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MADRAS RECORD OFFICE.

Government of Madras.

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Not to be folded or roughly handled

ENCLOSURES.

A.

TRANSLATION OF A TAKEED FROM THE COLLECTOR OF SALEM.

To TEAGARAJ A PILLAY, Tahsildar of Ahtoor Taluq.

As I have to speak to you personally you must appear in my Office at Salem on Monday next at 11 o'clock.

SALEM,
16*th March* 1866.

(Signed) D. ARBUTHNOTT,
Collector.

B.

TRANSLATION OF TAKEED FROM THE COLLECTOR OF SALEM.

To TEAGARAJA PILLAY, Tahsildar of Ahtoor Taluq.

As you told me personally that you would take Pension on the 1st June you will be recommended for Pension.

Coopoosawmy Naidoo Tahsildar of Oossore is transferred to your Taluq, deliver over to him charge on the 1st June.

SALEM,
23*rd May* 1866.

(Signed) D. ARBUTHNOTT,
Collector.

C. C.

AHTOOR, 24th May 1866.

HONORABLE D. ARBUTHNOTT, Collector of Salem.

HONORED SIR,

I have just received your Takeed of the 23rd instant directing me to deliver over charge of my Taluq to Coopoosawmy Naidoo from the 1st Proximo. You must be fully aware that I did not apply to you for Pension of my own accord, but it was on the suggestion made by you that I simply told you that I would make up my mind to it on the completion of my children's marriage : tho' much of the arrangements necessary for the purpose have been effected by me, still there is something yet to be done ; in short the marriage cannot possibly be made before Aunee or June and July next. I certainly did not for a moment anticipate the receipt of your present Takeed, as I intended addressing you the enclosed to allow me an extension of leave till then, as my main object in soliciting the grace will be defeated by the order now under acknowledgment and moreover depreciate me in the good opinion of those with whom I am about to form an alliance. I trust under the circumstances your honor will be kindly pleased to give the matter a reconsideration or grant me privilege leave for three months—having obtained none during the whole period of my service—and then give me the option of availing myself of the benefit of a Pension.

I remain with respect
Honored Sir,
Your most obedient and humble servant
(Signed) B. TEAGARAJA PILLAY,

C.

AHTOOR, 24*th May* 1866.

HONORABLE, D. ARBUTHNOTT.

HONORED SIR,

I beg most respectfully to state that during the whole time of my services under Government I have not been wanting in any respect to perform the duties of my Office with much care and diligence as your honor is well aware of. Though I am free to admit that my period of service

is out yet I cannot but in truth urge that the physical state of my body and health even at this stage of life is by no means impaired to render me disqualified for the active duties of my station for some years more at least.

When your honor had recently sent for and required me to put in my application for Pension I yielded to your wishes lest I should incur your displeasure otherwise. I have a large family to support, my present resources have enabled me to provide for their wants suitably : to accept my pension will in a great measure not only circumscribe my means to keep them up comfortably but put it out of my power to settle my four unmarried daughters in life. Your honor will remember that when I requested your permission to continue me in my duty till the end of this month, I did it with the positive hope of being able to effect my object by that time and you were kind enough to accede to my request. But notwithstanding all my endeavours to make the necessary preparation much remains still unaccomplished, and last not least some unforeseen circumstances have come in my way to defer the celebration of the marriage, as the next good day for its consummation (to conform to Hindu costum and practice) cannot possibly before Aunee or June and July next I have been obliged to write to my relatives that the marriage cannot take place till then.

I am an old servant of Government and devoted much of my life and energies in their service. I trust your honor will take into consideration this and the unavoidable delay, extend me your generous notice and clemency to allow me to continue in my duty till then.

I fully depend on your generous and naturally benevolent disposition not to deny me this little boon under the peculiar circumstances it is sought for at your hands.

I remain with respect,
Honored Sir,
Your most obedient and humble servant
(Signed) B. TEAGARAJA PILLAY,

D.

OFFICIAL MEMO.

The Collector has received Teagaraja Pillay's two English letters and the Tamil Urzee. Teagaraja Pillay when last asked by the Collector when he intended to retire, said that he would do so on the 1st of June and offered to give this promise in writing.

Teagaraja Pillay will remember that the Collector told him that it was not necessary for him to give a written Razenamah, and that he would take his word for it. Depending on this the Collector has made all arrangements to relieve Teagaraja Pillay on the 1st Proximo, and the Collector cannot therefore accede to his present wishes. He is therefore directed to deliver over charge of the Taluq to Coopoosawmy Naidoo on the 1st Proximo as already ordered.

SALEM,
30th *May* 1866 } (Signed) D. ARBUTHNOTT,
Collector.

TO

E.

THE PRESIDENT AND MEMBERS OF THE BOARD OF REVENUE
CHEPAUK.

The humble Memorial of B. Teagaraja Pillay late Tahsildar of Ahtoor in the Salem District.

RESPECTFULLY SHEWETH,

That your Memorialist, after filling various posts in the Public Service, was first appointed a Tahsildar 18 years ago, the duties of which office he has ever since continued faithfully to discharge up to the end of last month, when he was directed by the Collector of Salem to deliver over charge of it to Coopoosawmy Naidoo Tahsildar of Oossore, as will be seen from the annexed copy of a Takeed dated 23rd May 1866.

That with reference to this Takeed your Memorialist feels called on to explain, that in March last he appeared by order before the Collector, who requested him to resign his appointment and apply for a Pension ; and that sudden and wholly unexpected as was the request, memorialist, unwilling to incur the displeasure of that functionary by any the least remonstrance or opposition to his wishes, simply begged to be allowed 3 months' time to make up his mind on the matter—a solicitation which was at once acceded to, and Memorialist returned to his Taluq.

That at the expiration of the time referred to, your Memorialist to his great surprise received, as already stated, the order requiring him to make over charge of his Tahsildarship to another ; and feeling he was hardly dealt by in being asked to give up his means of living while yet quite fit for active duty, he for the first time during his long period of service applied for three months Privilege leave, but was peremptorily directed to act up to the order already issued, which he accordingly did, without presuming to ask for any explanation as to the grounds on which it was based.

That from the foregoing your Honorable Board will perceive that Memorialist, a public servant of 34 years' standing, has been summarily removed from his appointment without any cause being assigned for so harsh a proceeding, or any charge of misconduct being brought against him.

That if it be alleged that your Memorialist is physically incapacitated for further service by old age or other infirmity, he begs to say he is prepared to attend before the medical Board to prove the contrary ; whilst he would respectfully solicit a perusal of the accompanying Takeeds, from which it will be seen that his services have been appreciated and recognised by all his immediate official superiors, and that he has on many occasions been deputed to other Taluqs than his own to apprehend delinquents whom the Tahsildars of those Taluqs had failed to discover.

Your Memorialist begs, in conclusion, humbly to appeal to your Honorable Board against the order of the Collector of Salem removing him from the Tahsildarship of Ahtoor, and to express a hope that your Honorable Board may be graciously pleased to direct his restoration thereto in consideration of his long, faithful and zealous servitude : an act of simple justice for which your Memorialist, as in duty bound,

Madras,
19*th June* 1866.

Will ever pray,
(Signed) B. TEAGARJA PILLAY.

F.

SALEM, 19*th Moy* 1866.

From J. C. HUGHESDON ESQ,
Assistant Collector.

TO THE HONORABLE D. ARBUTHNOTT,
Collector of Salem.

SIR,—With regard to the complaint of Muthu Muppen of Alagapuram referred to me for investigation, I have the honour to inform you that I have made an enquiry into the matter of the complaint, and that the following facts seem to me to be clearly established.

Some 10 or 12 years ago one Soobaroya Muppen, Manigar and Moonsif of the village of Alagapuram in the Ahtoor Taluq, died, leaving behind him a widow (Karuppee) an adopted son (Muthu Muppen) a mother (Alagammall ; and a mother's brother's son) Yakambra Muppen was appointed to the vacant post (whether on account of any invalidity in the adoption of Muthu Muppen does not appear) : after some interval, Yakambra Muppen being yet a child, Muthu Muppen was appointed to do the work of the post for him. This arrangement continued till Fasly, 73, when Muthu Muppen lost the acting appointment. In the same Fasly a certain field called Arashedy Nunjy, which had hitherto stood in the name of Karuppee (the widow of Soobroya Muppen, and adoptive mother, also elder sister of Muthu Muppen) was transferred to Mera Ravathen, who retransferred it in the same Fasly to Mootoosawmy Pillay father in law of the present Tahsildar of Ahtoor.

* This is Narsingapoorem.

Thus far the facts are beyond dispute. It is clear, as alleged by the petitioner Muthu

Muppen, that in Fasly 73, he lost the acting appointment of Manigar and Moonsif, and that in the same Fasly a field belonging to his adoptive mother came into the possession of the Tahsildar's father in law—whether illegal means were used by any party to deprive Petitioner of his temporary appointment, or his adoptive mother of the possession of his field, I think cannot be ascertained unless I am authorized to entertain magisterially Petitioner's complaint against the Tahsildar. I request therefore that you will inform me whether, in your opinion, there are sufficient grounds for this proceeding.

Statements taken from the Petitioner, his adoptive mother and the Village Kurnum are enclosed; also two Urzees from the Tahsildar.

I have the honor to be,
SIR,
Your most Obedient Servant.
(Signed) J. C. HUGHESDON.

I.

TO
THE HONORABLE PRESIDENT AND MEMBERS OF THE
BOARD OF REVENUE,
Fort St. George.

The humble Petition of B Teagaraja Pillay, late Tahsildar of Ahtoor Taluq in the Salem District.

HUMBLY SHEWETH,

That your Petitioner having on 19th June 1866 appealed to your Honorable Board from an order of the Collector of Salem removing him without any just or assignable cause from the Tahsildarship of Ahtoor Taluq, after his holding it for 18 years with unblemished character, and that appeal having been referred to the Honorable D. Arbuthnott for explanation, your Petitioner was summoned by this Authority to appear before him to answer to an old Revenue complaint that had been suffered to remain in abeyance ever since 1865; though the Takeed* directing Petitioner to hand over charge of his office to one Coopoosawmy Naidoo, by whom he has been most unjustly succeeded therein, contained not the slighest imputation on Petitioner's moral conduct or official integrity, but on the contrary conveyed an intimation of the Collector's intention to recommend him to Government for a Pensionary provision.

*Enclosure A.

2. That in obedience to the said summons your Petitioner returned to Ahtoor, where the Collector held an inquiry into the Revenue case above alluded to, without however eliciting any thing to Petitioner's prejudice; that he then, leaving behind a Vakeel to act for him as occasion might require, applied for and obtained permission from that functionary to proceed to Salem with the object of coming back to Madras by Train; but just as he was about stepping into it he was astounded at being arrested on the Railway platform for alleged "extortion," *though at this time there was not a single charge of the kind laid against him by any person.* Being thus placed under restraint, the next step taken against your Petitioner by his enemies was to get up certain criminal cases to compass his ruin—two Kurnums, who had given evidence in his favor in the aforementioned Revenue matter, were summarily dismissed, and another Kurnum named Ramiah had his property attached in a considerable amount for refusing to complain against Petitioner; whilst he, the said Ramiah, and some others were at length induced to appear as complainants by promises of having their prospects bettered. That this assertion is not lightly hazarded by your Petitioner* will at once be manifest from a perusal of the Record in appeal case No. 35 of 1866, copy of which is herewith submitted.

* Enclosure B.

3. That about 5 days after his arrest your Petitioner was tried by the Collector in his magisterial capacity on 3 distinct charges of extortion, two of which were thrown out as totally groundless, and Petitioner was convicted in the third case and sentenced to 6 months rigorous imprisonment and to pay a fine of Rs. 200; but this sentence was annulled in appeal and your Petitioner honorably acquitted by the Court of Session.

4. That notwithstanding such acquittal your Petitioner was again arrested at Madras upon a warrant issued by the District Magistrate, and, having given Bail to the extent of Rs. 15,000, was afterwards brought to trial on not fewer than 6 fresh cases of alleged extortion, one of which fell to the ground at once through the complainant's own declaration in open Court (after the charge had been admitted and read to Petitioner by the Magistrate) that he was instigated by the Sheristadar Paul Pillay and other public servants to bring the complaint; and your Petitioner was, despite the very suspicious nature of the evidence adduced in respect of the remaining 5 charges, sentenced to various terms of imprisonment extending on the whole to 2 years, and to payment of fines aggregating Rs. 1600, although those charges were on the face of them destitute of any foundation in fact.

5. That, as in the case first trumped up against Petitioner, so in all the subsequent ones the Appellate Court completely reversed the findings and sentences of the lower Court, as will be seen by the accompanying printed copy of the judgment,* to which he respectfully solicits the special attention of your Honorable Board; not only establishing as it does your Petitioner's innocence, the utter falsity of the accusations brought against him and the cruel treatment to which he—a Government servant of 34 years' standing—has been subjected, but also clearly and fully exposing the foul "conspiracy formed," as the Session Judge himself remarks, "to prevent his (Petitioner's) return to Office," and to which he had so nearly fallen a victim.

* Enclosure C.

6. That having to contend against so unscrupulous and powerful foes as the subordinates of the Collector's Cutcherry, your Petitioner felt constrained to petition Government, as he did on 10th September last, to have him transferred for trial by the Magistrate of some other District than Salem, but was requested to conform to Para 2 of the Revised Rules respecting Petitions; and the only course then open to him was to appeal to the Session Court, which he accordingly did; and though he has been, as stated before, released by order of that tribunal, still he cannot help shuddering even now at the thought of what might possibly have been his fate had it been left to the decision of a less impartial, upright and discriminating judge than was happily for him the case.

7. That not to trespass further on the valuable time of your Honorable Board, Petitioner would only crave permission to advert for one moment to a few facts which seem to be deserving of notice, namely, that when he first appealed to your Board against his being forced to retire on Pension, there was not a single complaint of any misconduct on his part pending before the controlling authorities of the District with which he has been so many years connected; that with regard to the old Revenue case touching a small piece of land, it has never been proved as involving the least moral delinquency in so far as he is concerned; that, as represented in his former Petition, he is still fit for further active service, as the enclosed Medical Certificate* will shew; that in consequence of the recent proceedings against him, he has not only been humiliated and disgraced but put to heavy expense in employing Vakeels to protect him from the machinations of those who were bent on effecting his ruin; and, lastly, that during his long official career he has always had the good fortune to gain the favorable opinion of his superiors, as shewn by the accompanying Testimonials.* Your Petitioner begs, finally, to express a fervent hope that on view of all he has now set forth, your Honorable Board may be pleased to direct that he be restored to his appointment of Tahsildar of the Ahtoor Taluq, and your Petitioner, as in duty bound

* Enclosure D.

*Enclosure E.

MADRAS,
10*th January* 1867.

Will Ever Pray,
(Signed) B. TEAGARAJA PILLAY.

I.

Endorsement on Petition Nos. 2,212 of 1866 and 205 of 1867.

The Board will not reinstate the Petitioner.

Revenue Board Office,
Chepauk
23rd March 1867.

By Order
(Signed) J. R. COCKERELL,
Sub-Secretary.

J.

I Charles Murray Duff, M. D., Surgeon Major 3rd District, do hereby certify on honor that I have this day examined Teagaraja Pillay late Tahsildar of the Ahtoor Taluq, Salem District, now residing in Nungumbakum ; and that he labors under no disease, constitutional affection or bodily infirmity, such as to disqualify him for official employment.

(Signed) C. Murray Duff, M D.
Surgeon Major,
3rd District.

Madras,
10*th January* 1867.

K.

Copies of orders and certificates issued by the Collectors and other officers.

TAKEED ISSUED BY W. E. LOCKHART Esq,. COLLECTOR OF SALEM.

To Teagaraja Pillay Police Rayasem of Darampoory Taluq. Having learnt of the great zeal displayed by you in the case of the notorious offender Annavyangar in the robbery committed at Condalamputty and other villages, and your knowledg in Revenue matters and the deal of labor you take invariably, I am pleased therefore to appoint you to act in room of the Taluq Sheristadarship now vacant at Drampoory Taluq from the 1st instant. On the receipt of this order you will obtain the permission of the Thasildar of Salem, and proceed to Darampoory and assume charge of your new appointment, and be guided by such orders as may be given you by your present superior, in conformity with the rules and customs both in the Revenue and Police department. On my learning the assiduity with which you perform your duties, I will take measures to confirm you in the said post. Know this.

(Signed) W. E. LOCKHART,
Collector.

Darampoory,
3rd November 1846.

In the year 1846, Teagaraja Pillay was a Police Goomastah in the Taluq of Darampoory, a Moottadar by the name of Annavyangar, a notorious person in committing gang robbery, was concerned in 2 similar cases. The Collector Mr. Lockhart and Head Assistant Collector Mr. Dykes directed Streenivasa Row, Tahsildar of Salem, to take measures in apprehending him. The Thasildar of Salem Taluq requested the Collector to spare him a competent and trustworthy Goomastah in Police duties from Darampoory Taluq : accordingly the said Teagaraja Pillay was directed to do duty under him until further orders, and he did so in the Salem Taluq. After Annavyangar was apprehended and sentenced by the Court of Sessions to rigorous imprisonment, the Collector and Head Assistant Collector being quite satisfied with the Tahsildar and Teagaraja Pillay, immediately promoted Teagaraja Pillay to the Sheristadar's Post, and after a year appointed him a Tahsildar. The above order was issued by Mr. Lockhart to Teagaraja Pillay.
19th November 1866.

TAKEED ISSUED BY H. D. PHILLIPS Esq. COLLECTOR OF SALEM.

To Teagaraja Pillay Tahsildar of Dankanicottah. By the letters of Civil Engineer that Kistna-Row Tahsildar of Shenkery Droog was not able to supply all necessary provisions for the construction of the Bridge over the Cavery at Comarapoliem in the Taluq of Shenkery Droog, therefore he was transferred to your Taluq and you to Shenkery Droog from the 26th instant : you are hereby requested to give over charge of your Taluq to Taluq Sheristadar and, taking receipt from him, proceed to Shenkery Droog and take charge of that Taluq from Kistna Row, and render every kind of assistance for the Bridge which is in construction, without giving room for any complaint ; and also be careful in your public duties.

(Signed) H. D. PHILLIPS.
Collector.

26th August 1850.
Oossore

Teagaraja Pillay, Tahsildar of Shenkery Droog, was under my orders during the construction of the Bridge over the Cavery at Bahvany. I have much pleasure in giving him this certificate to testifiy that I found him throughout most useful in giving me every assistance in procuring ma-

terials &c. for the Bridge, and as far as I can be allowed to judge I consider him a first rate public servant in maramut affairs.

(Signed) CHARLES WILKIESON, Lieut.
Engineer.

Shenkery Droog.
9th July, 1851.

TEAGARAJA PILLAY TAHSILDAR OF SHENKERY.

I have received your several letters, but I have been so much occupied since my departure from Salem that I have unintentionally failed to reply to them. I think it due to you however to comply with your request for a testimonial to character, and I have much pleasure in stating that I entertain a very good opinion of you as a public servant. I consider that as a Police officer your character stands very high, and in all the Proceedings which came under my observation connected with the gang robbery which occured in your Taluq just before my departure, that you showed yourself an able, active and fearless public servant, desirous of bringing to Justice notorious public offenders and thereby securing the peace of the Taluq and protection to the property and lives of the inhabitants. I shall always be glad to hear of your welfare.

(igned) T. CONWAY.

Kurnool
9th November, 1851.

TAKEED ISSUED BY H. A. BRETT, Esq. COLLECTOR OF SALEM.

To Teagaraja Pillay, Head of Police of the Tengaracottah Taluq. In the fourth Para of the Extract received from the Sessions Court of Salem dated 1st September 1854, it having been brought to my notice the great vigilance and zeal taken by you in bringing the offenders concerned in the daring robbery committed at Shevapett at Salem Taluq on the 28th May 1854, and their eventual conviction for the amount stolen to the extent of Rs. 24,000, comprising gold and silver articles, much credit and praise were accorded to you in the said case by Sessions Court in your duty while presiding in the Taluq of Shenkery Droog. This I think it but fair to make you aware of. Know this.

(Signed) H. A. BRETT.
Collector

Oossore
23rd October, 1854.

Extract from the Proceedings of the Sessions Court of Salem under date the 1st September 1854. Read record in Session case No. 21 of 1854.

The Shenkery Droog Tahsildar, Teagaraja Pillay, is entitled to great credit for the manner in which he has exerted himself in apprehending the Prisoners &c.

Kokalumah
versus.
Chinniah Moodelly and
42 others.

(True Extract.)
(Signed) T. W. GOODWYN.
Session Judge.

14th November, 1854.

(True Copy)
(Signed) T. W. GOODWYN.
Session Judge.

TO R. R TEAGARAJA PILLAY.

I enclose you an Extract from a report which I have sent in about the Nerinjipett Anicut relating to yourself.

The estimate for the work both Anicut and channel comes to Rs. 1,45,000. I have sent a copy of the report to Mr. Brett, and I hope early sanction will be given for it and for the channel to be commenced immediately.

I shall be at Shenkery Droog about 3*rd June*, and if there are any tanks which require maramut work executed which requires inspection, pray make a list and keep it for me ready.

Also I wish you would have the cut stones in the Droog counted, and a list made showing the length breadth and thickness of each and remarks saying if they are cut smooth on the top or only rough.

SALEM DISTRICT,
17*th May* 1854.

Your friend
(Signed) J. OUCHTERLONY.

Extract from a report on the restoration of the Nerinjipett Anicut made to the Board of Revenue.

24. The Tahsildar of Shenkery Droog Taluq also attended and evinced his usual zeal and intelligence ; and I would take permission to remark that in the event of sanction being eventually granted for the work recommended I should account it a guarantee for its being properly executed both as to time and cost, if this energetic Revenue Officer were charged with the subordinate control of operations.

SALEM DISTRICT,
15*th May*, 1854.

(Signed) J. OUCHTERLONY.
Civil Engineer 5th District.

TAKEED ISSUED BY H. A. BRETT, ESQ. COLLECTOR OF SALEM.

To Teagaraja Pillay, Police Tahsildar of Tengaracottah. After closing the examination of the murder case now under trial, you will proceed to Darampoory as ordered in the Takeed No. 4 dated 12th January 1855, and render necessary assistance in the case of the gang robbery committed in the house of Sooba Row the Taluq Goomastah of that place on the 13th idem, and strive to bring the perpetrators to light and conform to the usual rules and restrictions.

SALEM.
15*th January*, 1855.

(Signed) H. A. BRETT.
Collector.

Extract from the Register of Service kept in the Salem Collector's Office

TEAGARAJA PILLAY TAHSILDAR OF AHTOOR.

This public servant is an active person. He has gained for himself some credit as a Police Officer ; he also has a proper know ledge of his duties in the Revenue department.

(Signed) H. A. BRETT.
Collector.

True Copy.

13*th November*, 1858.

(Signed) A. HATHAWAY,
Acting Collector.

TAKEED ISSUED BY H. G. SMITH ESQ. JOINT MAGISTRATE OF SALEM.

To Teagaraja Pillay, Tashildar of Ahtoor, dated 17*th Nov.* 1858.

In the case of robbery attended with grievous hurt in the house of Vencataramiah, Taluq Moonsiff of Salem, it being desirable that you should exert yourself to apprehend the robbers therein, you are required to deliver over charge of your Taluq to the Sheristadar and come over here for the above purpose.

(Signed) H. G. SMITH
Joint Magistrate.

Re No. 1095/67

IN THE COURT OF SESSION AT SALEM.

28*th November* 1866.

CRIMINAL PETITION Nos. 26 to 30 of 1866.

B. TEAGARAJA PILLAY PETITIONER.

Appeals against the Sentences of the District Magistrate of Salem in Cases Nos. 43, 46, 53, 55 and 57.

JUDGMENT.

The first point which attracts my attention in these cases is the late hour at which the complaints have been preferred. Thus, the offence in case No. 26 is affirmed to have been committed in 1863 ; the circumstances with which it is connected are found to have occurred in 1862 ; and the complaint is not made till 1866. There has also been more or less delay in the other cases. There is doubtless nothing in law or practice to prevent a person being prosecuted and punished for an offence committed some years back ; but in every such case, as far as my experience goes, the facts must have been made known at the time of their occurrence, and some steps must have been taken by the injured party to bring the offender to Justice ; otherwise the Magistracy will not, as a rule, entertain the complaint. Thus, if a man complain of a robbery, or any other offence, said to have been committed some years before, and it appear that no information was given of such offence at the time of its alleged commission, it is I believe the universal practice to refuse to subject the accused to Criminal Proceedings. If this protection is afforded to private individuals, much more in my opinion should it be thrown around a public servant every act of whose official life must necessarily be prejudicial to the interests of one or more of persons appearing before him as litigants, and thus tend to engender feelings of animosity against him. The reasons for refusing a summons in the case of antiquated charges are certainly very cojent and important, first, the long reticence of the party complaining renders it highly improbable that any offence has been committed ; Secondly, facilities are afforded for fabricating false evidence and tutoring witnesses, which do not exist where information is immediately given and an investigation at once held ; Thirdly, the accused whose position the law always regards with anxious solicitude is placed at a great disadvantage if required to prove his innocence under such circumstances. Of course the case is totally different where an offence is directly reported, and evidence of the corpus delicti obtained, but the offender is either unknown or evades justice for a series of years. All doubt as to the actual commission of the offence is there entirely removed, and the evidence against the accused is such as was made known at the time, or new evidence of a circumstantial nature tending to connect him with the offence. Upon grounds of public policy it seems to me highly inexpedient that encouragement should be given to complaints of offences by public servants being preferred against them after they have retired from office. It is obvious that under such a system a real offender, instead of being arrested in, would be allowed to pursue his career of oppression ; and his eventual punishment would after all become exceedingly problematical from the general reluctance of parties to complain when time has effaced the first feelings of irritation produced by the offender's act, and from the extreme improbability of the complainant's story and that of his witnesses being credited. Such prosecutions are, moreover, calculated to create needless dismay and disaffection among a large class of public servants who are placed in a very helpless and invidious position. No native could indeed retire from the service without being exposed to the risk of having his character blasted by groundless accusations from persons who were under his authority and whom he had offended in the course of his official duties. The soundness of the general rule is strongly exemplified by the result of these exceptional prosecutions. Here criminal charges have been freely entertained against the defendant and the whole machinery of the State has been put in operation against him, the Police having been directed to make

preliminary enquiries into the complaints, and the public prosecutor employed to conduct the prosecutions ; but the result is that in 14 cases out of 20 brought before the magistrate, the accused has been discharged, and in the 6 in which he has been convicted, the convictions will not have been upheld in appeal. The magistrate describes the petitioner's career as one of tyranny and corruption ; but there is no evidence on the record to show, that he was ever degraded or punished, or ever that any charge of oppression or corruption was ever preferred against him. In the absence of such evidence it may reasonably be inferred from the fact of his having been permitted to remain in employ for 34 years, that his character was unblemished so far as any actual proof of delinquency is concerned. Such considerations however can have no weight in criminal cases except to enhance or diminish the punishment after conviction. Now, whether the time at which the present complaints have been made, or the manner in which they have been brought to light, or the clumsy attempts made to connect them with some official act of the Petitioner, be taken into consideration ; they can, I think, leave no other impression on the mind than that the accusations are without any reasonable or probable foundation, and that the witnesses are utterly unworthy of credit. The only way in which a Court can deal with such complaints with any hope of passing a safe decision is by estimating the probability or improbability, from the whole circumstances of the case, of the offence having really been committed. To allow to the evidence of a complainant and his witnesses deposing to facts alleged to have taken place some years before the same weight that is given to the testimony of persons narrating matters of recent occurrence would be contrary not only to judicial practice but also to common sense. It stands to reason that the credit of a witness is very materially affected by the circumstances under which he gives his evidence, and suspicion naturally attaches to evidence which has been long withheld. The present complaints are also rendered incredible by the fact that, if true, the complainants would have had more than ordinary reasons for taking immediate proceedings against the Defendant. A person robbed has often no expectation of recovering his property, and silence might in such a case be quite consistent with the fact of a robbery having been actually committed ; but where a man has paid a large sum of money in order to free himself from a false charge or to obtain immunity from official persecution, it is obvious that he has the strongest of all inducements for seeking early redress ; and the absence of any complaint under such circumstances at the time when the money is alleged to have been extorted or corruptly received, raises a reasonable presumption that no payment was in reality made. The reason assigned for the delay in preferring these complaints is, that the complainants were afraid to prosecute the Defendant while he was in authority, lest he should do them some injury ; but a moment's reflection will suffice to show that this is a mere pretence. Thus, they have now come forward with all the elements of a strong case ; witnesses speaking to the actual payment of the sums to the accused, and particular official transactions being referred to as forming the ground work of the offences alleged to have been committed. Now it is perfectly clear, that if the evidence were true, and it was really available at the date of the offence, the knowledge of its weight and the confidence which always accompanies a just cause would completely have removed from their minds any fear of future molestation by the certainty that punishment would follow, and further oppression be rendered impossible. It is also incredible that so many persons should have been under the influence of fear. In a solitary instance of extortion the sufferer might possibly be a person of too timid a disposition to complain of the injury ; but here the parties are many in number, and if there had been any truth in their allegations, they would doubtless have heard of each other's wrongs and have combined together to bring the oppressor to punishment ; or it is reasonable to suppose that at least one among them would have had the moral courage to complain. Another element of improbability consists in the class of persons from whom the money is in most of the cases said to have been taken. It is quite intelligible that a corrupt public servant should receive a bribe from a rich suitor ; but it seems in the last degree improbable that he should exact money from his own subordinates. A further circumstance which tends to deprive the story of the complainants of the least shadow of probability is, the absurd disproportion between the sums alleged to have been exacted and the service which was to be rendered. Thus, in case No. 46, the complainant had simply been fined two Rs. for

carelessness in keeping his accounts, and yet he now asserts that while the enquiry was pending the Defendant extorted from him the sum of three hundred Rupees. The complaints against the Defendant were not only not made at the time at which the offences are said to have been committed ; they were not even preferred when it was known that the Defendant was shortly to be pensioned, nor for some time after he had quitted office. It was only after he had petitioned the Board of Revenue to be allowed to defer taking his pension that efforts were first made to effect his ruin. I consider that the reference of these cases to the Police for preliminary enquiry was inexpedient and not calculated to advance the ends of justice, but rather the reverse. When the Magistrate is satisfied that an offence has been committed, but is unable to proceed to a satisfactory decision of the case, either on account of the insufficiency of the evidence for conviction, the non-apprehension of the real offender, or from any other cause, it is proper that due enquiry should be made before the accused is discharged or the case dismissed ; but in the present instance there was nothing for the Police to trace out, and all that was necessary was for the Magistrate to hear the evidence tendered. If this course had been adopted, I think that there would have been fewer complaints ; and one great source of doubt as to the truth of the charges would have been avoided. The complainant, in appeal No. 29, expressly deposes that he had no intention of complaining, and did not complain either to the District Magistrate or any one else ; that he merely mentioned the matter in his deposition in another case ; that he did not complain of his own accord before the Superintendent of Police, but that the latter sent a constable to call him and told him that he had heard that he had given twenty pounds to the Defendant. It is obvious therefore that but for the intervention of the Police this charge would never have been preferred : and the natural inference is, that the evidence by which it is now suppported did not before exist. A similar declaration was made by the complainant in case No. 56 dismissed by the Magistrate. There the complainant admitted that he had not gone before the Superintendant of Police of his own accord, but had been taken by the Inspector ; and that before that he had never complained to any one that the Defendant had extorted money from him. The Inspector of Police also deposed that the Taluq Sub-Magistrate had sent for the complainant, and that when he arrived he took him before the Superintendent of Police. If the Magistrate gave general directions to the Police to enquire into all complaints against the Defendant, without expressly referring each individual case for preliminary enquiry, he made in my judgment an erroneous use of the power vested in him by Section 133 of the Code of Criminal Procedure. And if the Police received any of the complaints without such express reference, I think they exceeded their jurisdiction. The consequence to the Defendant has been that he has had to contend with many influences which could not so easily have been opposed to him if the few complainants who at first came forward had been left to substantiate their complaints in the usual way : there was every reason for pursuing this course on account of the peculiarly suspicious circumstances under which the charges were preferred. If the Magistrate had had reasonable grounds for believing that the Defendant while in office was abusing his authority, he would doubtless have been warranted in making the most searching enquiries into his conduct and encouraging injured parties to appear and declare their grievances ; but as no such steps were then taken and the Defendant was permitted to take his pension, it must be inferred that the Magistrate was not aware of any such abuse by the Defendant of his official powers, and the presumption of law in favor of his innocence strengthened by the absence of any complaint in respect of these alleged acts for so many years should have obtained for him, I think, a different mode of treatment from that actually adopted. After weighing the evidence adduced against the Defendant in the five cases now pending before me, I have come to the conclusion that there is not a word of truth in any of the charges, and that he is the victim of a conspiracy formed to prevent his return to office. I consider that no explanation such as a Court of Justice can admit has been given for the unreasonable delay in preferring these complaints ; and that on this account, and on account of their intrinsic improbability and the fact of their being spoken to mainly by interested witnesses, they must be rejected as incredible. I also consider that it is patent on the face of the records that the complainants are mere tools in the hands of persons who are using the law as a means of promoting their private ends. Great discredit is brought

upon the administration of justice if such practices are allowed to be carried on with impunity ; and some effort should be made to discover and bring to condign punishment the parties by whom the complainants have been instigated to prefer these palpably groundless charges. With these observa tions, I proceed to record my reasons for disbelieving the evidence in each particular case.

In Case Number 26.—The complainant alleges that he was summoned by the Defendant in a Revenue matter two or three years ago ; and that during the enquiry the Defendant threatened him and said to him "I know you are a bad man and have made collections from the Villagers, I must handcuff you and send you to the West" ; that subsequently the Defendant in his garden said he would let him go if he gave him 300 Rupees ; that the Defendant used no threat in his garden, but that he agreed to pay the money because he was afraid of Defendant's threats ; that he went immediately to his village and next day at noon brought Rupees 250, which he entrusted to the 2nd witness to carry ; that on the way he picked up the third and fourth witnesses and delivered the money to the Defendant through the third witness. The complainant when put to the test of cross-examination contradicted himself so often that it is impossible to gather from his evidence when it was that the demand is alleged to have been made. He first said that it was after the enquiry had been completed ; then that it was on the second day of the enquiry, which he affirmed lasted three days ; he then said that the enquiry was concluded on the second day, and that the demand was made after it was concluded and after his opponents had been sent away. In another place he contradicts this by stating that he even paid the money before the enquiry was completed. The documentary evidence shows that the enquiry only occupied one day ; so the whole story of the demand and payment is evidently a fiction. The complainant admits that he was dismissed from his Maniem at the instance of the Defendant, and states that the money was paid a month before his dismissal. He also admits that he petitioned the Collector so late as September last about his dismissal, but even then did not complain about the 250 Rupees. Any circumstances more calculated to destroy the credit of a witness it would be difficult to imagine. Very little need be said upon the evidence as to the alleged payment of the money. The second witness was a Village Thoty under the complainant, while the latter was Maniegar. The fourth witness was dismissed from his Maniem on the Report of the Defendant. Their testimony therefore cannot be free from bias. The evidence of each witness is moreover inconsistent with that of the complainant and the other witnesses. Thus, the complainant states that he took the third and fourth witnesses with him in order that they might intercede for him if the Defendant should not be satisfied with the 250 Rupees ; but the third witness deposes that the complainant merely told him that he had been summoned in a case, and had some money to give to the Defendant and wanted him to go with him ; and the fourth witness declares that he went for no other reason than to borrow money for the complainant in case the Defendant was not satisfied. The 2nd and 4th witnesses assert that the bag or bundle supposed to contain the money was dipped in water by the 2nd witness before being given to the complainant ; but the complainant does not say that any such ceremony was gone through, nor does the 3rd witness, though the 2nd and 4th witnesses both assert that the complainant told the 2nd witness to wet the bundle. The 2nd witness states that this was done near the Cutchary, and the fourth near the Police station. The 3rd witness deposes that immediately the money had been given they all came out ; the 2nd witness states that they were inside 2 or 3 Indian hours, that is about an hour. The 3rd witness says in one part of his deposition that they waited outside the Cutchary till the Defendant went to his house, and in another part that the Defendant had left the Cutchary before they arrrived. The 4th witness affirms that the Defendant after receiving the bundle went into the next room and then came out and told them to go. This is directly opposed to the evidence of the complainant and 3rd witness, who state that the Defendant on receipt of the money told them to go and that they went away immediately. None of the witnesses saw what the bundle contained, and the 2nd witness who says he carried it is unable even to say whether the coin was silver or copper. It is quite clear therefore that the conviction cannot stand. There is no evidence that the sum of Rupees 250 was paid to the Defendant, and the character of the testimony delivered in this case leaves no doubt on my mind that the witnesses are perjured.

In Case Number 27 the complainant alleges that about 2 years ago he attempted to carry out a marriage procession under authority obtained from the Magistrate, but was from time to time prevented by the Defendant who refused to allow the procession to take place unless the complainant paid him 500 Rupees. The complainant states that he made a verbal complaint to the Joint Magistrate at the Jamabundy and was referred to the Magistrate, but admits that he made no written complaint to the Magistrate till his examination was taken in this case. That there cannot be a particle of truth in the present charge is perfectly plain from a perusal of the Petition presented to the Magistrate by the complainant on the 24th January 1865. In that he expressly charges the Defendant with being in the interest of his opponents, with wilfully disobeying the Magistrate's Orders and submitting false reports ; and states that he was driven out of the Cutchery, and that the Defendant had entertained strong ill will against him for a long time. Now it is alleged that it was before the presentation of this Petition that the money was demanded. Is it credible that a person writing so bitterly and so boldly against the Defendant, and confessedly at enmity with him, would have omitted to mention this demand and the threats which the complainant asserts accompanied it, or that he would have hesitated an instant to prefer a charge of extortion against the Defendant if any money had been afterwards paid ? I think that the fact of no allusion being made to any corrupt practices in such a Petition tells greatly in favor of the Defendant, and shows not only that he exacted no money on that occasion but also that whatever his faults, if any may have been, corruption was not one of them. The 2nd witness states that he lent 500 Rupees to the complainant to give to the Defendant, and was present when the money was delivered. He admits that he took no bond or security for the debt, and did not enter the transaction in his accounts. He affairms that the complainant, who was in such needy circumstances that he was obliged to borrow money even for his marriage expenses, re-paid the loan with interest in 2 months, upon which he returned complainant's receipt for the money. The 2nd witness admits that he has been twice fined by the Defendant. The 3rd and 4th witnesses depose that they went to the 2nd witness to borrow money ; that he told them he would lend it at Salem where he was going to sell some Grain ; and that they accompanied him to Salem. Now, it is obvious that if there had been any truth in their statement, the money would have been lent to them at Salem, for that was the purpose for which they affirm that they accompanied the 2nd witness ; but they damage their own credit by adding that they returned with him to Athoor without obtaining the loan, and that the 2nd witness there lent the money to the complainant to give to the Defendant, and that they were present when it was delivered. The 3rd witness says that as it was a secret matter they went in the dark, and that the Defendant sent away a Peon who was standing at the gate, but that neverthless no objection was taken to the witnesses being present, though they were strangers to the Defendant. It seems waste of time to go further into such evidence. I do not therefore consider it necessary to set out minutely all the discrepancies between the statements of the complainant and the witnesses as to the manner in which the money was delivered, the conversation that took place, and what was done by the Defendant. On the face of the evidence it is manifest that the whole account is a pure fabrication, not having the slightest foundation in fact. The complainant had obtained leave from the Magistrate to have his procession, and although the Defendant thought that it ought not to be permitted lest it should lead to a breach of the peace, and because the street was a private street and not a Public High-way, yet these objections were over ruled and there was not the slightest necessity for the complainant to offer any gratification to the Defendant ; nor can it be believed that he would have done so, when the final order had been passed directing the Defendant to permit the procession and take measures for preserving the peace, especially as according to his own statement he had resisted the Defendant's demands up to that time.

The complaint in Case No. 28 is to the effect that three years ago certain persons accused the complainant of malversation in his Revenue duties, and that while the matter was under enquiry before the Taluq Sheristadar the Defendant sent for him and, saying that he was not obeying the Sheristadar, and that there were erasures in his accounts, threatened to punish him on the Police side ; that he denied that there was any thing wrong in his accounts, and asked the She-

ristadar whether he had disobeyed his Orders ; that the Sheristadar replied that the complainant had neither disobeyed him nor had he complained to the Tasildar against the complainant ; that in the evening the Defendant sent for him again and asked him whether he would prefer to be tried on the Police side and punished or listen to what he said ; that he again protested that there was nothing wrong in his accounts, when the Defendant said he would let him go if he paid him 300 Rupees ; that there was no case against him on the Magisterial side, but that he nevertheless consented to pay the money, and went to his Village to bring it ; and that in 2 or 3 days he returned with the money and paid it to the Defendant. The second and third witnesses depose that they were present when the sum was given to the Defendant. The Revenue case with which it is endeavoured to connect this alleged payment appears to have occurred in 1862, that is full four years before the date of the present complaint. The complainant is a Curnum and makes a display of his animus against the Defendant by stating that eight or nine years ago he gave the Defendant 300 Rupees in a dispute about land, and that on several other occasions also the Defendant extorted money and paddy from him, but that he has never complained of any of these acts, and that he was afraid to prefer this charge before because a person who had complained against the Defendant had his house looted and set on fire two or three months afterwards, and other persons had been similarly treated. It is clear from the papers produced by the 2nd witness for the Defence that the Defendant made unfavorable remarks upon the conduct of the complainant in the Revenue case. He reported that the complainant had not kept his accounts regularly, and that it appeared that he had appropriated certain money belonging to Agrahrumdars ; but that this could not be proved against him, and that the suspicion arose from all the Jory accounts containing erasures and alterations. The complainant also admits that on another occasion a warrant was issued by the Defendant for his apprehension because he had failed to comply with a Summons. The 2nd witness was formerly a Village Moonsiff, and admits that he was dismis-ed, as he says unjustly, during the time that Defendant was Taluq Magistrate, on suspicion of his having aided some Coravars to effect their escape from custody. He also admits that he was arrested on a charge of high-way robbery four or five years ago upon a warrant issued by the Defendant, and expressly accuses the Defendant of having got up the case against him. It is obvious, therefore, that this second witness has strong motives for giving false evidence against the Defendant. The letters produced by this witness further show that all confidential relations between him and the Defendant ceased in January 1862, that is six months before the Revenue case was referred for investigation. The only letter written after this date was one in May of the present year, merely asking him to send a Native physician to attend upon him. The former letter related to the taking charge of Jewellery, sale of Bullucks &c., on behalf of the Defendant ; and the sudden interruption of this correspondence more than four years ago, that is about the time that the witness was arrested by Defendant for robbery, plainly indicates that there was then a breach in their friendship : a letter asking another to procure medical assistance is what any sufferer might write even to one with whom he was not on good terms. No reason has been given for the absence of any written communication between the parties for four years, and the conclusion is irresistible that the official acts of the Defendant had occasioned a necessary separation between him and the second witness. I consider that the 1st and 2nd witnesses are uttterly unworthy of credit. The 3rd witness admits that he has attested many instruments executed to the complainant, and has given evidence in his favor in suits brought upon such instruments. I think therefore that no reliance whatever can be placed upon his testimony. It is also at variance with that of the complainant. He says that the bag of money was entrusted to his care by the complainant at his Village, that when coming from the Village in a cart he kept it by his side and had it all along in his charge. The complainant's statement on the other hand is, that he brought the money himself ; that the 3rd witness merely accompanied him ; and that he only delivered it into his custody when he was himself going to the Defendant's house. The charge in this case, far from being proved by credible witnesses, is in my judgment palpably false and malicious.

The complaint in Case Number 29 is of comparatively recent date and is a little varied in its details. The money, amounting to twenty sovereigns, is alleged to have been paid to the Defendant merely upon threatening messages sent by him to the complainant, and without the complainant even making the slightest remonstrance. He admits that the Defendant on several occasions had his carts stopped on the ground that they contained timber felled in Government Forests, and that he continued to do so even after the date of the alleged payment. The complainant also admits that he has given evidence against the Defendant in several other cases ; that he was dismissed from his Durmakurtaship by the Collector upon an investigation held by the Defendant, and compelled to make good 300 or 400 Rupees, and that he was fined with others for removing a hedge. He states that the goldsmith who put up the hedge was working in the Defendant's house, and that though he was himself absent from the village the Defendant included him in the case and forwarded him to the joint Magistrate. The complainant takes special care to state that even after these transactions he still continued on friendly terms with the Defendant. He declares that he never intended to complain against the Defendant for having extorted the twenty sovereigns from him, and merely mentioned the fact when asked in another case. It may reasonably be presumed, therefore, that the whole case has been recently concocted, for it rests mainly on the evidence of the 2nd and 5th witnesses, who say that they carried the threatening messages ; and had their evidence existed before, together with that of the 4th witness who says that he was present at the payment, there can be no doubt, looking at the relations of the parties, that the complainant would immediately have prosecuted the Defendant. The 5th witness in this case was the 2nd witness in case No. 28, and it is unnessary to repeat here the circumstances which show that he must necessarily be strongly prejudiced against the Defendant. At the very time that the Defendant is now charged with having extorted money from his " friend," the complainant, he was writing Urzies against him to the Collector accusing him of instigating people to make false complaints against the Defendant, which renders it evident that they were in fact enemies instead of friends. I look upon the whole of the evidence as puerile in the extreme, and do not believe that there is a syllable of truth in it from beginning to end.

In Case No. 30 the complainant affirms that about 2 years and half ago he lent the Defendant a hundred Rupees, and that about ten or twelve days afterwards he was summoned on a complaint preferred by one Atchemal ; that after waiting at the Cutchery six or seven days he begged the Defendant to commence the enquiry, upon which the Defendant said that if the complainant would give up his claim to the hundred Rupees he would let him go ; that he consented to this, and that the next day the Defendant enquired into the case and dismissed the complaint. The 2nd witness deposes that he was with the complainant about 2 years ago when he gave the hundred Rupees to the 3rd witness to take to the Defendant, and that he was also present when the complainant consented to give up his claim to that sum. The third witness deposes that he received the money from the complainant 2 or 3 years ago and delivered it to the Defendant. The 4th witness deposes that 2 or 3 years ago the Defendant asked him if the complainant had any enemy ; that he told him that the fifth witness was complainant's enemy ; that the Defendant then asked him to tell the fifth witness to bring a charge against the complainant, and that on his return to his village he told her to do so. The fifth witness states that she made a complaint against the complainant at the instance of the fourth witness, but that the charge was a true one. The sixth witness deposes that about three years ago the Defendant asked him to be a Vakeel for a woman who had preferred a charge against the complainant and the second witness ; but that he did not agree. The seventh witness merely produced the record of the former case. The eighth witness deposes that he was first asked by the fifth witness to act for her but refused, that she then took him to the Defendant, who induced him to put in a Vakalutnama. Great ingenuity has been displayed in putting this case in so elaborate a form ; but it will not bear a moment's examination. In the first place, the evideuce wholly fails to connect the alleged relinquishment of the complaiuant's claim with the charge preferred by the fifth witness against the complainant, the second witness, and another. This case was tried on the 26th May 1862, that is four years and a half ago, but the complainant and his witnesses all affirm that the money was lent to the Defendant and the debt released less than three years ago. The third witness, who says that he carried the money to the Defendant, states that he is sure that it was not four or five years ago. The allega-

tion that the claim was given up to avoid punishment in the fifth witness's case can only, therefore, be looked upon as an unscrupulous attempt to convert an ordinary official act of the Defendant into a foundation for a charge of oppression. In the second place, the facts of the original case have been wilfully perverted. The record shows that the fifth witness named in her complaint the person to whom she had given a Vakalutnamah, that is, the eighth witness ; and the power itself is dated the day before the complaint. Yet oral evidence is adduced to show that the Defendant asked the sixth witness to conduct the case after the complaint had been filed, and on his declining induced the eighth witness to accept a Vakalut. Nothing can be more clear than that some unscrupulous hand has been at work in preparing the case for the prosecution. The documentary evidence proves beyond all question that the evidence of the sixth and eight witnesses must of necessity be false. The sixth witness has been called to prove that the Defendant asked him to accept a Vakalutnamah in the case, but his name does not appear upon the records, and no allusion is made to him by any of the witnesses who speak to the facts of that case. How then was he brought in as a witness ? The complaint moreover was one of assault equally against three persons, and yet the fourth and fifth witnesses are called to prove that the Defendant instigated the charge, though it is evident that had he really done so it would have been against the complainant alone. In the third place, the story of the loan and release is palpably a fabrication. The complainant admits that he never lent any money to the Defendant either before or after this alleged transaction, and does not assign any reason for his doing so on this occasion. He states that it was an ordinary loan, but that he took no bond or acknowledgment for the money, not even a receipt from the Peon, the third witness, who he says came to fetch it ; that he entered the payment in his account, but tore it up after he had relinquished his claim to the money. He admits that he never made any written complaint to the Magistrate even after the Defendant had been removed from office. The complainant is a Curnum. The second witness is also a Curnum and relative of the complainant. The third witness is a Taluq peon. These three speak to the alleged delivery of the money to the third witness ; the third witness is the only person who deposes to the alleged payment to the Defendant ; the complainant and second witness are the persons who affirm that the Defendant induced the complainant to relinquish his claim to the hundred Rupees. The first witness after a great deal of prevarication admits that he has been frequently fined by the Defendant ; also that he never went to the Defendant's house before this occasion, but states that the Defendant nevertheless "spoke freely to the complainant about the relinquishment of the hundred Rupees in his presence," and that though also one of the parties summoned in that case he was not asked to pay any thing to the Defendant. The reason given by the complainant for the second witness and himself going together to the Defendant is, that they were both Defendants in the case. It is of course inexplicable that the Defendant should have extorted money from one and not from the other. I do not consider that either the complainant or the second and third witnesses are worthy of credit, and I do not believe any money was ever paid, or the claim to it afterwards relinquished. The first witness for the Defence, the Inspector of Police, deposes that he has known the complainant for the last twenty months, but that he has never told him that he had paid money to the Defendant : The complainant states that though the Defendant was removed from office about two or three months before, it was not convenient to him to go and complain, and that he did not even send a written complaint to the Magistrate. I am satisfied, from the whole circumstances of the case, that the complaint is one of recent origin. The question therefore arises, and it is a very serious one, by whom has the complainant been put forward, and who is responsible for the production of the witnesses ? The Inspector deposes that the Superintendent of Police enquired into the complaint by order of the Magistrate, and that he thinks it was after complaint to the Magistrate that the enquiry was made about the 26th September, that is, about a week after the final order in appeal No. 18 of 1866 ; that he assisted in bringing the parties before the Superintendent, who took notes of what the parties said ; that he produced the complainant by order of the Superintendent ; that he does not remember whether he first complained to the Superintendent or the Superintendent first asked him about his complaint ; that

the Superintendent sent for the witnesses in the case ; that the second and fourth witnesses, Curnum and Moonsiff, came of their own accord with the complainant, that *the complainant asked him why he was wanted*, and he told him that the District Magistrate wished a certain case enquired into ; that there were other complaints against the Defendant, and that on the Superintendent's order he produced these other parties before him ; that as the enquiries went on the witnesses appeared ; that so far as he can remember, most of these were summoned by the Taluq Magistrate, and that as they appeared he produced them before the Superintendent. The Inspector admits that the Defendant made remarks against his official proceedings, but affirms that he has nevertheless been all along on friendly terms with him : the fact, however, of the Defendant having in an Urzee, dated the 15th May 1866, accused him of concocting false charges against him shows that this assertion of friendship is opposed to the truth. He cannot say exactly, but he thinks he might have reported against the Defendant to the Superintendent for irregular proceedings. It is impossible to read this statement without being impressed with the conviction that the complainant and witnesses did not come forward voluntarily, but were instigated by others to give evidence against the Defendant ; and so fully am I convinced that the complainants and witnesses are perjured that I deem it my duty to suggest to the Magistrate the propriety of his calling for the diaries of the Superintendent of Police under Section 154 of the Code of Criminal Procedure, and for such written explanation as may appear necessary with the view of ascertaining the following points (1) the dates on which the complainants and witnesses severally appeared ; (2) the statements they then made ; (3) the manner in which their evidence was discovered to exist ; (4) the mode in which their attendance was procured ; (5) the names of any witnesses who were produced or attended without summons ; (6) the names of any witnesses summoned by the Taluq Magistrate, and the reason of his issuing summons for their attendance. The Charge Sheet does not mention the date on which the complainant appeared or the complaint was referred for enquiry ; nor does it afford any such information as is above indicated. I am of opinion that the ends of justice require that similar enquiries should be made in the other cases, and the first statements of the parties carefully compared with evidence given at the trial. In cases, tried before the Court of Session great importance is attached to such early statements, and variances from them in any subsequent examination or at the trial are always regarded as injuries to the credit of the deponents. It is possible, however, that in the present cases, which are of course wholly artificial, and in which there was abundance of time to prepare the evidence before commencing the prosecution, that test may be ineffectual to the discovery of the real truth. With these remarks I close my examination of the evidence and proceed to acquit the Defendant. Bearing in mind the circumstance that the sentences were passed by the Chief Magistrate of the District, I have devoted two days to the hearing of these appeals and careful consideration of the voluminous records, but the more I have scrutinized the evidence the more reason have I found to adhere to the opinion formed at the time that I first perused the Calendars, namely, that the charges are on the face of them without the slightest foundation.

ORDER.

The Appellate Court, after perusing the proceedings of the lower Court and after hearing A. Davasagayum Pillay for the appellant, reverses the findings and sentences appealed against and directs that the appellant be discharged.

(Signed) C. F. CHAMIER,
Session Judge.

(True Copy)

(Signed) P. APPOOVYENGAR,
Head Writer.

(Signed) T. AUDINARAINA CHETTY,
Acting Sheristadar.

Examined
T. MANIKUM.

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TO

HIS EXCELLENCY THE RIGHT HONORABLE LORD FRANCIS BARON NAPIER K. T. GOVERNOR IN COUNCIL

Of Fort Saint George.

THE RESPECTFUL PETITION OF B. TEAGARAJA PILLAY, LATE TAHSILDAR OF AHTOOR TALUQ IN THE DISTRICT OF SALEM.

HUMBLY SHEWETH,

1. That your Petitioner, a Government servant of 34 years' standing, during the last 18 of which he filled the responsible post of a Tahsildar, feeling deeply aggrieved by his unjust removal therefrom by the Honorable D. Arbuthnott, late Collector of Salem; and having appealed in vain to the Board of Revenue for redress;—begs now with the utmost deference to submit for Your Excellency's favorable consideration, the extreme hardships of his case as set forth in the following statement of the circumstances connected with it.

2. Having been ordered* by the said late Collector in the month of March 1866 to appear before him at Salem, your Petitioner on arrival there was told—without any reason whatsoever being assigned for the intimation—that he must apply for transference to the Pension List; but he simply begged for and was granted 3 months' time to make up his mind about the matter.

* Enclosure A.

3. A few days previous to the expiration of the period of grace accorded to your Petitioner, he received a Takeed* from that gentleman directing him to make over charge of his office to one Coopoosawmy Naidoo, who now fills it; but, apart from the said treatment in the Case of a faithful old servant of the State being suddenly and without any fault required to give up his means of living, there were certain marriage ceremonies going forward at that time in Petitioner's family which he was most anxious to complete before his income became diminished by his compulsory retirement from the public service; and he therefore submitted two Urzees* to the Collector—one written just prior, the other, immediately subsequent to the receipt of Takeed B—soliciting, for the first time during his long official career, 3 months' Privilege leave. This, however, as will be seen, was refused* stating that your Petitioner orally pledged himself to send in his resignation—Here your Petitioner submits that it is only for your Excellency in Council to decide whether any force to retire could be used without some remarkable defect on his part and whether your Petitioner would of his own free will and accord, and without any the least pressure being put upon him, propose to relinquish the service which he was capable of discharging efficiently.

* Enclosure B.

* Enclosures C. C.

* Enclosure. D.

4. Your Petitioner then came to Madras and petitioned* the Board of Revenue against his removal; and that petition, was forwarded to the Collector for report. Consequent evidently upon such reference, a notice was sent to Petitioner by Mr. Arbuthnott commanding his attendance to answer to an old revenue complaint that he had taken certain land by force, although the Curnum of the Village had previously stated that your Petitioner had no concern or interest whatever in the piece of land which formed the subject of complaint, and the Collector at the same time dismissed the said Curnum and another person from service for giving evidence in his (Petitioner's) favor. This proceeding on Petitioner still insisting upon his restoration to office, was followed by a series of criminal prosecutions on charges of alleged extortion trumped up by malice;* one strong proof of the charges having been pure fabrications being afforded by the significant fact that when Petitioner was arrested

* Enclosure E.

* Enclosure F.

*Enclosure G.

on the first of them there was actually no complainant at all before the Magistrate's Court ! Notwithstanding which, Petitioner was tried by the Honorable D. Arbuthnott convicted and sentenced to various terms of rigorous imprisonment with fines aggregating a large amount ; but the findings and sentences in all of those cases were on appeal completely reversed* by the Session Court of Salem, and your Petitioner was fully and honorably acquitted. Released from all further restraint, he returned to Madras and renewed his appeal† to the Board of Revenue to reinstate him in his appointment ; but with no success‡ Petitioner's perfect fitness for further service though Certified§ by Doctor Duff.

*Enclosure H.
†Enclosure I.
‡Enclosure H.
§Enclosure J.

5. Your Petitioner respectfully and earnestly begs to urge on Your Excellency's special attention to the printed copy of the Judgment* delivered by the Session Court of Salem as well in his own case as in that* of Ramiah (one of the parties who had been forced to come forward as a complainant against Petitioner) —more particularly those passages* which have a direct relation to your Petitioner and which he has taken the liberty of underscoring. He feels confident that by an attentive perusal of those two Decrees Your Excellency cannot fail to arrive at the irresistible conclusion that the most unlawful measures have been had recourse to in order to compass his ruin, and that "he is," to use the Session Judge's own words, "the victim of a conspiracy formed to prevent his return to Office"*

* Enclosures G. & H.
*p. p. 1,2, 3, 4, 8, and 9
* p. 3.

6. Finally, your Petitioner begs to express an humble but fervent hope that, on a careful consideration of all that he has above represented, in connection with his long, zealous and faithful servitude, Your Excellency in Council may be graciously pleased to direct his restoration to office, and thereby relieve him of the unmerited stigma attached at present to his character. And your Petitioner as in duty bound,

* Enclosure K.

MADRAS, 18 *April* 1867.

Will ever pray,

(Signed) B. Teagarajа Pillai

Pens/68 Dept.
[illegible]

Index No. 60.

21

1 Reg. of application for Pension for B. Teagaraja Pillai d/ 27 March/68

C.N.P.

5-5-68

PENSION REPORT DEPARTMENT.

No.

Fort Saint George,
Accountant General's Office,
The 1st May 1868.

To

THE Collector of Salem

The undersigned has the honor to return the papers connected with the Pension ———— case noted in the margin, received ~~with~~ on the 28th March 1868 — for want of Nos. 3-11-14-16 20-and 23-

This paper should also be returned with the case as early as possible

Taylor Trevor
for Examiner of Cl[aims]

1. Detail, with dates, of local posts.
2. ,, pay.
3. ,, of leaves enjoyed other than privilege or preparatory. during the whole period of Service on half + full pay
4. ,, Full name in item 1 of the Register of application.
5. ,, Certificate of age attested by head of Department.
6. ,, that the applicant has been under medical treatment for a named period.
7. ,, that he is broken down through no fault or excess of his own.
8. ,, that alleged services are proved from the records.
9. ,, of past character.
10. Explanation of apparent breaks.
11. ,, ,, degradation on the 1st Decr/43 from Rs. 14 to 10½
12. Mention of desired place of payment.
13. Printed form of application for under the Rules published at page 631, of the 2nd Volume of the Gazette for 1866.
14. Insertion in item 15 of the Register of all descriptive marks agreeably to Notification published at page 802, of 2nd Volume of the Gazette for 1866.
15. Insertion in the Leave Statement, of the period of absence with loss of full and half pay respectively during the period of
16. For deletion of Remarks at foot of the Register, if the applicant did not receive any gratuity.
17. For the deletion of grounds of retirement &c., other than those required under N. B. at foot of the Register.
18. Discharge Certificate from the Superintendant of Police shewing the period of the applicant's employment in the new Police, and why his services were dispensed with.
19. Testimonials of character or Certificates given to applicants by the Head of an Office or in the absence of such Certificates an affidavit signed before a Magistrate, in support of the applicant's Service of years.
20. Explanation of the cause of delay in submission of application until 27 March/68 when the applicant appears from the statement of service to have ceased to do duty on the 1st April 1866 —
21. Explanation why the applicant was retained in Government service from to when the Medical Certificate was dated
22. Medical Certificate in prescribed form shewing the applicant's inability to serve longer, vide Government Notification published at page 740 and 632, Volume 1 of Gazette for 1858 and 1863, respectively.

23 - Correction in the Statt of Service of 4 Months and 10 days Viz from 16 April to 15 Augt/50 instead of 4 years and 10 Months -

Pens/68 Dept.
Ln No 594

23

Nos 1063, 1095, 1986, & 2184 of 1867.

Petitioner is informed the Government concur in opinion with the Board that he cannot be allowed to resume the Post of Tahsildar but must be required to take his Pension.

Fort St George
20th Novr 1867.
(Signed) By order
F. H. Wilkinson
Ag. Under Secretary to Govt.

Madras 4th July 1868

To
J. Lushington Esqr.
Accountant General
Fort St George.

The humble Petition of
B. Teruvaraya Pelley
Late Sheristadar of Attoor
Salem District.

DA & AG. Office
Recd 4 } 7 1868
Ansd }

Most Honored Sir,

Your humble Petitioner most respectfully begs leave to bring his deplorable case to your kind notice hoping that his intrusion on your valuable moments will be pardoned.

That your Petitioner served under Government for a period of 34 years with unblemished character as will be seen in the accompanying copies of Testimonials given to him by Collectors or his employers,

Civil

2y

4/7

DK

Sheristadar

Civil Engineers and Judges in consequence
of his distinguished intelligent conduct and
correctness in the discharge of his responsible
duties of Police Roneseem Sheristadar
and Jahseldar But with reference
to the Petitioners degradation on the year
1865 from his pay of Rs 14 to 10½ he
begs to state the truth that as he was
suffering from an ulcer in his right
thigh for about a year he was transfered
to Salem Taluq on his own request on
a Salary of Rs 10½ So that he may attend
upon daily to English Surgeons for the
healing of the Sore Their present will be
proved by the Scar now appearing on his
right thigh and in the discriptive
Marks given by the Collectors of Salem
in the Register of Application for
Pension.

In obedience to the
Collectors Orders of the 23rd & 30th May
1866 presuming thereby will recommend
Your Petitioner to a Pension equal to
half

2?

half a Salary from 1st June 1866

Your Petitioner gave over charge of Office
to another Jahseldar. This fact will
be seen in the copies of the Collectors
order above mentioned

Your Petitioner most humbly
begs that your honor will in consideration
of his long Service and of his
past conduct and character which are
clearly shown in the accompanying
Copies of Testimonials given to him
by Several Gentlemen and a copy of
a Register Application which he
sent to the Collector and a copy of
a Judgement given to him by the Session
Judge of Salem) be pleased to forward
the Petition and its accompaniments
together with your Report to Government

And shall ever Pray.

By Tengaraja Pillai
late Jemadar

REGISTER *of an application for Superannuation Pension under Pension Rules published under date 3rd May 1864, from the Establishment of the* Collectorate *of* Salem.

1	Full name of Pensioner...	Bhoovanaghery Seagaroja Pillai			
2	Sect or caste...	Vellala			
3	Residence	Salem Town			
4	Present post	Tahsildar of Ahtur Salem District			
5	Date of commencement of service...	21st April 1832			
6	Date of retirement from service	1st June 1866			
7*	Abstract of the grounds of application.	1. Good service			
		2. ~~Inability to serve longer~~ ...			
		3. ~~Reduction of Establishment~~			
				Years.	Months. Days.
8*	How long unemployed, and under what circumstances.	1. ~~Resigned the service from~~	to		
		2.† ~~Reduction of Establishment from~~	to		
		3. ~~Suspended from~~	to		
		4. ~~Dismissed~~ for misconduct from	to		
9	Total of service before 22 years of age			2	4 10
10	Total of service not in Pension grades			"	" "
11	Total of leave other than privilege and preparatory leave			"	" "
	Grand Total...			2	4 10
12	Total period in Pension grades counted as service			31	9 "
13‡	Age of the applicant at the time of this application			53	9 4 "
				Feet.	Inches.
14	Height			5	8
15	Descriptive marks.—	A large boil mark just over the right wrist. Fair complexion 1. Tattoo mark on the forehead 2. Small boil marks on the side of the left thigh just over the knee joint 3. Small boil marks over the upper part of the right thigh just over the knee joint 4. Large scale on the lower part of the right thigh or shin thigh 5. Small marks on the inside of the knee			
				Rs.	A. P.
16	Average salary of past 3 years			200	" "
17	Proposed amount of Pension...			100	— " "
18	Date from which to commence ...	1st June 1866			
19	Place of payment	Collectors Treasury at Madras			

* N. B.—The reason of the applicant's retirement and of his being unemployed for the periods given being left, the other grounds of retirement and reasons of break in employment should be erased with red ink.

†It is hereby certified that no gratuity was drawn by the applicant on reduction of Establishment in the year.
It is certified that gratuity having been granted was refunded to the amount of Rs. A. P.
Order sanctioning payment of gratuity was
Amount of gratuity granted was Rs. A. P.
Refund of gratuity was credited to the account for the month of 186 .

‡ I do hereby certify, that to the best of my belief the applicant's age above stated is correct.

20/5

Sheristadar

D/E.

DA & AG. Office
Recd 28 / 3 1868
Ansd

Pens/68 Dept.
In Rs 593.

Q No 265 dated
17th Augt 1868

Statement of total period of Service.

Establishment.	Post.	Pay. Rs.	A.	P.	Period. From	To	Yrs.	Ms.	Ds.	Accountant General or Controller of Military Accounts Remarks.
Collector of Salem	Revenue Javabnavis Ahtur Taluk	10	8	"	26 April 1832	20 April 1842	9	11	25	
	Gumasta in Do	14	"	"	21st April 1842	30th November 1843	1	7	10	
	Police Royasum in the Salem Taluk	10	8		1st December 1843	14th March 1846	2	3	14	
	Do in Darampury Taluk	10	8	"	15th March 1846	31st October 1846	"	7	17	
	Taluk Sheristadar in Do	28	"	"	1st November 1846	9th October 1847	"	11	19	
	Do Kristnagiri Taluk	28	"	"	20th October 1847	19 October 1848	1	"	"	Verified from the records of this Office.
	Tahsildar of Tengarai Kotta	100	"	"	20 October 1848	15 April 1850	1	5	27	Pay drawn up
	Do of Denkenikotta	100	"	"	16th April 1850	25 August 1850	"	4	10	to 31st May 1866 only
	Do of Shenkeri	100	"	"	26 August 1850	31st July 1854	3	11	6	The Leave
	Do of Thengarakotta	100	"	"	1st August 1854	8th October 1857	3	2	8	Registers from 1858 to 1866 on record
	Do of Ahtur	100	"	"	9th October 1857	5th December 1860	3	1	28	in this Office, do
	Do of Ahtur	200	"	"	6th December 1860	31st May 1866	5	5	26	not shew the applicant to have obtained any leave that does not count for Pension. McDonald Examr of Claims
						Total......	31	1	10	

	Years.	Months.	Days.
Deduct service before 22 years of age	2	4	10
Deduct service not in Pension grades	"	"	"
Deduct leave	"	"	"
Net period of Service......	31	9	"

Explanation of Column 8 with quotations of orders of reinstatement.	Explanation of any degradation.

Detail of leave on half pay and full stoppage of pay.

From	To	Yrs.	Ms.	Ds.
	Total of leave...			

Remarks by the head of the Office on past character and conduct of the applicant throughout the service.

The mal practices of Tiagarajapillai during his tenure of Office as Tahsildar of Ahtoor Talook led to his removal. From what I know of his past character I am constrained to say that had he remained as one of my subordinates I should not have been able to put that trust in him which his position as a Tahsildar would and should have entitled him to.

Salem Collr's Office,
The 27th March 1868.
Compd G.J.

C. W. Postans
Collector.

No. 715

REPORT OF THE Examiner of Claims

	Years.	Months.	Days.
Service qualifying for pension is proved for a total period of...	31	9	"
	Rs.	A.	P.
In the last 5 years of his service the ~~average~~ pay of the applicant's permanent post was	200	"	"

Applicant ~~is~~ will be eligible to a Good Service pension of Rupees 100 " " per mensem, equal to amount of his ~~average~~ salary during the last 5 years, under Clause III of Section 6 and Section 7 of the Revised Pension Rules, should Government be pleased to accept the explanation given by the Collector in his Memo No. 3 dated 12th Ultimo herewith accompanying with reference to the cause of delay in the submission of application until 27th March 1868.

McDonald
Examiner of Claims

Fort Saint George
Secty a General's Office,
8th July 1868.

To
The Chief Secretary to Government,
Civil Pension Department.

Exd T.R.

35

Pension 1868 Department.

No. [illegible]

From the [illegible] Fort Saint George

To the Chief Secretary to Government,

Civil Pension Department

No. 716

Dated 8th July 1868
Received 8th July

Enclosures.

Verifies the service of [illegible]

late [illegible]

borne on the establishment of the [illegible]

Collectorate

Pension 1868 Department.

No. [illegible]

From the [illegible]

To the Accountant General or Controller of Military Accounts.

Dated 27th March 1868.
Received 6th July

Register of an application for Superannuation Pension in behalf

of [illegible]

late [illegible]

borne on the establishment of the [illegible] Collectorate

14701

O.P.C. [illegible] 68

37

Memorandum

No. 3 It does not appear from the records that the applicant availed himself of any kind of leave during the whole period of his service.

11. The cause of applicants degradation from Rupees 14 to 10½ cannot be ascertained from the records.

14 The necessary insertion in item 15 of the Register has been made.

16. The remarks at foot of the Register are scored out.

20. After the applicant ceased to do duty on the 1st June 1866, (not 1st April 1866) he was under trial in several revenue and Magisterial cases brought against him. After the final decision was passed by Government under date the 14th November

1867 No. 2690 the applicant made his application for pension on the 14th December 1867, but resignation was made to the late Collector before (vide Mr. Arbuthnott's letter dated 13th July 1866 No. 123 para 3 em=bodied in the enclosed Boards Pro=ceedings No. 5361 dated 4th August 1866) As the information necessary in preparing the Register of Application had to be obtained from Madras where Teagaraja Pillay was living the Register was not submitted earlier than the 27th March 1868.

Not received

3. The necessary correction in the statement of service has been made

Chas. S. Pertim-
Collector

Salem Collector's Office }
Salem 12th June 1868 }

Compd. ...

Pension Department

Memorandum

The conduct of the applicant Tegaraja Pillai, late Tahsildar of Attur, in Salem, was the subject of extensive correspondence and several orders in the Revenue Department last year and in 1866.

2 He seems to have told Mr. D. Arbuthnott, the Collector, that he would resign on 1st June and then to have wished to continue to hold his Office. He was relieved however and charged with 5 Revenue charges (of obtaining land and holding it in his own talook), and sub-sequently several Ma-gisterial charges were brought against him of extortion and oppression, in several of which he was convicted

convicted and sentenced to a total of 2½ years rigi-
-ous imprisonment and fine. On appeal, the Sessions judge reversed the sentences and stigmatized the cases as got up.

3 The Board and Govt. were appealed to by the applicant for reinstatement in office, but they declined to permit this and directed him to take his pension.

4 I have made very brief reference to the matter since it appears to have been fully and repeatedly before Govt. and will easily recall itself. The applicant in the early part of his career seems to have been an active and energetic officer, but in late years he grew lazy, never left his bash, and was ill-spoken of generally. His salary was Rs. 200 and Rs. 100 is the maximum pension. Orders are requested whether this should be passed to him.

A.W.

The full amount of pension is only given for approved good conduct. Although the Board and Govt have so far condoned the Revenue charges against the Pet. as to allow him to take pension, instead of dismissing him (he has been acquitted of the criminal charges) the applicant cannot be said to have been of approved good conduct and it may be better that Govt should mark their sense of his misconduct

during the latter part of his service by reducing the amount of his pension. I would suggest that his pension should be fixed at eighty rupees instead of one hundred.

R.C.

C 28 July
R 30 "
C [illegible]
R 12 "

Pension to Teagaraja Pillay, late Tahsildar of Ahtur Salem District

Memorandum

(10)

[illegible]
Jagree
W.D.

To be sent to Mr Phillips a few days hence.

43

[illegible]

Pension Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following ~~letter~~ Papers.

From the Collector of Salem (Mercantile 27th March 1868 No.
Report of the Examiner of Claims (" — 8th July 1868 No. 7/15)

Order thereon 17th August 1868 No. 265.

The Governor in Council is pleased to confer a pension of Rupees (80 —) Eighty per mensem on Bhoovanagherry Teagaraja Pillai late Tahsildar of Ahtur in Salem District with effect from December 14th 1867, the date of his application to Govt.

Applicants' conduct during his service has not been such as to entitle him to the full rate of pension.

H.S.
W.C.

Collector of Salem
Accountant General
with Register for entry

Desp. 18/8.

Pers 1868. Department

No. 265.

PROCEEDINGS OF GOVERNMENT.

Dated 17th August 1868.