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MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No.	26	Press Mis.
Dated	21-7-	1865

Not to be folded or roughly handled

my

*Proceedings of the Madras Government, Revenue Department,
1st November 1864.*

No. 9. Read the following Proceedings of the Board of Revenue, dated 23rd September 1864, No. 6,280:—

Read again letters from the Collector of Tanjore, dated 17th May, 21st June, and 20th July 1864.
Read also the following letter from W. M. CADELL, Esq., Collector of Tanjore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Vellum, 20th August 1864, No. 282.

1. I have the honor to reply to the Board's Proceedings of the 23rd July and of the 8th instant, in the matter of Kondul Row, Tahsildar of Sheally, and to submit the detailed proof of his misconduct, as required in paragraph 1 of the latter Proceedings.

2. Before doing so, I deem it a duty to myself, as well as to the office to which I have been appointed by Government, to protest in the strongest and most emphatic manner, at the treatment which I have received from the Board as to the fact of Kondul Row's being or *not* being able to live in his Cusbah. The Board, in their Proceedings of the 23rd July, paragraph 2, observe that the Collector should have established the point (viz., of the Tahsildar's not being able to find accommodation in his Cusbah) by direct inquiry, &c. Now, with all deference to the Board of Revenue, I must submit, that, if after a residence of upwards of twelve years in this District, and after being its head for nearly five, I am unable to offer a correct or trustworthy opinion on a question of this nature, and if I am to be called on, on every occasion, judicially to prove every thing on which I may have to report as a matter of fact, it is simply impossible that the public service could be carried out. If I am fit to be placed at the head of a District, I must maintain that the facts, which I from time to time have, in the discharge of my duty, to lay before the Board must be accepted as such and not ignored or questioned.

3. The Board are aware that Sheally has been the Cusbah of the Talook ever since the Province was ceded to us, and it is a fact beyond all question that, for upwards of sixty years, every Tahsildar has resided within Sheally or its suburb, Tadalán Kovil, and when it is remembered that these towns comprise a population of upwards of 5,000 people, and further when it is

considered that Kondul Row himself is a native of the former place, I must again submit that his denial that he can find accommodation there, is a positive falsehood, and that on this ground only I am perfectly justified in recommending that he be removed from office. If a subordinate is thus openly to be permitted, not only to set the orders of his superior at defiance, but to support that disobedience by positive and wilful falsehood, it is beyond question that all subordination is at an end, and I cannot be held responsible for the administration of the District.

4. With regard to the charge brought by me against Kondul Row, of his unfitness to hold the office of Sub-Magistrate, I would beg to draw the especial attention of the Board to the correspondence noted in the margin. From this the Board will perceive that Kondul Row then very narrowly escaped dismissal from the public service for wantonly, and in defiance of the orders of the Joint Magistrate, committing a case which he knew to be false, and to have been trumped up by himself as head of Police, and it cannot but be admitted he was most leniently dealt with.

Extd. Proceedings Session Court, 7th April 1851.
From Joint Magistrate, 25th April 1851.
To Session Court, 28th April 1851.
Proceedings Session Court, 10th May 1851.
From Joint Magistrate, 14th May 1851.
To Session Court, 16th May 1851.
Proceedings Session Court, 19th May 1851.
To Board, 16th June.
From Board, 3rd July.
To Board, 12th July 1851.
From Board, 31st July 1851.

After his restoration and in the year 1855, Kondul Row was again reduced by Mr. Forbes to the lowest grade of Tahsildar, viz., Rupees 85, and in which grade he remained almost uninterruptedly, till the introduction of the new establishments, and when his services were dispensed with.

5. Subsequently and as has been shown, he entered the Police Force in the Trichinopoly District, and which situation he was required to resign, *vide* Mr. Cox's letter of the 30th July

2 *Proceedings of the Madras Government, Revenue Department,*
1st November 1864.

last. I observe I have stated in my letter of the 17th May, that it was on account of his insolence and insubordination that he was reduced and then resigned, and I may state that my authority for this statement was the then Officiating Superintendent of Police, Lieutenant Campbell. Lieutenant Campbell has since left the District, but if he were here I doubt not he would confirm my statement. From the proceedings, however, which are now submitted, the Board will see that the leading features of Kondul Row's character have not been mis-stated, and if the Board have still any reason to question their correctness, I would beg to refer them to Mr. Robinson, the Inspector General of Police. But setting this aside, it will be seen that Kondul Row's ceasing to have connection with the Police was by no means voluntary on his part.

6. With regard to the conduct of Kondul Row, subsequent to his re-employment on the express orders of the Board, I beg to forward copies of the complaints made against him by the gentlemen under whom he has immediately served. I would beg to direct the especial attention of the Board to the fact, that in the two instances of abuse of authority now brought to notice by Mr. Plumer and Mr. Hope, the individual referred to is the same as was the victim of Kondul Row's malice in 1851, and for which he then very narrowly escaped being dismissed, and I cannot but think that if the Board will calmly and deliberately take the whole circumstances of Kondul Row's career into consideration, they can come to no other conclusion but that his retention in the public service, and especially in the position of a Sub-Magistrate, is no longer desirable.

7. Perhaps, and considering the length of Kondul Row's services, the Board may be disposed to allow him to retire on the pension to which he may be entitled under the rules, but I must, with all deference, submit that after what has been shown to have been the character and conduct of this officer, for years past, it would be a mockery of justice to retain him in the position of a Sub-Magistrate, and this, the more especially with the powers which these officers are now permitted to exercise.

8. I am very unwilling again to appear in the position of questioning a decision of the Board, and I can assure them that I am most reluctant to request them to trouble Government on the subject; but placed as I am, I do not see how this can be avoided, and if the Board should still insist on keeping Kondul Row in his position as Sub-Magistrate, notwithstanding all that has been brought to their notice, and if that officer is to be permitted to do as he likes, to live where he likes, and insolently and knowingly to defy and set at nought my express orders, I have really no alternative but to request that this correspondence may be submitted for the orders of Government.

ENCLOSURE No. 1.

ABSTRACT.—Copy of a letter from the Session Judge of Tranquebar, dated 3rd May 1864, No. 310.

ENCLOSURE 1 in No. 1.

ABSTRACT.—Deposition from Kondul Row.

ENCLOSURE 2 in No. 1.

ABSTRACT.—Deposition from Rama Row.

ENCLOSURE 3 in No. 1.

ABSTRACT.—Deposition from Saminatha Chetty.

ENCLOSURE No. 2.

ABSTRACT.—Translation of an order to Kondul Row, dated 2nd April 1864, No. 97.

ENCLOSURE No. 3.

ABSTRACT.—Translation of an Urzee from Kondul Row, Tahsildar of the Sheally Talook, dated 3rd May 1864, No. 126.

Proceedings of the Madras Government, Revenue Department, 3
1st November 1864.

ENCLOSURE No. 1.

ABSTRACT.—Copy of an Extract from the Proceedings of the Sessions Court in the Zillah of Combaconum, under date the 7th April 1851.

ENCLOSURE No. 2.

ABSTRACT.—Copy of a Memorandum on Sessions Court's Extract of the 7th April 1851, dated 25th April 1851.

ENCLOSURE No. 3.

ABSTRACT.—Copy of a letter to the Session Judge of Combaconum from the Magistrate, dated 28th April 1851, No. 61.

ENCLOSURE No. 4.

ABSTRACT.—Copy of an Extract from the Proceedings of the Sessions Court in the Zillah of Combaconum, dated 10th May 1851.

ENCLOSURE No. 5.

ABSTRACT.—Copy of a Memorandum of the Joint Magistrate on the Session Court's Extract, dated 14th May 1851.

ENCLOSURE No. 6.

ABSTRACT.—Copy of a letter to the Session Judge of Combaconum, dated 16th May 1851.

ENCLOSURE No. 7.

ABSTRACT.—Copy of an Extract from the Proceedings of the Sessions Court in the Zillah of Combaconum, under date the 19th May 1851.

ENCLOSURE No. 8.

ABSTRACT.—Copy of a letter to Board, dated 16th June 1851, No. 93.

ENCLOSURE No. 9.

ABSTRACT.—Copy of a letter from the Secretary to the Board of Revenue, to the Collector, dated 3rd July 1851.

ENCLOSURE No. 10.

ABSTRACT.—Copy of a letter to Board, dated 12th July 1851, No. 110.

ENCLOSURE No. 11.

ABSTRACT.—Copy of an Extract from the Proceedings of the Board of Revenue, dated 31st July 1851.

ENCLOSURE No. 12.

ABSTRACT.—Copy of a letter from the Assistant Collector in charge of the Head Assistant Collector's Office, Tanjore, dated 12th July 1864.

ENCLOSURE No. 13.

ABSTRACT.—Copy of a letter from the Acting Sub-Collector of Tanjore to the Collector, dated 30th July 1864, No. 146.

ENCLOSURE No. 14.

ABSTRACT.—Copy of a letter from the Acting Superintendent of Police, Trichinopoly, dated 30th July 1864.

1. Ordered that the above papers be submitted to Government with the following remarks. Mr. Cadell, in his letter dated 17th May 1864, No. 162, recommended that Kondul Row, Tahsildar of Sheally, should be dismissed from office for misconduct and unfitness as a Sub-Magistrate.

2. The Board, in Proceedings dated 17th June 1864, No. 3,610, authorized the Collector to reduce Kondul Row to the lowest grade of Tahsildars, as a punishment for having habitually

violated certain standing rules by neglecting to keep the keys of his treasury in his own custody, and by neglecting to examine the Talook Treasury at the required periods; but with regard to the other subjects of complaint against him, the Board expressed an opinion in general terms, that sufficient cause had not been shown in the papers laid before them by Mr. Cadell, to warrant Kondul Row's dismissal from the public service.

3. Mr. Cadell in his letter, dated 21st June 1864, No. 213, objected to the Board's decision stating that the Board had apparently lost sight altogether of the main facts which formed the subject of his first report, as,

1st.—Kondul Row's direct disobedience of the Collector's order in refusing to live at his Kusbah, and his wilful and positive falsehood in stating that he could not find accommodation there.

2nd.—His utter and entire ignorance of both the Penal and Criminal Procedure Codes, and the constant and repeated complaints that are made of his tyranny and injustice.

3rd.—His hostile attitude towards the Police, as frequently brought to notice by Lieutenants Campbell and Hudleston.

4th.—His antecedents and previous bad character both as a Tahsildar and as an Officer in the new Police force.

4. Mr. Cadell also stated a fresh fact against Kondul Row; first, that he had been guilty of perjury before the Sessions Court at Tranquebar; secondly, that he had been "recommended by a former Session Judge, Mr. Scott, to be dismissed, and that after a somewhat lengthy correspondence he was suspended for six months."

5. He, therefore, submitted that "the retention of an officer, such as I have shown Kondul Row to be, unprincipled and unscrupulous, insolent and insubordinate to his superiors, and tyrannical and oppressive to his inferiors, is not only subversive of all discipline, and degrading to the office he holds, but also a positive injustice to the people of the Talook over which he is placed."

6. The Board, in Proceedings dated 23rd July 1864, No. 4,667, explained in regard to the first point, that the charge against Kondul Row as to his having told "a wilful and positive falsehood" could not be sustained on the evidence laid before the Board; in regard to the second, third, and fourth points, that the Collector had failed to lay before the Board any evidence in support of his complaints; and in regard to the new subject of complaint, viz., that the Tahsildar had wilfully given false evidence before the Sessions Court at Tranquebar, that it rested with the Sessions Judge to deal with a charge of that kind, and not the Board.

7. Previous to the receipt of these Proceedings, and previous to the receipt of the Board's decision on the first report, Mr. Cadell again addressed the Board under date the 20th July 1864, No. 249. In this letter he stated that since the despatch of his first report, Mr. Hope had "again brought to notice that Kondul Row took no notice whatever, for fourteen months, of an important order sent to him by Mr. Plumer, the Acting Sub-Collector, by which neglect there

* "May have" are Mr. Hope's words—vide supra para. graph 12. "had been" considerable loss of public revenue." He also informed the Board that it was his intention to relieve Kondul Row from the office of Tahsildar from the 1st proximo; and requested that, "if the Board had any doubt of the propriety of removing him," the matter might be submitted for the consideration and orders of Government.

8. In reply the Board (in Proceedings dated 8th August 1864, No. 5,071) reminded Mr. Cadell that he was not competent to dismiss a Tahsildar, but they authorized him to postpone the Board's orders, directing him to transfer Kondul Row to an inferior grade, if he could yet adduce proof of such misconduct on the part of Kondul Row as would warrant his dismissal.

9. In the letter now recorded, Mr. Cadell brings forward certain evidence in support of his charges against the Tahsildar. In paragraph 5 he refers to a charge brought against Kondul Row so far back as 1851, and submits copies of the papers connected therewith. In this case

the Tahsildar was accused of "most oppressive and illegal conduct" in his Magisterial capacity, and was, under the authority of the Board of Revenue, suspended for six months.

10. Paragraph 5 refers to the circumstances under which Kondul Row resigned his office in the Police Department in 1861. According to a letter addressed to Mr. Cadell on this subject by Mr. Cox, Acting Superintendent of Police, dated 30th July 1864, Kondul Row was found to be "careless in his work, and useless as a Police Inspector," and was "required to resign the Police not having given satisfaction."

11. In paragraph 6, Mr. Cadell refers to the conduct of Kondul Row subsequent to his re-employment in the Revenue Department as Tahsildar of Sheally in 1862. He submits on this subject two reports, the one from Mr. Hope, his Assistant, dated 12th July 1864; and the other from Mr. Plumer, his Acting Sub-Collector, dated 30th idem.

12. Mr. Hope brings to Mr. Cadell's notice "the very negligent and remiss manner in which the duties of his office are performed by the Tahsildar of Sheally." He specifies two instances, viz., one in which it appears that Kondul Row delayed for fourteen months to promulgate an order on the Revenue Department prescribing the rates at which second crop land was to be charged, in consequence of which neglect the Government "may have" sustained considerable loss. The Tahsildar's defence in this case was apparently that he had omitted for fourteen months to give "written orders on the subject referred to, but had given verbal orders."

13. In the second case, the Tahsildar was charged by a person named Kuddivasul Ramayen with having issued a warrant for his apprehension as a Revenue defaulter, the day after having illegally attached his property, and that "the warrant contained instructions to the Peon to prevent his leaving Sheally, and in the event of his refusal to pay the demand, to quarrel with and bring a Magisterial complaint against him." In this case Mr. Hope expressed an opinion that the complaint was "on the whole" well founded, remarking that "however bad the Petitioner's general character may be, the Tahsildar had no right to attach his property on account of arrears until the 1st of the month, much less at any time to issue such a warrant as that referred to." What answer or defence was made by the Tahsildar to these complaints is not stated.

14. Mr. Hope concludes by stating that repeated instances have occurred in which it has been necessary for him "to check the Tahsildar for his neglect (in some case even disobedience) of orders, and for the vexatious delay which he causes to parties in cases pending before him." He therefore requests Mr. Cadell will "warn" the Tahsildar, "with a view to the better performance of his duties in future."

15. The letter from Mr. Plumer is in reply to a letter from Mr. Cadell, calling, as it would seem, on Mr. Plumer, to give his opinion in regard to Kondul Row's character as a Tahsildar. Mr. Plumer reports that he found Kondul Row, while under his orders, was, as a Revenue Officer, active and energetic, but that his Magisterial work "was very badly and carelessly done," so that at one time he was on the point of reporting Kondul Row to the higher authorities as utterly unfit to discharge the duties of a Sub-Magistrate.

16. Mr. Plumer further reports that Kondul Row laid himself open to grave suspicion in his conduct as regards Kuddivasul Ramayen, by his having released this person when brought before him in custody, and allowed him to go to Tranquebar on the plea that he was sick, though for a year and a half Kuddivasul Ramayen had been residing in Karecul "to prevent the execution of a sentence of imprisonment passed upon him by Mr. Morris." Mr. Plumer brought Kondul Row's conduct on this occasion to the notice of his successor, and had he remained in charge of Sheally, he "should have made a very strict investigation into the circumstances attending Ramayen's release."

17. Mr. Plumer adds that he had reason to believe that Kondul Row's attendance at Catcherry was extremely irregular, and that complaints were made to him to this effect by Lieutenant Warlow.

18. To the best of Mr. Plumer's recollection of Sheally, he "should say that there could be no difficulty in Kondul Row's getting ample accommodation there." He had indeed been

informed that in Thadalancovil there was a large house which was inhabited by all Kondul Row's immediate predecessors.

19. Mr. Plumer's statement on this last point relates to Mr. Cadell's complaint that Kondul Row had, on a wilfully false plea, disobeyed Mr. Cadell's orders requiring him to reside in the town of Sheally. In his reply* to Mr. Cadell's order allowing Kondul Row a month to remove to Sheally from Tittay (a village two miles

* Dated 3rd May.

from Sheally), Kondul Row wrote that he had made inquiry, that he understands no vacant house could be had for the present, and that in the event of his removing he should have to build. He also begged to bring to the Collector's notice "the fact that the officers of the Court, as well as of the Talook Cutcherry, have been compelled to fix their abode in the outskirts of Sheally for want of houses in the town."

20. Mr. Cadell's remarks on this answer are as follows:—

"This I am in a position to state is positively and deliberately false. Sheally, with its suburb Tadalancovil, is a place of considerable size; it contains several large Chuttrums, and a large number of very respectable dwellings; to say therefore that accommodation cannot be had there shows not only that the Tahsildar refuses to obey my orders, but that he evinces an utter disregard of truth altogether unbecoming an officer in his position."

21. In his last letter Mr. Cadell deems it "a duty" to himself, as well as to the office to which he has been appointed by Government, "to protest in the strongest and most emphatic manner at the treatment" which he has received from the Board "as to the fact of Kondul Row being or not being able to live in his Kusbah." He submits that the Board ought to have received this fact as stated by him without questioning; and 2ndly, that all the facts which from time to time he may have, in the discharge of his duty, to lay before the Board, "must be accepted and not ignored or questioned."

22. Mr. Cadell further urges with regard to the same case, that "for upwards of sixty years every Tahsildar has resided within Sheally or its suburb, Tadalancovil," "that these towns comprise a population of upwards of five thousand people," and that Kondul Row is himself a native of Sheally. He therefore again submits that Kondul Row has been guilty of a positive falsehood, and that on this ground alone he is justified in recommending that Kondul Row should be removed from office. If Kondul Row should not be removed, Mr. Cadell holds "that all subordination is at an end," and that he cannot "be held responsible for the administration of the District."

23. In conclusion he requests that if Kondul Row is not to be removed, but "is to be permitted to do as he likes, and insolently and knowingly to defy and set at nought" Mr. Cadell's express orders, the Board will submit the correspondence for the orders of Government.

24. Mr. Cadell misunderstands the Board if he thinks that they question the truth of any fact to which he can speak of his own personal knowledge. He appears to confound questions of fact with questions of opinion. He also wrongly describes (in paragraph 2) the nature of the Board's instructions. They informed him that he ought to prove, by direct evidence, that houses were available in Sheally, if he wished to sustain his charge against the Tahsildar. They did not doubt the truth of the fact alleged by Mr. Cadell, viz., that Sheally is a large place containing many respectable dwellings, and a population (with its suburb) of 5,000 souls, but they dissented from him in judgment that this single fact was sufficient to prove that the statement made by Kondul Row, to the effect that he had not been able to find a vacant house in the town, was wilfully false. Mr. Cadell charges the Tahsildar with wilful falsehood, and requests the Board will permit him to punish the Tahsildar for this grave misconduct by dismissing him from the public service. It is the Board's duty to determine whether this charge has been proved or not. Their functions are not in such cases confined, as Mr. Cadell seems to think, to a mere executive process, as dismissing a Tahsildar simply at a Collector's request, or on the Collector's

own opinion that the evidence which he lays before the Board has proved, or must be adequate to prove, the charge preferred.

25. The Board must also remark, with regard to this part of the case, that the Collector in his order on the Tahsildar in his answer name Sheally only, not Sheally and its suburb Thadalancovil. Mr. Cadell in his last letter (paragraph 3) refers to these two places in conjunction, as though the Tahsildar had been required to reside either in the one place or the other, a view of the case which, judging from the order and the Tahsildar's answer, is not correct. According to Mr. Plumer's report all Kondul Row's "immediate predecessors lived in Thadalancovil, not Sheally."

26. With regard to the other charges referred to above in paragraph 3, the Board continue of opinion that Mr. Cadell has not shown that Kondul Row's conduct, since his re-employment, has been such as to call for his dismissal.

27. Mr. Hope (a young Assistant of very limited experience*) specifies two cases in which the Tahsildar was apparently deserving of serious blame, but in both cases Mr. Hope's report, as shown above, is imperfect.

* Appointed an Assistant in April 1863.

28. The same remark is applicable to the case to which Mr. Plumer refers as one of grave suspicion against the Tahsildar. The case in question ought to have been investigated, but whether any investigation was ever made, the Board are not informed. The complaint against the Tahsildar in that case was that he improperly released from custody the same person who appears as complainant in the two cases referred to above, the one in paragraph 9, and the other in paragraph 13. Mr. Cadell (in paragraph 6) has referred to all three cases collectively as though each equally served as evidence to prove that the Tahsildar was habitually tyrannical and oppressive.

29. With regard to the complaint that the Tahsildar had a bad character in the Police (for insolence and insubordination), the Board are of opinion that Mr. Cox's official report should be taken to describe the circumstances under which the Tahsildar resigned the Office of Police Inspector.

30. With regard to the Tahsildar's "antecedents," and alleged bad character as Tahsildar before he was re-employed, the Board are not informed on what ground he was reduced on two occasions† to a lower Tahsildarship. The

† Vide Collector's letter, dated 17th May 1864, No. 162, paragraph 5.

only case brought to their knowledge, as a case of misconduct previous to 1860, is the one which occurred so far back as 1851.

31. Kondul Row was placed out of employ in 1860, when the establishments were re-organized. Mr. Cadell states that Kondul Row was re-employed on the express orders of the Board. The facts are as follows: the Board ordered that Kondul Row should be re-employed on the report of Mr. Morris, Acting Collector of Tanjore, dated the 6th June 1862, No. 196, stating that no reason existed why Kondul Row should not be re-employed, except that he had resigned an appointment in the Police "as he disliked the hard work." Mr. Morris therefore proposed that Kondul Row should be made to wait awhile. The Board were of opinion that his having resigned an office in the Police ought not to nullify his claim to be re-employed under the general rule that persons who had been displaced at the reduction were to have a preferential claim to be re-employed. They therefore informed Mr. Morris that Kondul Row ought to have the vacant appointment in preference to a person who was nominated by Mr. Morris, but who had not the same special title to the appointment. He was then appointed to Sheally.

32. The Board observe that the Talook of Sheally belonged to the Sub-division up to November 1863, and as such was under the charge of Mr. Plumer who, when referred to, speaks favorably of Kondul Row as a Revenue officer, and with regard to his work as a Sub-Magistrate, was, it would seem, on further consideration induced to abandon the intention he had at one time formed of reporting him as wholly unfit to discharge the duties of a Sub-Magistrate. Mr. Hope could not have been in charge of Sheally more than a very few months.

33. The Board do not of course question the fact that Kondul Row has exhibited a certain inefficiency in administering the new Codes, but considering that he has served the Government, as stated by Mr. Cadell, for upwards of thirty years, and has held the office of Tahsildar for upwards of seventeen years, they do not think it just that he should be ignominiously dismissed the service on that ground. They are therefore of opinion that their order, directing that the Tahsildar be reduced to a lower grade, should stand.

With regard to paragraph 7 of Mr. Cadell's last letter remarking that the Board may be disposed to allow Kondul Row to retire on a pension, the Board observe that Mr. Cadell must be guided by the pension rules. The Board cannot give any instructions on the point.

34. With these remarks the Board submit the correspondence for the orders of Government. They are the more disposed to comply with Mr. Cadell's request on this point, as they think it advisable that Government should express an opinion on the question raised by Mr. Cadell in the 2nd paragraph of his letter. Mr. Cadell believes that he has personal ground of complaint against the Board for having required him to prove his charges against the Tahsildar, viz., that Kondul Row had been guilty of wilful falsehood, "was unprincipled and unscrupulous, insolent, and insubordinate to his superiors, and tyrannical and oppressive to his inferiors."

35. The Board do not perfectly understand Mr. Cadell's meaning when he protests against having "judicially to prove" every matter of fact, but of this they have no doubt that when, as in this instance, a Collector prefers against one of his principal native officers a charge involving heavy penal consequences, he ought to show that his alleged facts, supposing them to be true, are of a kind that in equity and reason will support the charge. This is his duty as the person who lays the charge, though the Board of Revenue, when the conduct of a Tahsildar is in question, have to decide whether the charge has been proved or not. The Board cannot sanction a Tahsildar's degradation or other punishment, if they are not satisfied that the charge against him is material capacity, the Board do not think it necessary to call for other evidence than the decision in which the Courts or the Magistracy have had occasion to notice specific instances of neglect or other faults. If the Tahsildar is accused of general inefficiency or unfitness as a Sub-Magistrate, general inefficiency. All this was explained to Mr. Cadell in the Board's Proceedings, dated 23rd July 1864, No. 4,667.

36. The Board also think it proper to make some remarks on Mr. Cadell's vehement protestations that he cannot be responsible for the administration of his District if Kondul Row should not be removed. They observe that this denouncing the Tahsildar, as though his charges against him were already substantiated, is a mere begging of the question at issue, for if, on a fair consideration of the evidence in support of these charges, it appears that Kondul Row has not deserved the character ascribed to him, Mr. Cadell has no real reason to anticipate any evil consequences from Kondul Row not being dismissed. Mr. Cadell in thus pre-judging the case, has really taken upon himself the duty imposed on the Board. And if on this occasion he should find his hands weakened, as he anticipates, in the management of his District, he will in fact be placed in that predicament by his having held up the Tahsildar to the strongest obloquy and reproach, while it was still undecided by the proper authority whether that officer deserved to be thus stigmatized or not.

No. 10. *Proceedings of the Board of Revenue, dated 11th October 1864.*
From W. M. CADELL, Esq., Collector of Tanjore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Vallam, 1st October 1864, No. 325.

SIR,

1. I have had the honor of receiving Extract from the Proceedings of the Board of Revenue, under date the 23rd ultimo, and with reference to the remarks made by the Board in paragraphs 23 and 25, would take leave to observe that Tādālkovil is a suburb of Sheally only in name, and that in point of fact, it forms one of the main streets, and as such an integral part of the

town of Sheally being within less than half a mile of the Talook Cutcherry. Tādālkovil is indeed never spoken of apart from Sheally, while Tittai, the village where Kondul Row insists on residing in defiance of my orders, is two miles away and on the Tranquebar road.

2. I would also remind the Board that Sheally is the frontier town of the District on the north; that the high road to Combaconum and Mayaveram as well as that to Tranquebar and the south passes through it; that there is no town Sub-Magistrate at Sheally, and that therefore it is of importance, on public grounds, that the Talook Sub-Magistrate should reside there instead of at a small isolated village on the coast road.

3. With reference to the remarks of the Board in paragraph 24, I really am unable to comprehend what the Board mean; the question as to whether or not the Tahsildar can find accommodation in Sheally appears to me simply a matter of fact and not one of opinion at all, and it does not appear to me that it is any part of a Collector's duty to ascertain whether a Native officer can or cannot find accommodation in his own native town, and when he himself as also all his predecessors have had no difficulty in finding accommodation for the past sixty-five years.

4. I beg, in conclusion, to request that a copy of this communication may be forwarded to Government.

Ordered to be submitted to Government in continuation of the Board's Proceedings quoted by the Collector.

No. 11. ORDER THEREON, 1st November 1864, No. 2,008.

Miscellaneous.

1. The correspondence submitted with these Proceedings relates to Kondul Row, at present holding the appointment of Tahsildar in the Shealli Talook, and the orders of Government are required with reference to a difference of opinion between the Collector of Tanjore and the Board of Revenue as to the retention by this officer of his position in the service.

2. It appears that Mr. Cadell had occasion to find fault with this Tahsildar's mode of conducting his Treasury business, certain laxity and irregularities having come to light in a case in which some Government monies had been abstracted from a remittance received at the Talook Cutcherry, and that further investigation brought to notice the fact that the Tahsildar was not living at his head quarter station; upon this he was directed to find accommodation there within a month, but he evaded the order on the plea that no house was available. Regarding this excuse as simply a falsehood the Collector adverting to Kondul Row's antecedents; to his recent misconduct; to his incapacity as a Magistrate, and to his annoying behaviour in regard to the Police, recommended that he should be removed from his appointment.

3. The Board, however, did not agree in the propriety of this extreme measure, for which they thought sufficient cause had not been shown; but as the standing Rules relating to his Treasury duties had been habitually disregarded by the Tahsildar, they authorized his degradation to a Talook of the lowest grade.

4. Thereupon ensued the correspondence now before Government. The Collector pressed his view of the case, and adduced further instances of Kondul Row's unfitness for the post of Tahsildar. The Board, on the other hand, adhered to their opinion, declining to accept as facts what Mr. Cadell submitted to them as such, unless regularly proved, and observing that they could not consent to the summary dismissal of a Tahsildar of long service without conclusive evidence of his unfitness to hold the post which he had filled for many years.

5. The papers have been submitted to Government at the Collector's request, and because the Board think it desirable that an opinion should be expressed upon the question raised by Mr. Cadell whether, when they asked for proof in respect to the charges of wilful falsehood, insolence, insubordination, tyranny and oppression brought by him against the Tahsildar, he was right in making this a personal ground of complaint on the score that his word was doubted.

10 *Proceedings of the Madras Government, Revenue Department,*
1st November 1864.

6. The point especially alluded to in this remark is Mr. Cadell's protestation against being called upon judicially to prove the existence of house accommodation for the Tahsildar in that officer's own Kasbah. On this Government are constrained to remark that when the Collector, who has been employed in the District for many years, pointed out that Shealli is a populous town and the Kasbah of the Talook, that previous Tahsildars had lived there, and that Kondul Row is himself a native of the place, the Board should have been satisfied to accept Mr. Cadell's statement and not have called upon him to adduce proof that any particular houses were at the Tahsildar's command to rent or purchase.

7. In other respects also His Excellency the Governor in Council is obliged to dissent from the opinion expressed by the Board, and to agree with the Collector that Kondul Row is not a fit person to hold the place of Tahsildar and Sub-Magistrate. He observes from the correspondence before him, that in 1851 this Tahsildar was suspended for six months for what was styled at the time "most oppressive conduct;" that in 1855 he was reduced to a Tahsildarship of lower grade, his services being finally dispensed with when the alteration in Talooks took place in 1859; that having in 1860 entered the Police he was found careless in his work and useless as an Inspector, and was therefore required to resign in 1861; and that in 1862 he was re-employed as Tahsildar of Shealli during Mr. Cadell's absence, and under a misapprehension of the reasons which led to his resignation of the Police, the Acting Collector having been led to believe (by Kondul Row himself apparently) that it was because "he disliked the hard work." So much for Kondul Row's antecedents, which the Board have hardly taken sufficient notice of. His Excellency observes further, that this Tahsildar has since his re-entertainment habitually violated the standing rules on those vital points, the custody of the Treasury keys and the periodical examination of the cash, and that he is reported to be ignorant of the Codes which he has to administer; hostile towards the Police, as testified by more than one Superintendent; and inefficient, careless and vexatious in the discharge of his duties, as shown in the reports of Messrs. Hope and Plumer.

8. The Board should not, the Government think, have passed over all these circumstances. It may be true that some of the cases referred to are not susceptible of full proof, and that the enquiry into others is incomplete. But it is impossible to regard a man of the general character described above, and for which description, in the opinion of Government, there is ample and sufficient ground, as fit to wield the lately increased powers of a Tahsildar in one of the present extensive Talooks. It is a great pity that he was ever re-employed in a situation where he would have Magisterial duties to perform. As the question has come before them the Government have no hesitation in directing his immediate removal from his Tahsildarship.

9. The Collector will report, through the Board of Revenue, the length of Kondul Row's service, and the pension to which he would have been entitled had he resigned the service.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.
,, the Civil Paymaster.

Exd. S: T. Augustin.

7
*Proceedings of the Madras Government, Revenue Department,
22nd December 1864.*

No. 247. Read the following Proceedings of the Board of Revenue, dated 6th December 1864,
No. 7,806.

Read the following letter from W. M. CADELL, Esq., Collector of Tanjore, to W. HUDLE-
STON, Esq., Secretary to the Board of Revenue, dated 19th November 1864, No. 375 :—

With reference to paragraph 9 of the Proceedings of Government under date the 1st instant,
No. 2,008, communicated with the Board's order of the 5th idem, I have the honor to state that
the length of Kondal Row's service amounts to twenty-seven years, and that had he resigned
the service, he would, under the present rules, have been entitled to a monthly pension of Rupees
63, being a moiety of the average salary drawn
by him for the past five years.

Rupees 63.

Submitted for the information of Government, with reference to their order quoted by the
Collector.

No. 248.

ORDER THEREON, 22nd December 1864, No. 2,304.

On a full consideration of Kondal Row's case, the Government
consider that the grant of a pension is out of the question.
(True Extract.)

Miscellaneous.

L. H. M.

Secretary to Government.

To the Board of Revenue.
,, Public (Separate) Department.

Exd. T. O'Connor.

4 copies sent

Pension 1865. Department.

No. 4

PROCEEDINGS OF GOVERNMENT.

Revenue Department H. 2. 274

Dated 22^d Dec^r 1864
Rec^d 4th Jan^y 1865

Communicating
certain papers regarding the
removal of General Dow
from his appointment of
Colonel in the Maine
State in the Maine
District, on account of
general misconduct, and
the decision of Gov^t that
he is not entitled to any
pension.

With an order H. 2. 26.

File

Order thereon 21st January 1865 H. 2. 26.

Ordered to be recorded

W. H.

Under Secretary H. 2. 26.

This motion has been on
the books the New York State
then was in and for waiting
a day that of Justice W. H.