

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.**Government of Madras.***Public Works* **DEPARTMENT.**

G.O. No. 3436

Press
Mis.

6-7

Dated 1-12-1864

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
1st December 1864.*

No. 6. Read the following letter from Captain F. J. MOBERLY, R. E., Superintending Engineer, 8th Division, to Colonel C. A. ORR, R. E., Secretary to Government, Department Public Works, dated Madura, 15th November 1864, No. 1,792:—

SIR,

1. I have the honor to report that it appears doubtful whether the Statement of land given

1 Copy of decision.

by Acting Overseer Chokalingum Pillay is correct, he returned it blank. A short time

ago a Ryot in the Tinnevely Taluq complained that certain alterations to the Calingulah of Ponpathy tank were executed at the instance of the Overseer for the improvement of certain lands which he possessed to the value of Rupees 2,365.

2. Under the impression that it would bring the matter to a legal issue, Major Paxton desired the Overseer to sue the Ryot for defamation. I enclose the decision of the Deputy Magistrate from which it would appear that in that Officer's opinion Chokalingum Pillay is the proprietor of the land in question.

3. The Overseer appeals to me and asserts that only so much evidence was taken as satisfied the Deputy Magistrate as to the good faith of the Ryot, but not sufficient to prove who is the real owner of the land; he further pleads that much of the evidence was inadmissible as being hearsay, and that the 6th and 7th witnesses, on whose testimony the Deputy Magistrate lays stress, were fined Rupees 50, by the same Deputy Magistrate two weeks before for fraud.

4. I cannot learn by what procedure I can discover the truth of the matter. It seems to me important to know it, as otherwise the Returns of land, &c., can never be relied upon.

No. 7.

ORDER THEREON, 1st December 1864, No. 3,436.

The Superintending Engineer, 8th Division, should apply to the Collector for the information required.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 8th Division.

„ Collector of Tinnevely.

Exd. T. O'Connor.

1	2	3	4	5	6	7	8	9	10	11	12	13
No. of the case	Name of the accused	Substance of the Complaint	Name of Complainant	Name of witnesses for the prosecution	Name of witnesses for the defence	Summary of the facts proved or Confessed	Result of the inquiry	Date of offence	Date of Complaint	Date of appearance of accused or appearance of witnesses	Date of closing inquiry	Explanation of delay
46 of 1864	Mudali Salamy Samaraswamy Mudali & as Cultivators	That he on the 24 th May & 2 nd August 1864 defamed Chokalingum Pillai. Oversee of the 1 st Range by writing & publishing concerning him the following words: Viz ^t that he bought 7 Cottages of lands under the tank of Alwarney in the name of one Subramania Pillay & persuaded him Subramania Pillay Cunningsly to present a petition to the Engineer, having for its object the lowering or destruction of the balingulab in the tank of Pampatti belonging to the Defendant, & further that he 1 st heard that the said Chokalingum Pillay fraudulently included the estimate for the destruction of the said balingulab in the list of several Estimates sent by him to the collector, whereas the allegation of Chokalingum Pillay having bought the land in the name of Subramania Pillay & that he fraudulently included it in an estimate sent to the collector is untrue & that he has thereby committed an offence punishable under Section 500 of the Indian Penal Code and within the Cognizance of the District Magistrate	Chokalingum Pillay	Subramania Pillay Vanthu Subramania Sankaralingum Pillay. — 3 Major C. Paxton 4	Subramania Pillay Sankaralingum Pillay Major C. Paxton 4	1 The Defendant is the proprietor of Pampatti tank. It appears from the evidence that a Thornbough or balingulab, was constructed sufficient to this tank in July 1864 with a view to insure a larger extent of cultivation under person to the tank & to secure the cultivation order nearly raised from brought 3. It appears from Major Paxton's deposition that in the month of October or November last, he received a petition from the Collector presented by the inhabitants of Radakalishito-gether, with a letter requesting him to inspect the lands belonging to them which were inundated, that he accordingly inspected them in the end of November & found them to be covered with water	The Deputy Magistrate finds that there are not balingulabs, was constructed sufficient to this tank in July 1864 with a view to insure a larger extent of cultivation under person to the tank & to secure the cultivation order nearly raised from and therefore directs that he be discharged	31 st May & 2 nd August 1864	30 th Sept. 1864	26 th 80	15 th October 1864	On the 20 th Certain material documents were called for & received from the Engineer on the 21 st . Whereupon a summons was issued to the Defendant & the Prosecutors 1 st witnesses. Proctors & Depts. examined on the 20 th and summons issued to Defendant's witnesses & apart of the witnesses appeared on the 10 th and warrant was issued to remaining witnesses. witnesses were examined on the 14 th October. Prosecutions 1 st witnesses promised to produce certain new witnesses on the 6 th . They appeared on the 7 th & were examined, on the 11 th . Waited until the 15 th for the appearance of a certain witness who eventually did not attend and the case disposed of on the 15 th

that on learning from a letter from the Tahsildar that the lands of Chelakalingam Pillay (Prosecutor) to frame an Estimate for some years, there would be an insufficiency of water to the defendant, that he consulted that he Major Paxton made no further enquiry with regard subsequently stated that the Calingulab should not be lowered because no and that he thinks that the lands of Panpatty tank may suffer damage or otherwise of lowering the Calingulab has to be hereafter settled after

3 After the estimate was thus framed the Defendant who was appearing of an alleged grievance" apparently true & praying redress and written Superintending Engineer Captain Probert under date the 24th May 1881, which he might not deserve, was not the subject matter of action the Circumstances are almost similar, and prove the entire absence of Graham's maternal uncle Subramania Pillay (1st Witness) under Shwaneri tank interested in the latter tank, that according to Ayacut accounts of Panpatty, which the Ayacut of Shwaneri was only 18 Cottahs & that the effect of the this the Defendant is stated to have made use of the defamatory words

4 The question for decision is whether the accusation that Prosecuted whether the Defendant in making the accusation is protected by any of the

5 It appears from the deeds produced by the Prosecutors 1st & 2nd of lands from the Defendant 1st witness under dates the 27th May 1881 Defendant points out that this Subramania Pillay is a man of employed under him recently, on a monthly pay of 3 1/4 Cottahs of Paddy years ago, on 1 Cottah of Paddy. The 2nd and 3rd witnesses for the bare assertion their statements are devoid of any circumstances proving how he came to be possessed of so large a sum of money as Rs 2000 the Defendant on a very low pay, casts discredit on the truth of party who sold the land affirms, that the purchase was in truth of of his obtaining a loan from them of Rupees 400 for redeeming Cere said relative. The Prosecutor admits that the Defendant, with the said Subramania Pillay, as to the purchase of the land in doing the other circumstances connected with this transaction have little land. The 6th & 7th witnesses are men of considerable property moreover a report made by the Village Munsiff of Raduwanmichi to and sometime before the accusation made by the Defendant Shew to Subramania Pillay - This Village Munsiff is one of the attesting

of appearance and before examination, he departed without permission circumstances tell against the Prosecutor

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been consulted in a matter which so much affected him, he was really the Public authorities, and the fact of his statement that the Prosecutor having framed the Estimate under the Orders of his Superior Officer under Section 199 of the I P Code, for Mayne in his Commentaries states that the Defendant's statement of an alleged grievance" apparently true & praying redress and written Circumstances are almost similar, and prove the entire absence of Graham's maternal uncle Subramania Pillay (1st Witness) under Shwaneri tank interested in the latter tank, that according to Ayacut accounts of Panpatty, which the Ayacut of Shwaneri was only 18 Cottahs & that the effect of the this the Defendant is stated to have made use of the defamatory words

Signed J. J. Venkata Rao
Deputy Magistrate

No 1792.
From

From

Sup^g Engineer's Office & Co
Madura 15th November 1862

From
To
Sir

Captain F. J. Moberly R.E.
Superintending Engineer 8th Division
Colonel Charles A. Orr R.E.
Secretary to Government D.T.W.

I have the honor to report that it appears doubtful whether the statement of land given by Acting Overseer Chokalingum Pillay is correct. he returned it blank. A short time ago a ryot in the Tiruvellur taluk complained that certain alterations to the Calingulak of Ponpathy tank were executed at the instance of the Overseer for the improvement of certain lands which he possessed to the value of Rs 20/5.

Under the impression that it would bring the matter to a legal issue, Mayor Paxton desired the Overseer to sue the ryot for defamation. I enclose the decision of the D^y Magistrate from which it would appear that in that Officer's opinion Chokalingum Pillay is the proprietor of the land in question. -

The Overseer appeals to me and asserts that only so much evidence was taken as satisfied the

Public
Encls 1
1 Copy of decision

Enclosed in a letter
from the Department
in answer to Durston dated
15th November 1864

No 1792

9/17/53

taken from the protection
 of Preliminary Inquiries
 by J. Denbald (Hon. Dir.
 Magazine of Inquiries).

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riot. But not sufficient to prove who is the
real owner of the land - he further pleads that
much of the evidence was inadmissible as being
hearsay - and that the 6th and 7th witnesses,
on whose testimony the D^y Magistrate lays
stress, were fined Rs 50. by the same D^y Magistrate
two weeks before for fraud.

I cannot learn by what procedure ^{I can} discover
the truth of the matter. It seems to me important
to know it, as otherwise the returns of land &c.
can never be relied upon.

I have &c.

J. Hudsony Captain R.E.
Superintending Engineer S^d Division

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the Secretary to the

Dec'd 9 15th November 1844
Received 21st in 2

3.
P.

The Superintendent Engineer
8th Division accordingly to the
Collectors for the information
required -



Of Reports made for the persons
assigned, if officers could.

And whether the statement

Just whether the dissonance
 I land away by. A-o Pardon
 I do not know.

1 can't answer my 18-07 question
The clock in your Bellagio is correct

to examine your strength and
and understand the meaning

and introduced the Memorandum
of the By-Laws adopted on the

of the 11-May course on the
subject of Christian lands

hoping that Duveen-

with an order
dated 3/4/96. 1277 Doen 1864

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