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(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No.	1746	Press
498-503		Mis.
Dated	20- 6.	1865.

Not to be folded or roughly handled

Read the following papers:—

No. 499. From C. COOMARASAWMY MOODALY and others, to Colonel C. A. ORR, R. E., Secretary to Government, Public Works Department, dated 7th April 1865.

SIR,

1. Feeling assured that Government would do justice to the complaint made by us against one Cundasawmy Pillay, Head Goomastah on Shediancoopum Lock, we beg respectfully to state as follows.

2. That on the 19th November 1864, we engaged a top-boat bearing No. 787, at the Madras Basin, to go to Pulicat. A relation of the said Goomastah got into the boat to go as far as Shediancoopum, promising the Boatman to pay him at the Lock 3 Annas as boat hire. On the boat touching the Lock, the Boatman demanded the money, and handed to the head Goomastah, in the usual course, the clearance pass which was granted at the toll office. The Goomastah with a view to avoid the payment of the said 3 Annas by his relation, and thus to deceive the Boatman, stopped the boat that whole day at the Lock by hiding the said clearance pass and producing in lieu a wrong one of the top-boat No. 692 which passed the Lock on the 15th of the same month or five days previous, meaning that the Boatman handed him a false pass, moreover, the Goomastah threatened the Boatman that he would hand him up to the village Moonsiff on account of the false pass, if he did not forego his claim for 3 Annas. We, who were in the boat, told the Goomastah that he was not justified in preventing the boat from being passed. The Goomastah would not listen to us, and the consequence was that we were put to considerable inconvenience and were obliged to starve that whole day.

3. This circumstance was reported to Mr. Fraser, the Executive Engineer in charge of the Canal, but that Officer not having noticed it, we made it known to the Deputy Collector of Madras, who instituted an enquiry to be made by the Superintendent of Toll Collections. In the course of investigation, the Head Goomastah was called upon to defend the case, when he declared that the Boatman handed him a false clearance pass of the boat which passed the Lock five days before, in the meanwhile the Goomastah altered the Lock accounts to correspond with his deposition. The Superintendent of Toll Collections looked into the accounts of his own Office, and found the Head Goomastah's statement to be a false one. Upon this the Superintendent sent for the Lock accounts, and on personal inspection was satisfied and proved that they were altered.

4. You will see, Sir, that the charge against the head Goomastah is a serious one, viz., "*Falsification of Public Accounts*," which under Section 167 of the Penal Code is punishable for imprisonment of either description for a term which may extend to three years or with fine or with both.

5. Not being within his province to deal with the case (as the Lock establishment is under the orders of the Public Works Department), the Deputy Collector of Madras forwarded to Mr. Fraser the whole of the papers connected with the case for his disposal. This was about a month ago, and nothing appears to have been done in the matter.

6. We therefore beg that you will be pleased to send for all the papers, and pass such orders as the case would seem to deserve.

No. 500. From W. FRASER, Esq., C. E., Special Executive Engineer, to Colonel C. A. ORR, R. E., Secretary to Government, Public Works Department, dated Vayalur, 19th May 1865, No. 13.

SIR,

1 Petition returned.

1. I have the honor to return the Petition No. 858, from C. Comarasawmy and others, which I received last night.

The statements of Comarasawmy are generally correct as to the proceedings which were taken in connection with the charges against the Conicopillay at Shediancoopum Lock.

*Proceedings of the Madras Government, Public Works Department,
20th June 1865.*

All the papers were sent to me by the Deputy Collector who investigated the case, with a request that I would dispose of it. It seemed to me, however, that it was a matter which I could not dispose of; and I informed him that so soon as I could get the numerous papers translated, and had heard what the Conicopillay had to say in his defence, I would send the case up for the consideration of Government, with any remarks I had to make.

2. Coming in at the end of the official year, this matter has been a little delayed, but the papers will be sent up in a few days.

No 501. From W. FRASER, Esq., C. E., Special Executive Engineer, to Colonel C. A. ORR, R. E., Secretary to Government, Public Works Department, dated Camp, Pudukudoo, 8th June 1865, No. 31:—

SIR,

1. I have the honor to forward the following documents relating to the charges brought against the Head Conicopillay at Shediancoopum Lock.

- A. Deputy Collector's letter No. 56, dated 14th March 1865.
- B. 1 Petition from Teeromalay Chetty, &c., dated 20th January 1865, No. 44.
- C. 1 Arzi from the Lock Head Goomastah to the Toll Superintendent, 1st February 1865.
- D. 1 Kararnama taken by the said Goomastah from Comarasawmy Moodaly of boat No. 787, dated 19th November 1864.
- E. 1 Kaifat from Teeromalay Chetty, dated 9th February 1865.
- F. 1 Do. Comarasawmy Moodaly do. do.
- G. 1 Do. Veejayarunga Pillay do. do.
- H. 1 Do. Ragaven do. do.
- I. 1 Do. Permall do. do.
- J. 1 Do. Lock Deputy Goomastah Ponnarunga Moodaly, 18th do.
- K. 1 Do. Head Goomastah Cundasawmy Pillay, 15th February and 7th March 1865.
- L. 1 Kaifat from Boatman Segappen, dated 9th March.
- M. 1 Urzi of the Toll Superintendent, 28th February 1865.
- 1 Clearance file book.
- 1 Do. Receipt book.
- 2 Defences of Lock Head Goomastah, dated 14th April and 20th May 1865.

2. The allegations contained in these papers are briefly as follows:—

That on the 18th November last, Teeromalay Chetty, Comarasawmy, and Veejayarunga Pillay hired a boat at the Basin from the Boatman Ragaven, to convey them to Pulicat;

The Boatman Permall was assisting Ragaven.

The Boatman Ragaven got the clearance ticket at the Basin, No. 254, for boat No. 787.

At the Railway bridge, a stranger requested to be carried as far as the lock.

They agreed to take him for 3 Annas, which he consented to pay.

They reached the Lock about 4 o'clock P. M. It was then raining.

The Boatman Permall took the clearance pass from Veejayarunga Pillay (to whom it had been given for safety) and brought it to the office. A short time after the strange passenger also went towards the office.

The 3 Annas were demanded from the passenger, who referred the matter to the Conicopillay, who said that it was not usual to charge any one coming to the Lock, but at the same time he told the passenger to pay the 3 Annas, and some time after this he declared that the clearance pass was a wrong one, and that the Boatman should go back to the Basin and get a correct one.

In support of his statement regarding the incorrectness of the clearance he gave back clearance No. 213 of boat No. 692, asserting that that was the one which Permall had given him.

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20th June 1865.*

Subsequently, at the earnest request of the passengers, the Conicopillay allowed the boat to pass, on one of them, Comarasawmy, giving a Kararnama or an acknowledgment that they had brought a wrong clearance. The 3 Annas were not paid.

See D.

The allegation is, that the Conicopillay made this assertion regarding the clearance, falsely, in order to compel the parties to allow the stranger, who, it is alleged, is his friend, to come free.

3. The clearance ticket which the Conicopillay gave back to the Boatman was No. 213* of boat No. 692. The date of the issue of which is the 13th of November.

* See Ticket marked A.

It is said to have been delivered at the Lock on the same date, but the date of receipt on the face of the ticket is the 19th.

The allegation is that the Conicopillay altered the date of receipt from the 13th to the 19th for the purpose of supporting his previous falsehood.

4. The charges against the Conicopillay are thus two:—

I. That he concealed the correct clearance No. 254 of boat No. 787, and produced as the one which had been given him, No. 213 of boat No. 692, for the purpose of saving the strange passenger from the payment of 3 Annas.

II. That for the purpose of supporting this falsehood, he altered the date of receipt of the latter clearance from the 13th to the 19th of November both on the clearance itself and in the office registry.

5. I have read the papers carefully, and have obtained as much information as I could at the Lock itself, and I confess that I cannot come to the same conclusion which the Deputy Collector and the Toll Superintendent arrived at so readily; throughout the whole proceedings there is not one word of explanation of a single fact which would go to exculpate the Conicopillay. Every thing is condemnatory, from the sagacious hypothesis of the Toll Superintendent to the reiterated assertions of his guilt by the Deputy Collector.

6. There is another hypothesis which I think is equally probable as that of the Toll Superintendent, but which is quite consistent with the innocence of the Conicopillay; and which is supported by the statement of the Conicopillay and by some portions of the Boatmen's evidence.

At the time this occurrence took place there was a very high flood in the canal, the highest known for many years. On this occasion the water rose over the coping of the Lock, and the office and the huts occupied by the establishment were completely isolated.

At such times the boats rarely pass through the Lock, but pass over the low ground to the east of it, and the clearance tickets are not given up until the boats return some days after, or until the flood has subsided.

It had been raining heavily for some days, and, as they were wet, the clearance tickets were not filed, but were lying upon the office table in heaps.

7. The Conicopillay states that when the boat came in, some one told him that water was flowing into his house, and that he ran to secure it and was absent from the office about half an hour.

Permall the Boatman says it was an Indian hour (= 24 minutes) from the time he first handed the ticket until the Conicopillay stated that it was a wrong one.

On his return to the office he saw the Boatman standing at the office door, and asked him what boat he came, in and where was the clearance. The Boatman then took a ticket off the table, and handed it to the Conicopillay, who then said it was a wrong one and that the boat could not pass.

Now, it is quite possible that the correct ticket had been laid down upon the table, but that the Boatman took up the wrong one and gave it to the Conicopillay. I have seen the table covered with unfiled tickets, and can quite understand how such a mistake might arise.* The Conicopillay admits that it was careless not to have

* NOTE.—I have long since put a stop to this careless mode of proceeding.

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20th June 1865.*

searched for the correct ticket, which he found upon the table the following day. He excuses himself by referring to the dangerous condition of his house and family.

8. As regards the altering of the dates, I have just discovered one fact which throws considerable suspicion over this part of the case, indeed over the whole, but especially over this part.

The dating of the receipt of the clearance tickets and the keeping of the registry of them, is the especial duty of the Deputy Goomastah Ponnarunga Moodaly. In his deposition (see J) he states that he was absent from the Lock on the 19th and 20th November which, if true, would throw the whole responsibility of these transactions upon the Conicopillay. But I have just discovered that in this respect his deposition is false. He was not absent on these dates, but was in the usual performance of his duties, and on inspection of the file and registry of tickets will show that he dated and signed other clearances on both of these dates.

9. The Deputy Collector states that he called upon the Boatman of boat No. 692, who said that he delivered the clearance No. 213 at the Lock on the 13th of November.

The date of the receipt of this clearance is entered, evidently by the Deputy Goomastah, as the 19th; and it would be perfectly consonant with the usual course of things during floods, that the receipt of the clearance should be dated several days after that of its issue.

I need hardly remark that the evidence of the Boatman is unsupported, or that his evidence is likely to have been colored by the light thrown upon him, where only one unimportant individual was the defendant and where all others were accusers.

10. It is also hardly necessary to draw attention to the fact that the parties who originally brought the matter forward, did, deliberately, through one of them, Comarasawmy, write and sign what they subsequently state is untrue.

In the last petition too, to Government, dated 7th April 1865 (No. 858), there are several statements which are not consistent with those in the first petition, such as that the boat was "stopped that whole day at the Lock;" that the Conicopillay threatened to hand the Boatmen over to the Moonsiff for having produced a false pass; that they "were obliged to starve that whole day," &c.

In conclusion, I have to remark that the false deposition of the Deputy Goomastah coupled, with some circumstances by which I know that there is a strong prejudice against the Conicopillay, lead me to conclude that the case is a suspicious one, and that, on the evidence adduced, the Conicopillay should not be condemned.

P. S.—I will examine and report on the false statement of the Deputy Goomastah on my return to Madras.

No. 502. From W. FRASER, Esq., C. E., Special Executive Engineer, to Colonel C. A. ORR, R. E., Secretary to Government, Public Works Department, dated Madras, 16th June 1865, No. 37.

SIR,

1. In my letter No. 31, dated 8th June 1865, I stated that, on my return to Madras, I would examine into the truth of the deposition of the Deputy Goomastah at Shediancoopum Lock, to the effect that, on the 19th and 20th of November last, he was absent from the Lock. I investigated the matter, at the Lock, this morning and have now the honor to report the result.

1 Proceedings.

I send up the original Proceedings.

2. The Deputy Goomastah maintained the truth of his statement in his deposition before the Deputy Collector; that he was absent from the Lock, on leave, on the 19th and 20th of November; that he was absent at the time the boat was detained on account of a wrong clearance ticket.

3. The Head Goomastah maintained that this was a false statement; that the Deputy Goomastah, and all the other Lock servants were present on those dates.

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20th June 1865.*

That no one was absent until the flood had subsided.

4. The Head Lascar Ramasawmy Moodaly made a similar statement; that when the dispute about the ticket took place, the Deputy Goomastah was at the Lock.

5. Lascar Govinda Rajulu states that he does not remember the dates, but remembers the flood. That the Deputy Goomastah was present until the flood had subsided.

6. On examining the water registry I found that the water was highest on the 20th, so that according to this man's statement* the Deputy Goomastah did not leave until the 23rd.

* In Proceedings.

7. Lascar Gangan states that he remembers the 19th November, when the dispute was about the clearance ticket. That the Deputy Goomastah was then at the Lock. That he did not go away until the water was down to 7 feet.

This agrees with Govinda's statement. The depth was 12' 8" on the 20th, but it was only 7 feet on the evening of the 22nd and the morning of the 23rd.

8. These are the only Lascars at the Lock this morning, who were present during the flood of November last. Of the Lascars now employed there is only one other who was at the Lock in November, but he was absent to-day, having been sent with tickets to the Deputy Collector.

I believe that his evidence would corroborate that of the three I examined.

9. The Deputy Goomastah was present during the examination except in one case.

The evidence was read to him, and he was requested to cross examine the parties, and to explain anything they had said.

The examination took place also in the presence of the Overseer in charge of the North Canal, and of my Head Writer.

Every thing elicited is given in the Proceedings.

10. The conclusion forced on me by the evidences is, that the deposition of the Deputy Goomastah, viz., that he was not at the Lock on the 19th and 20th of November, and when the dispute took place about the ticket, is false. That he did not leave the Lock until the 23rd.

I also believe that the Head Goomastah made a false statement when he said that he did not know the Deputy Goomastah was absent for two or three days.

No. 503.

ORDER THEREON, 20th June 1865, No. 1,716.

ESTABLISHMENT, No. 43.

1. After a careful perusal of these papers, the Government can come to no other conclusion than that Cundasawmy Pillay, the Head Goomastah at the Shediancoopum Lock, has failed to exonerate himself from the charges preferred against him by Comarasawmy Moodelliar and others, in their petition to Government, under date the 7th April 1865.

2. His statement that the cause of the detention of boat 787 at the Lock on the 19th November 1864 was owing to his having accidentally made a mistake between the clearance handed in from that boat and another, which had been delivered by boat No. 692, some days previously, is totally unworthy of belief, and would appear to have been concocted between the 1st and 15th February 1865, for it is not reconcileable with what he says in writing to the Toll Superintendent on the former date, that, having allowed boat No. 787 to pass on getting an acknowledgment from Comarasawmy that the wrong clearance had been presented, "immediately afterwards" he received the correct clearance "from another boatman."

3. It is clear that, relying on the Karinama which he had extorted from Comarasawmy Moodelliar, the Head Goomastah, down to so late a period as the 1st February last, intended to brave out his acts, and that not till he was giving his deposition before the Deputy Collector did he bring forward the plausible story

Month or 5 days previous - meaning that the boat

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20th June 1865.

of the mixing up of several days' clearances on his table on the 19th of November 1864, and the mislaying of that belonging to boat No. 787 till the next day.

4. The Government are of opinion that Cundasawmy Pillay has shown himself not to be trustworthy, and they direct that he be dismissed.

5. As there is no charge against the Deputy Goomastah, and the Government do not perceive what bearing the truth or the untruth of his statement that he was not at the Lock on the 19th November 1864, can have on the facts which criminate the Head Goomastah, no remark appears necessary on Mr. Fraser's last letter.

(True Extract.)

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

To W. Fraser, Esq.
To the Controller of Public Works Accounts.
Exd. S. T. Augustin.

Exd. S. T. Augustin.

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Yo.

Colonel C. A. Orr, R. E.

Secretary to Government
Public Works Department

Sir,

Feeling assured that Government would do justice to the complaint made by us against one Cundasawmy Pillay, Head Goomastah on Shediancorpium Lock, we beg respectfully to state as follows:

That on the 19th November 1864, we engaged a Yop boat bearing N^o 787 at the Madras Basin to go to Pulicat. A relation of the said Goomastah got into the boat to go as far as Shediancorpium, promising the boat man to pay him at the Lock 3 annas as boat hire. On the boat touching the Lock, the boat man demanded the money and handed to the Head Goomastah, in the usual course, the clearance pass which was granted at the Toll Office. The Goomastah with a view to avoid the payment of the said 3 annas by his relation and thus to deceive the boat man, stopped the boat that whole day at the Lock by hiding the said clearance pass and producing in lieu a wrong one of the Yop boat N^o 692 which passed the Lock on the 15th of the same month or 5 days previous, meaning that the boat

man

man handed him a false pass. moreover, the Gummatah threatened the boat man that he would hand him up to the village Moonsiff on account of the false pass if he did not forego his claim for 3 annas. We, who were in the boat, told the Gummatah that he was not justified in preventing the boat from being passed. The Gummatah would not listen to us and the consequence was that we were put to considerable inconvenience and were obliged to starve that whole day.

This circumstance was reported to Mr. Fraser, the Executive Engineer in charge of the Canal, but that officer not having noticed it, we made it known to the Deputy Collector of Madras, who instituted an enquiry to be made by the Superintendent of Gold Collections. In the course of investigation, the Head Gunmistah was called upon to defend the case, when he declared that the boatman handed him a false clearance pass of the boat which passed the Lock 5 days before. In the meanwhile the Gunmistah altered the lock accounts to correspond with his disposition. The Sup^t of Gold Collections looked into the accounts of his own Office and found the Head Gunmistah's statement to be a false one.

Upon this the Sup^{ts} sent for the Lock accounts and on personal inspection was satisfied and proved that they were altered.

You will see Sir that the charge against the Head Gumnastah is a serious one, vizt, "Falsification of Public Accounts", which under Section 167 of the Penal Code is punishable for imprisonment of either description for a term which may extend to 3 years or with fine or with both -

Not being within his province to deal with the case / as the Lock Establishment is under the Orders of the Public Works Department / The Dy Collector of Madras forwarded to Mr. Fraser, the whole of the papers connected with the case for his disposal - This was about a month ago, & nothing appears to have been done in the matter.

We therefore beg that you will be pleased to send for all the papers and pass such Orders as the case would seem to deserve.

We beg to remain
Sir

Yours most Obedient Servants.

[illegible]

Coimarasawmy, Madelo
and others

7th April 1865.

No 13

E. C. Canal Office

Nagasaki

19th May 1865

From

W. Fraser Esq. B. E.

Special Ex: Engineer

To

Colonel C. Orr B. E.

Secretary to Government P. W. D.

Sir.

I have the honor to return the Petition No 858 from C. Coomarasawmy and others, which I received last night. —

The statements of Coomarasawmy are generally correct as to the proceedings which were taken in connection with the charges against the Conicopillay at Theddiakuppum Lock: —

All the papers were sent to me by the Deputy Collector who investigated the case, with a request that I would dispose of it: It seemed to me, however, that it was a matter which I could not dispose of; and I informed him that as soon as I could get the numerous papers translated, and had heard what the Conicopillay had to say in his defence, I would send the Case up for the consideration of Government with any remarks I had to make. —

2 Coming in at the end of the Official

Enclosure

1 Petition returned.

30/11/1865

30-10-1865

30-10-1865

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sw
Your most Obedt Servant
William Brewster CC

Special Ex: Engineer

~~The Government will award the~~
~~rights of the estate and paper documents~~
~~in the foregoing letter~~
Respect
W.B.

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No 31

C. C. Canal Office
Camp Matupédoo
8th June 1865. 12

Thom.

W. Fraser Esq. & Co.

Special Ex: Engineer

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Colonel G. A. Orr B. C.

Secretary to Governor P. W. Gt.

Gr.

A. Deputy Collectors letter 21-56 G^d 14 March/65

B. 1 Petition from Seeromalay chetty recd 20th Jan'y 1859 - 44 -

C. 1 Arzi from the Lock Head Gunastah to the Selly
supth 1st Feb'y 165-

D. 1 Karanna taken by the said Gunastah from
Komaraswamy Woodah of Boat No 787 D-17 Nov/44

E. 1 Raifiat from Tirumala chetty 29 Feb/65

F 1 Do Komarasawmy Moodah Do Do

G. 1 Do Vejayarunga Pillay Do Do

H. 1. So Ragaven

1. / So Permall Do. G.

J. 1 Do ^{Isob} Gymastah Ponnarunga Moodaly 18th Do
K. 1 Do Head Gymastah Kundasawmy Pillay
15th Feb and 7th March /65-

- I. — 1 Raifiat from Boatman Segappen 8th March
 M. — 1 Urzi of the Toll Superint^t 28th Feby 1865
 — 1 Clearance file Book
 1 do Receipt Book
 2 Defences of Lock Head Gunastah 8th 14th
 April and 20th May 1865.

2, The alligations contained in these papers are briefly as follows:—

That on the 18th Nov^r last, Tirmally chetty, Komarasawmy, and Vijiaringa pillay hired a Boat at the Basin from the Boatman Ragaven, to convey them to Pulicat. The Boatman, Perumall, was assisting Ragaven:—

The Boatman Ragaven got the Clearance ticket at the Basin, N^o 254 for Boat N^o 787.—

At the Railway Bridge, a stranger requested to be carried as far as the Lock:— They agreed to take him for 3 annas which he consented to pay.—

They reached the Lock about

4 O'clock P.M.:— It was then raining.— The Boatman Perumall took the

clearance pass from Vijiaringa Pillay (to whom it had been given for safety) and brought it to the Office: A short time after the strange Passenger also went towards the Office:—

The 3 annas were demanded from the Passenger who referred the matter to the Coniespillay, who said that it was not usual to charge any one coming to the Lock, but at the same time he told the Passenger to pay the 3 annas, and some time after this he declared that the clearance pass was a wrong one, and that the Boat man should go back to the Basin and get a correct one:—

In support of his statement regarding the incorrectness of the clearance he gave back clearance N^o 213 of Boat N^o 692 asserting that that was the one which Perumall had given him:—

Subsequently, at the earnest request of the Passengers, the Coniespillay allowed the Boat to pass, on one of them, Komarasawmy, giving a Kararnāma or an acknowledgement that they had brought a wrong clearance:— The 3 annas were

See D

not paid. —

The allegation is, that the Conicopillay made this assertion regarding the clearance, falsely, in order to compel the parties to allow the stranger, who, it is alleged, is his friend, to come free: —

3. The clearance ticket which the Conicopillay gave back to the Boatman was N^o 213 of Boat N^o 692 — The date of the issue of which is the 13th of November: —

See Ticket
marked A

It is said to have been delivered at the Lock on the same date, but the date of receipt on the face of the ticket is the 19th; —

The allegation is that the Conicopillay altered the date of receipt from the 13th to the 19th for the purpose of supporting his previous falsehood. —

4. The charges against the Conicopillay are thus, two: —

1- That he concealed the correct clearance N^o 254 of Boat N^o 787 — and produced as the one which had been given him, N^o 213 of Boat 692, for the purpose of saving the strange passenger from the payment of three annas: —

11- That for the purpose of supporting this falsehood; he altered the date of receipt of the latter clearance from the 13th to the 19th of November both on the clearance itself and in the Office Registry. — 17

5. I have read the papers carefully and have obtained as much information as I could at the Lock itself, and I confess that I cannot come to the same conclusion which the Deputy Collector and the Toll Superint^{te} arrived at so readily;

Throughout the whole proceedings there is not one word of explanation of a single fact which would go to exculpate the Conicopillay: — Every thing is condemnatory from the sagacious hypothesis of the Toll Superint^{te}, to the reiterated assertions of his guilt by the Deputy Collector. —

6. There is another hypothesis which I think is equally probable as that of the Toll Superintendent, but which is quite consistent with the innocence of the Conicopillay; and which is supported by the statement of the Conicopillay and by some portions of the Boatmen's evidence.

At the time this occurrence took place there was a very high flood in the Canal, the highest known for many years:— On this occasion the water rose over the coping of the Lock, and the Office, and the huts occupied by the establishment, were completely isolated:—

At such times the Boats rarely pass through the Lock but pass over the low ground to the East of it, and the Clearance tickets are not given up until the Boats return some days after, or until the flood has subsided. —

It had been raining heavily for some days, and, as they were wet, the Clearance tickets were not filed, but were lying upon the Office Table in heaps:—

The Conicopillay states that when the Boat came in, some one told him that water was flowing into his house and that he ran to secure it and was absent from the Office about half an hour:—

Permall the Boatman says it was an Indian hour (= 24 minutes) from the time he first handed the ticket until the Conicopillay stated that it was

19
On his return to the Office he saw the Boatman standing at the office ~~door~~ and asked him ~~was~~ what boat he came in and where was the Clearance:— The Boatman then took a ticket off the Table and handed it to the Conicopillay, who then said it was a wrong one and that the Boat could not pass:—

Now, it is quite possible that the correct ticket had been laid down upon the Table, but that the Boatman took up the wrong one and gave it to the Conicopillay: I have seen the Table covered with unfiled tickets and can quite understand how such a mistake might arise: The Conicopillay admits that it was careless ~~was~~ not to have searched for the correct ticket which he found upon the table the following day. — He excused himself by referring to the dangerous condition of his house and family. —

8.
As regards the altering of the dates I have just discovered one fact which throws considerable suspicion.

X Note. — I have long since put a stop to this

Over this part of the case, indeed over the whole, but especially over this part:—

The dating of the receipt of the clearance tickets and the keeping of the registry of them, is the especial duty of the Deputy Goomastah Ponnarunga Moodaly:—

In his deposition (see J) he states that he was absent from the Lock on the 19th and 20th Novr which, if true, would throw the whole responsibility of these transactions upon the Conicopilly:—

But I have just discovered that in this respect his deposition is false:—

He was not absent on these dates, but was in the usual performance of his duties, and an inspection of the file and registry of tickets will show that he dated and signed other clearances on both of these dates.—

9. The Deputy Collector states that he called upon the Boatman of Boat N^o 692 who said that he delivered the Clearance N^o 213 at the Lock on the 13th of November.—

The date of the receipt of this clearance is entered, evidently by the Deputy Goomastah, as the 19th; and

it would be perfectly consonant with the usual course of things during floods, that the receipt of the clearance should be dated several days after that of its issue:—

I need hardly remark that the evidence of the Boatman is unsupported or that his evidence is likely to have been colored by the light thrown upon him, where only one unimportant individual was the defendant and where all others were accusers.—

10. It is also hardly necessary to draw attention, to the fact that the parties who originally brought the matter forward, did, deliberately, through one of them, Komarasawmy, write and sign what they subsequently state is untrue.—

In the last petition too, to Government Dated 7th April/65 (N^o 858) there are several statements which are not consistent with those in the first petition—such as that the Boat was "Stopped that whole day at the Lock"—That the Conicopilly threatened to hand the Boatmen over to the Moonseiff for having produced a false

pass:— That they "were obliged to starve
that whole day" &c.

In conclusion I have to remark
that the false deposition of the Deputy
Goomastah coupled with some circum-
stances by which I know that there is
a strong prejudice against the Conicopillay,
lead me to conclude that the case is a
suspicious one and that, on the evidence
adduced, the Conicopillay should not be
condemned.—

I have the honor to be

Sir

Yours most Obedt^l

William Russell CB

Lt Col. Ensign

P.S. I will examine and
report on the false statements
of the Deputy Goomastah on
my return to Madras
WB

No 37

E. C. Canal Office
Church Park, Mount Road
16th June 1865-

From W. Fraser Esq^r B.E.
Special Sec: Engineer
To Colonel G. A. Orr B.E.
Secretary to Govt. P. W. D.
Sir.

In my letter No 31 Dated 8th June 1865 I stated that, on my return to Madras, I would examine into the truth of the deposition of the Deputy Goomastah at Sheddian-kupum Lock, to the effect that, on the 19th and 20th of November last he was absent from the Lock: I investigated the matter at the Lock, this morning and have now the honor to report the result.

I send up the original proceedings.

The Deputy Goomastah maintained the truth of his statement in his deposition before the Deputy Collector: That he was absent from the Lock, on leave, on the 19th and 20th of November; That he was

Enclosure
1 Proceedings.

Mr. Fraser Esq^r B.E.
Special Sec: Engineer
12 21/4th
The Canal Sec: Engineer
E. C. Canal

To The Secretary to Govt
P. W. D.

208th
Recd 16th June 65

26th No 31

Forwarding papers
connected with the charges
against the Head Constable
at the Sheddian-kupum Lock
with his own remarks on
the matter.

No 501.

No 1716. 20th June 65.

absent at the time the Boat was detained on account of a wrong clearance ticket. —

3. The Head Goomasta maintained that this was a false statement; that the Deputy Goomasta, and all the other Lock servants were present on those dates; —

That no one was absent until the flood had subsided. —

4. The Head Lascar Rounasawmy Muddu made a similar statement; that when the dispute about the Ticket took place, the Deputy Gumnastah was at the Lock. —

5. Lascar Govinda Rajulu states that he does not remember the dates — but remembers the flood: That the Deputy Gumnasta was present until the flood had subsided. —

6. On examining the water registry I found that the water was highest on the 20th so that according to this man's statement the Deputy Gumnasta did not leave until the 23rd. —

7. Lascar Gangow — states that he remembers the 19th November when the dispute was about the clearance ticket; — That the Deputy Gumnastah was then at the Lock: — That he did not go away until the water was down to 7 feet: —

This agrees with Govinda's statement; The depth was 12.8 on the 20th, but it was only 7 feet on the evening of the 22nd and the morning of the 23rd. —

8. These are the only Lascars at the Lock this morning, who were present during the flood of November last: — Of the Lascars now employed there is only one other who was at the Lock in November, but he was absent today, having been sent with Tickets to the Deputy Collector —

I believe that his evidence would corroborate that of the three I examined. —

9. The Deputy Gumnastah was present during the examination except in one case. — The evidence was read to him,

and he was requested to cross examine them and to explain anything they

had said: —

The examination took place also in the presence of the Overseer in charge of the North Canal, and of my Head Writer: —

Everything elicited is given in the proceedings. —

10. The conclusion forced on me by the evidences is: — that the deposition of the Deputy Gumnastah, namely that he was not at the Lock on the 19th & 20th of November, and when the dispute took place about the Ticket, is false: That he did not leave the Lock until the 23rd. —

I also believe that the Head Gumnasta made a false statement when he said that he did not know the Deputy Gumnasta was absent for 2 or 3 days. —

I have the honor to be
Sir

Your Most Obedient

William Russay *W.R.*

Spec. Ex. Engineer

27/1865 Depo
Pro of Govt for June
No 2180.

W. Fraser Esq^r & Co
Special Ex: Engrs

To Col. C. A. Orr Esq
Secretary to Govt
to W. Depo

Dated 16th } June 1865
Recd 19 }

31. No 37

Forwarding the depositions
taken from the Head and Deputy
Gumastahs and Passars at the
Shediacoopum Lock regarding
the statement of Deputy Gumastah
before the Deputy Collector,
that he was absent from the
Lock on the 19th & 20th of October
1864., with Mr. Fraser's remarks
on 17th 16 - 20th June 1865

No 501

I should deem Mr
Gumastah above

WD

JP

WD

The papers above
recorded, together with
their enclosures, are
here referred to the
Magistrate of the
Madras District
for investigation and
report —

To The Magistrate of the
Madras District with papers
To W. Fraser Esq - Spl Ex Engr.

WB

(20)

Establishment P.H.D.

1716

Proceedings of the Madras Government
Under date the 20th June 1865
Read the following.

From W. Fraser Esq. C.E.

Special Commr. & Commal

Stating that the papers connected
with the charges against the Comco-
pellers at the Shediac Coopers
Lock will be sent up in a few days.

N. 19th May/65 N. 13

From Do. Do. Do.

Forwarding papers connected
with the charges against the said
Comcopellers at the Shediac Coopers
Lock &c.

N. 8th June/65 N. 31

From O. Komaraswamy

Woodelly & others.

Complains of ill treatment

at the hands of Komadaswamy

Woodelly N. Komadaswamy at
Shediac Coopers Lock &c.

N. 7th April 1865

N. 16th June 1865 N. 37

From W. Fraser Esq. C.E.

Special Commr.

After a careful perusal

of these papers, the Government

can come to no other conclusion

than that Komadaswamy Pillay,

the Head Gomastah at the

Shediac Coopers Lock, has

failed to exonerate himself

from the charges preferred against

him by Komadaswamy ^{Woodelly} Pillay

and others, in their petition to

Government under date the

2nd April 1865.

The statement is

sent

the cause of the detention of
boat 787 at the Lock, ^{on the 19th Nov. 1885} was
owing to his having accidentally
made a mistake between the clear-
ance handed in from that boat
and another, which had been
delivered by boat No 692 some
days previously, is totally un-
worthy of belief, and would
appear to have been concocted
between the 1st & 15th February 1885

for it is not reconcilable with
what he says in writing to the
Soll Superintendent on the former
date, that, having allowed the
boat ^{No 787} to pass on getting an
acknowledgment from Comarasamy
that the wrong clearance had
been presented, immediately after-
wards he received the correct
clearance "from another boatman."

4 The Government are
of opinion that Comarasamy
Pillay has shown himself not
to be trustworthy, & they direct

3 It is clear that, relying
on the Karama which
he had retorted from
Comarasamy Moodellan,
the Head Goomastah, down
to his late period as the
1st Feb^y last, intended
to braver out his acts, and
that not till he was giving
his deposition before
the Deputy Collector did
he bring forward the plea-
sible story of the mixing up
of several days' clearances
on his table on the 19th of Nov^r 84
and the mislaying of that
relating to boat No 787
that day.

that he has dismissed.

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Abb

5 As there is no charge
against the Deputy Goo-
mastah and the Goo-
do not perceive what
bearing the truth on
the untruth of his statements,
that he was not at the
Lock on the 19th Nov^r 84,
can have on the facts which
criminate the Head Goo-
mastah, no remark
appears necessary on
Mr Fraser's last letter.

Mr Fraser Secy / W. H. of Bangalore
The Controller

of 1865 Depo
of Mo. of Govt. for June

of 17/6
of Mo. of the M. Govt
of 20 June/65

Condemning Policy
of the Government at
the Madras District
dismissed in conse-
quence of certain
charges preferred
against him by one
Person named Mr.
Bellier & others.