by an affidavit and a list of moveables. The Subjudge ordered (4.2.95) a temporary injunction against defendants' immoveable property, and called on them to show cause why their paddy should not be dealt with under Sec 483 Civ: Pro: Code.

(2) The second petition, dated 4.2.95, asked for immediate action in respect of the paddy, as the immoveable property was not of much value.

The Subjudge allowed notice to show cause against attachment returnable immediately (5.2.95).

(3) A third petition asked again for a conditional attachment of the moveables on the ground that defendants were trying to conceal them, and the Subjudge's order dated 11.2.95 was "attach defendants' paddy heaps unless security is given. Give notice also."

It should be noted that this was 6 days after notice returnable immediately had been ordered to be issued on defendants, and they had apparently not moved in the matter.

(4) On 20.2.95 defendants put in a petition showing cause against the injunction attachment orders previously given; and on 6.3.95 the Subjudge recalled the order of injunction on the ground that the Plaintiffs were absent.

(5) Plaintiffs having put in a petition next day explaining their absence, the Subjudge, on 12th March '95, after hearing

both sides, restored the injunction order.

4. The Subjudge's various orders show a mind somewhat easily influenced by Vakils' representations, but are not, I think, liable to any worse conclusion. An affidavit and list of property had been submitted with Plaintiff's first petition, and the others were all with reference to that. The amount of the property and the alleged intentions of defendants in regard thereto, being constant, it was not necessary to maintain further affidavits.

Inference of corrupt conduct not made out.

5. On 16th November 1895, a petition for transfer of this suit from the Subjudge's file was put in before the Rajahmundry District Court. This has been already referred to in paras 20(7) of this report. I need only add here that apart from

Subsequent proceedings in the suit.

the preliminary orders which I have discussed above, no specific allegation is made against the Subjudge with reference to the suit itself; and that the evidence which it was prepared to adduce against him was that now brought forward with reference to the Motor maintenance case, the affair of Bepin Bihari Bhose, the appointment of Commissioners &c &c.

6. Also that M. Achutaramiah in spite of having been Vakil for plaintiffs appears, though he tries to explain his actions as not unprofessional, to have been ready, not to say eager, to give evidence against the Subjudge on these points in support of the transfer petition which his client was opposing.

W.A. Burger
14/3.

ENT.

March 1896

the Judges request to upon it works as hay

to estimate

Ca

XVII of

Condrch

that

ders.)

Dest'd 23/3

Confidential

CURRENT NO. 147

From

W. S. Meyer Esquire I.C.S

Sub Collector and

Joint Magistrate

Godavari

147

To

The Hon'ble Mr J. F. Price C.S.I.,

Chief Secretary to Government

Judicial Department

No A

Dated 16th } March 1896.
Desp.d 16½ }

5 appendices

Submitting report on the special investigation ordered by Government in G.O. 14.1.96 No 83, Judicial, regarding Subjudge Mr N. Swaminadha Aiyar.

In R. C. No. 2299 of 1896

[G. / 25]
1,000—5-11-95

* Kept separately

Jud'l — DEPARTMENT

C. No. 12465

FOR ORDERS.

I think it will be better to send the report to the H. C. for remarks with the request that they will state whether they desire a formal enquiry under the Act of 1850 or on what charges

BS
19/3/96

The cont. is the report PV. Meyer was directed in GO. 83/14.1.96, to make into allegations of bribe-taking against the late Sub-judge, Ellore. Under Madras Act III of 1873 sec. 18 suspension & removal of Subjudges rests with Govt. Under sec 19 the High Court may, if there be urgent necessity for so doing, suspend a Subjudge pending the orders of Govt.

There is perhaps no "urgent necessity" for the High Court to suspend this man pending Govt's orders, so action on the report would be taken by Govt.

The High Court, however, originally brought the case to Govt's notice, (its letter in GO. 83/14.1.96) & asked for this enquiry; & it might perhaps be annoyed if Govt. now passed orders on the report at once without even informing it that the report had come. Submitted

therefore that the High Court may be sent the report & asked if ~~Govt order~~ they wish Govt. to deal with it under sec 18.

The High Court would

Write to the

saying that the Sub Judge was tried & convicted & he begs he has however told me that it is questionable whether there is a sufficient criminal case against him & I have to deal with the matter on appeal — ah any rate two of the Judges would.

It seems therefore desirable that we inform the Hon'ble Ch. that the report has been received and ask them whether they wish Govt. to deal with it under Section 18 of Act III of 1873, or would desire to hear the Sub Judge.

It is not very clear from the Court's letter in G.O No. 83 dated 14.1.96. whether the Hon'ble Judges contemplated seeing the report when received by Govt. for they use the word "preliminary" and mention the Officers who should in their opinion be deputed to hold the inquiry. This they would hardly do if their letter was to be considered as a complaint and a standing order of the case by Govt.

LD
18/3/96

Late Subjudge of Ellore. —

FOR ORDERS.

~~H. E. THE GOVERNOR.~~

THE HON'BLE MR. H. W. BLISS, C.I.E.

THE HON'BLE MR. J. GROSE.

C19/5
R19/5

[G. 24.] 200—10-95.

Judl. DEPARTMENT.

Papers to be read in proceedings :—

Again G.O, dated 14 Jan 1896, No. 83
Again G.O., dated 189, No.
Current No. 1245 of 1896, dated , from
" " " 189, " , "
" " " 189, " , "

+ kept separately

ORDER. No 603 dated 23d March 1896

The Mr Meyers report will be transmitted to the Hon. the Judges of the High Court with the request that they will be good enough to favour Govt upon it with such remarks as may seem fit to them, to enable Govt. to submit to the Govr. whether they desire that a formal inquiry under Act XXXVII of 1850 (should be held into the conduct of the Subjudge) and if so on what charges.

LD
20.3.96 21/3/96 (from orders).

from the C.J. with C.L. with report & appendices } Desptd 23/3

Bundled with CNP 1778

Late Engineer Officer.

FROM ORDERS.

C. S.

First copy sent to Press.

Returned for Signature.

Despatched.

NUMBER OF COPIES REQUIRED. { Order complete. / Letter only. / Order complete with Letter.

READ AGAIN G.O., No. 18 , DATED

Spare Copies.

Struck .. ..

Issued .. ..

CURRENT No.

ENCLOSURES TO C. No

Total ..

In hand ..

ORDER OF GOVERNMENT .. .. ..

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.