(1)

Revenue Department

Minutes of Consultations.

23rd Dec/857.

Back No. 13 & 14.

Order No. 1315 dy 17th Dec/857

1315/2

Fort Saint George, Revenue Consultation of 23*d* December 1857.

No. 13. Read the following.

To the Right Honorable LORD HARRIS, Governor of Fort St. George.

The humble Petition of Soondragherry Ramanooja Row, dated Madras 30th September 1857.

HUMBLY SHEWETH,

That your Memorialist begs leave to forward herewith three copies of the appeal Petition to the Honorable Court of Directors, with copies of the Certificates granted to him by his employers and a table of Collections marked A, as well as, three copies of the decree passed by Court of Judicature.

Your Memorialist further begs leave to request the Government, in submitting this appeal, will be pleased to do so, with their favorable recommendation.

And as in duty bound, shall ever pray.

No. 14. ORDER THEREON, No. 1315 ; dated 17th December 1857.

Ordered that the Memorial which accompanied the above address be forwarded to the Honorable Court of Directors, and that intimation of its despatch be made to the Memorialist.

(Signed) H. FORBES,
Acting Secretary to Government.

பாதுகாப்பு பிரிவு–1

செப்பனிடுபவர் பெயர் ஏவ. நாஜா

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள் 17-1-07

தனிடு செய்த தேதி 8/07

சரிபார்க்கும் முதல் மு.நி.பா.எ. கையொப்பம்

சரிபார்க்கும் 2–ம் மு.நி.பா.எ. கையொப்பம் 5/4/08

அ.ப ஆராய்ச்சி உதவியாளர் கையொப்பம் 5/4/08

another was rejected by the Collector, and this by the Commissioner, leading three cases, in which the Commissioner adjudged Fines to a certain amount, but on appeal to the Civil Court these three decisions were also reversed, and your Memorialist was finally pronounced blameless—

That the inquiry was begun against your Memorialist in February 1851, and ended by the Commissioner on the 18th August 1854, and by the Civil Court on the 11th March 1856, thus occupying a period of five years—

That previous to the above acquittal, and without your Memorialist being heard on the matter, the Government suddenly dismissed your Memorialist by the following Public Notification, the Chief Provincial Secretary, dated 31st October 1854—

Notification.

"Soondrapherry Ramanaya Row, having been convicted under Regulation 9 of 1822, of gross corruption and malversation, and dismissed from the Office of Head Sheristadar of Masulipatam, is hereby declared incapable of again serving the Government in any situation whatever."—

That the convictions above referred to, your Memorialist would respectfully represent are four, which subsequently to the date of the above Notification have been reversed by the Judicial Authorities, as stated above, your Memorialist therefore stands acquitted of all blame, and imputation against his character, and as such he claims to be relieved from the unjust and harsh sentence passed upon him by the Government

Your Memorialist would further add that during the five years his conduct was under investigation, he was kept in confinement, his goods and chattles seized, thereby causing serious injury to his health, and damage, and loss to his property—

That your Memorialist having been fully acquitted, and in perfect reliance on the good faith of Government, presented a Petition to Government on the 9th August 1856, requesting to have granted to him the Pension to which his period of service entitled him, which Petition your Memorialist regrets to state was replied to, by the following endorsement, "that under the circumstances of the Petitioners case, the Government are not of opinion that it is one in which they can entertain an application for Pension." and, on a second Petition being presented by your Memorialist, in which the Government was again respectfully solicited to give him a Situation, or Pension, he was informed on the 5th March 1857 "that Soondrapherry Ramanaya Row's case was finally disposed of by an Order dated the 16th September 1856." Thus it will be seen that for redress and justice, your Memorialist can alone look to your Honorable Court.—

Your Memorialist begs to state that by the endorsement dated 16th September 1856, it is stated that under the circumstances of the Petitioners case, the Government are not of opinion that it is one in which they can entertain an

application

To,

1315/3

The Honorable Court of Directors of the
East India Company—

The Memorial of Soondaraghurry
Ramanoojia Row Pantulu, late
Head Sheristadar of Masulipatam
District, in the Presidency of
Fort St. George—

Humbly Sheweth,

That your Memorialist entered the Service of the Honorable East India Company in the Year 1807, and was employed in the Revenue and Judicial Departments for 44 Years, during which time your Memorialist gave entire satisfaction to his Superiors, and he now holds Testimonials from them certifying, as to his ability, integrity, and zeal in the Public Service, copies whereof are herewith appended, for your perusal and consideration.—

From Fasly 1246
To Fasly 1250
being persons to
[illegible]

From Fasly 1255
To Fasly 1259
for 5 Years after
his retirement,— 13480 20
From Fasly 1251
To Fasly 1259
for 9 Years, ——— 12961 51

That your Memorialist as the Head Sheristadar of the Masulipatam District, for the last 4 Years [illegible] discharged and officiated in the discharge of his duties, and further to establish which, he would beg to refer to the annexed collection which shew your Memorialist's Management, as also an average increase of Revenue of Rupees 76,347, or of Rupees 687,123, for the period during which he was Sheristadar in the said District.—

It was determined by the Commissioners appointed by Government for the Northern Circars, as they could find shown no sufficient grounds, that Charges for corruption should be brought against your Memorialist, and accordingly every person under Government influences, every indebted Zemindar, every expectant officer, was induced to come forward to give evidence, and make any false charges they could invent against your Memorialist.—

1315/3

That your Honorable Court by their Dispatch dated 8th March 1813 No 4, distinctly lays down that one or more accusations most easily of being substantiated if true or reputed, if false, should be selected to be tried against superior Native Servants, nevertheless in cases against your Memorialist convicting of a number [illegible] of Charges were selected, as capable of proof and worthy of investigation, of these five were thrown out by the Special Assistant Collector,

another

1315/4

application for Pension, whereas it is from the very circumstance of his case that your Memorialist ventures to submit his claim to a Pension for consideration, as during the 40 years in which he had served the Government of this Country in various capacities, and in Offices of trust and dignity, he has obtained afterwards from his Official Superiors of his uprightness, zeal, and ability, moreover stronger proof of his fidelity to the interest of his employers, is to be found in the steady increase of the Revenue of the Manufactures District, during his management as Head Storekeeper, as will appear from the Table appended marked A. He would therefore respectfully submit that after such a period of Service, and with such results, he has a claim at this present advanced age, and with his impaired health, to hope for other treatment at the hands of Government, than that of to be turned adrift, not only with ignominy, but without that Pension to which his Services have entitled him.—

Your Memorialist is fully aware that no effort of having had to many charges preferred against him may have been to create suspicion in the mind of Government which cannot be expected, and in fact did not, against the Depty records connected with your Memorialists case, but he confidently submits that a sufficient measure of punishment has been already dealt out to him, without the superadded injustice of depriving him of the benefit of his acquittal by denying him that Pension which he has fairly earned.—

Your Memorialist in conclusion would again call the attention of your Honorable Court to the severities and hardships he has undergone; and would respectfully urge that he is an old Servant with a large family depending on him, who after 40 years Service has been subjected to much disgrace, in being though pronounced free from all blame, dismissed from the public Service, in being kept under restraint for five years, whilst his conduct was under investigation, in having his property seized and shamefully injured, and now that he has been acquitted and pronounced innocent in being nevertheless refused that Pension to which from length of service he has become duly entitled.—

Your Memorialist therefore humbly prays that your Honorable Court will be pleased to take the prayer of this his Petition into your favorable consideration and declare him eligible for further employment in the public Service, with the arrears of Salary that may be due to him, & that such Pension may be granted him from the date of his Suspension from public employ as his length of Service may entitle him to, or it may be the pleasure of your Honorable Court to award him.—

And your Petitioner, as in duty bound, shall ever pray.—

Madras,
30th September 1867.

Soondaraghy Ramaraghavaroo Pantulu
late Head Storekeeper
of Masulipatam.

B15/4

I have much pleasure in stating that during the whole period that I have been employed in it formerly as Register and for the last two years as Judge of the Court S. Ramanoja Row who is now the Sherestadar has conducted himself entirely to my satisfaction, and that by unremitting attention to his duty and the knowledge he has acquired of the Regulations of Government, the English language and the business of the Court he has evinced himself to be well qualified for the situation that he holds.

Nellore 20th Novr 1828 /Signed/ G. H. Saunders

Extract from a letter written by Mr Casamajor to the Government dated 24 Novr/29 5

Ramanoja Row has been uniformly considered as a man of the first talents and character by all the successive authorities under whom he has served and I have no hesitation after a years acquaintance with him as a public officer, in adding my own unqualified testimony to the same effect. My petition in his behalf is that the Governor in Council may be pleased to allow me to pay him the arrears in deposit of his increased rate of Salary and to continue that Salary as long as he remains attached to the Court, which I fear will not be long as his services are in request in the Revenue Department.

/Signed/ G. I. Casamajor
Judge

Certificate given by Mr Casamajor when he was Judge 6
in the Zillah of Nellore 24th April 1830

The Sherestadar Soondraghemy Ramanoja Row having this day tendered to the Court the resignation of his office for the purpose of entering upon the situation of Head Sherestadar in the Sub Collectors Cutcherry the Court accept the resignation with sincere regret, the talents, experience, and high character of S. Ramanoja Row have long rendered his services of peculiar to the Court which is only consoled for the loss of them by the conviction that in the office he is now about to undertake, he will have increased opportunities of acquiring herein to himself and conferring benefit on his Country men.

/Signed/ G. I. Casamajor Judge

Extract from the Samabundy report from Mr Bruce the Sub Collector 7
for fusly 1239 dated 11th August 1830

Para 13. A. Govinda Row my former Sherestadar has been promoted to be Head Sherestadar at Salem soon after he proceeded in April last I obtained much valuable aid from his services in the settlement of fusly 1239 and his successor Soondraghemy Ramanoja Row, I am happy to find proves fully competent for the duties of his office.

/Signed/ A. J. Bruce Sub Coll.r

In the Samabundy report for the fusly 1240 which Mr Bruce sent from Cuttack, he expressed his high opinion about S. Ramanoja Row.

Extract from the Samabundy report from Mr Pendergast the acting Sub Collector for fusly 1241 dated 17th August 1832.

Para 10. In conclusion I beg to inform you that I have received the greatest satisfaction from the conduct of my Cutcherry servants and I have peculiar pleasure in acknowledging the advantages I have derived from the high talents and extensive information of my Sherestadar S. Ramanoja Row /Sgd/ G. L. Pendergast
Act. Sub Coll.r

Copies of Certificates &c given in favor of

1315/5 Soondrashetty Ramanooja Row.

1. I, Thomas Gahagan Esq Judge of the Zillah of Nellore do hereby certify that the bearer S. Ramanooja Row was discharged from this office on the 25th March last in consequence of his having resigned the situation of Native Register in the Court; that he served in the Zillah Court for 13-1-25 d m y during which time he conducted himself (as I have been informed by the Judge who presided in this Court during the above period) to the satisfaction of the Court; and that stoppages were made from his pay on account of the Native Fund for 11-9-25 d m y amounting in the aggregate to Rupees 158-8-6.

Zillah Court Nellore
15th September 1820 } /Signed/ Thomas Gahagan
Judge.

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2 Certificate given by Mr Dickinson

The bearer S. Ramanooja Row has for the greater part of the time that I have connected with this Court held the situation of Shirestadar in it in which he has invariably afforded me the greatest satisfaction I consider him to be a man of very superior abilities and that his knowledge of the duties of his immediate office as well as revenue affairs and his quickness in applying it to the discharge of his official avocations is very great

I entertain the highest opinion of his character and feel confident that he would prove a most valuable public servant in whatever line of the service he might be employed.

Zillah Court Nellore
29th September 1826. } /Signed/ H. Dickinson
late Judge

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3 Certificate given by Mr Stonhouse

Nellore 21st December 1827

1315/5 Soondrashetty Ramanooja Row.

After having been upwards of 7 years in this District and having had many opportunities of being close observer of your public conduct during the period of your service in the Collectors Cutcherry I should not feel satisfied did I not leave you some testimonial of the high opinion I entertain of your talents, assiduity and integrity as a public servant and of the equally great respectibility of your private character, the best estimation I can enable you to form of the value I set upon your abilities and qualifications as a public servant is that I shall consider myself fortunate if I should in my future service in India as a principal in office ever meet with one like you and you may rest assured I shall always feel a warm interest in your welfare and am anxious desire to promote it in any way I can.

Believe me your sincere friend
/Signed/ T. B. Stonhouse
Acting Sub Collector

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4 Certificate given by Mr Saunders

In giving up charge of the Zillah Court of Nellore,

I

of S. Ramanoojah Row the present Head Sheristadar to be Head Sheristadar of this District, an office which has been now vacant upwards of two years on the ground of the insufficiency of the period of his revenue Service. Since my arrival in the District, I have had ample opportunity of judging of S. Ramanoojah Rows qualifications for the office, and altho' he has never had practical experience as a Tasildar except in an attached Cutcheny he is intimately acquainted with all the details of Ryotwary management, his employment in the service of Government extends to a period of nearly 28 years. He is undoubtedly a person of talents is respected in the District and of a very respectable family and on the whole I am induced to think him the fittest person I know of for the appointment. The Government in their Circular Letter of the 19th Ultimo seem to attach importance to Tahsildars possessing local knowledge and experience in their Talooks and the principle appears to me to apply with equal if not greater force to the Head Sheristadar. The objection urged in your Board's Letter of the 25th September against local influence and connexion in the particular case of S. Ramanoojah Row was made with reference to particular circumstances therein stated to the combination among the Servants and their systematic opposition to the Collectors authority which was reported by my predecessor to exist in this District. From enquiries however which I have made S. Ramanoojah Row appears to have kept entirely [illegible] a feeling since I have joined the District, under such circumstances the local influence he possesses would be attended with all the good and with none of the ill effects which might follow the exercise of it had he attended himself to parties in the Cutcheny or been a passive agent in a combination of the Servants against the Collectors authority. My former residence in the District has made me acquainted with Ramanoojah Row and the only doubt I entertained was his not possessing sufficient practical experience of the details of Revenue Management; but in this respect I am satisfied he will not be found wanting and considering his intimate knowledge of the District his acquaintance with the whole System of Revenue Management which has obtained since the cession of it to British rule, his respectability and local influence and his habits of application I should prefer him to any one I can name. I have no personal knowledge of the qualifications of any other Individual and without such I could hardly venture to recommend any one for so important an office I think the interest of Government will be best consulted by the appointment as recommended by Mr Thesh of S. Ramanoojah Row to the vacant office to which under the explanation I have now given, I trust your Board will be pleased to accede.

Bellore Principal Collectors Cutcheny 6th June 1835

[Signed] T. V. Stonhouse
Principal Collector

To, The President and Members of the Board of Revenue
Fort Saint George

Gentlemen

I have the honor to acknowledge the receipt of your Board's letter of the 11th Instant, and in reply to state that Soondrasheny Ramanoojah Row the Sub Collectr Sheristadar in this District is the best person to hold the office of Head Sheristadar now vacant in my office and I beg to recommend therefore that he may be allowed to be appointed to that situation a memorandum of his Service is herein enclosed the total period of which will be perceived to be 27 years and 3 months.

(Signed) J C. Whish
Principal Collectr

15th August 1834.

To, The President and Members of the Board of Revenue
Fort Saint George.

Gentlemen,

In acknowledging the receipt of your Secretary's letter of the 25th Ultimo, I have the honor to bring to the notice of your Board that the Services of S. Ramanoojah Row in the Revenue line exceed eight and half years as will be perceived by the Memorandum submitted to your Board with my recommendation under date the 15th Ultimo and not limited to 5 years as your Secretary's letter would imply.

S. Ramanoojah Row has served under the Sub Collector as Sheristadar for nearly 5½ years and upwards of 2 years as Tahsildar: as Sheristadar he was [illegible] Ultimo, of all the Talooks of the Division and from the settlement thus giving him the Tahsildars duty in the former and Sheristadars in the latter operations and bringing him in contrast with the Ryots and the Village Accounts His merit consists in his having made himself intimately acquainted with his duty and indeed it is his pride to be independant of advice from any quarter. He kept his Cutcherry free from the Sookkeefraud 1830 when the Principal Cutcherry failed His Catchery on my appointment was in order while that of the Collector was found in any thing but a satisfactory State. He is a man of a good family in this Country and of influence and respectability and much esteemed by the people for his good conduct.

In his appointment as Head Sheristadar, therefore I have only good to look to, and with him and the Deputy I can provide and the present Head Assistant Sheristadar as the 3d I am of opinion the Department will be strong and I trust therefore your Board will be pleased to permit me to appoint S. Ramanoojah Row as Head Sheristadar in this District when I fear not that he will give satisfaction.

(Signed) J C Whish
Principal Collectr

17th September 1834.

To, The President and Members of the Board of Revenue
Fort Saint George

Gentlemen,

Your Board in the correspondence noted in the margin objected to the appointment proposed by my predecessor Mr Whish of

11 Extract from the Proceedings of the Board of Revenue dated 11th June 1835.

1315/1

/True extr No 24/

The Board authorize the Principal Collector to appoint S. Ramanoojen Row to the dihestadan of the Cutcherry.

/True Extract/

/Signed/ A.P. Anstey Secretary

12 Extract from the Samahandy report for fusly 1245 dated 16th Novr 1838.

Para 63. It is a gratifying part of my duty to bring under your Board's notice the efficient aid I have received from my Cutcherry in the year under review and especially from the Head Sheristadar who has by his ability unwearied application and attention to his duties rendered himself fully entitled to my public acknowledgement of his merits.

/Signed/ T.V. Stenhouse
Principal Collector

13 Extract of an Extract from the minutes of Consultation under date the 21st September 1837.

Para 13. The Governor in Council observes with satisfaction the testimony borne by Mr Stenhouse to the merits of his Head Sheristadar

/True Extract of an Extract/

/Signed/ T.V. Stenhouse Principal Collector

14 Extract from the Samahandy report of the Nellore District for fusly 1246 dated 14th November 1837.

The Head Sheristadar has continued by his great attention to his duties to deserve the favorable character given of him in my last [illegible]

/Signed/ T.V. Stenhouse Principal Collector

15 Extract from the Proceedings of the Board of Revenue on the Samahandy report for fusly 1246 dated 30th August 1838

1318/7

They have also observed with much satisfaction the very favorable mention made by the Principal Collector of Mr Parker's proceedings in the settlement of the Sub Division and the continued estimation in which he holds the character and conduct of the Head Sheristadar Ramanoojen Row.

/True Extract/

/Signed/ P.B. Smollet Actg Secretary

16 Extract from the Minutes of Consultation under date the 26th Sept. 1838.

It is satisfactory to observe that the Head Sheristadar Ramanoojen Row continues to enjoy the good opinion of his immediate superior.

/True Extract/

/Signed/ H. Chamier Chief Secretary

/True Extract/

/Signed/ T.V. Stenhouse
Principal Collector.

17 Extract from the Samahandy report for fusly 1247 dated 3d Oct. 1838.

Nor can I omit to notice in favorable terms the services of the Head Sheristadar S. Ramanoojen Row whose indefatigable application to his duties and the circumstances and upright manner in which he discharges them have given me the highest satisfaction

/True Extract/

/Signed/ T.V. Stenhouse
Principal Collr

No 453 Revenue Department. 18

Extract from the Minutes of Consultation dated 14th October 1839

Read the following letter from the Commissioner at Nellore.

/Here enter 27th September 1839 No 475/

Para 1 The Right Honorable the Governor in Council considers that the case of S. Ramanoojen Row has been most ably and impartially investigated by the Commissioner and entirely concurs in opinion with Mr Casamajor that he is not guilty of the charge preferred against him.

His Lordship in Council also considers that if there is no further charge against S. Ramanoojen Row he should be permitted to resume his duties as Sheristadar

To G. I. Casamajor Esq
Commissioner &c &c.

/A true Extract/
/Signed/ R. Clerk Secretary to Government

/A true Copy/
/Signed/ G. I. Casamajor Commissioner

Extract from a letter from P Grant Esq Collector in the Zillah of Masulipatam to the Secretary to the Board of Revenue Fort Saint George dated 11th Decr 1841. 19

Para 1. The nomination of Ramakistna Pundit my Head Sheristadar to be Head Sheristadar of the District of Coimbatore having at Mr Broughtons recommendation been confirmed by the Board of Revenue I have subject to their confirmation nominated, to fill the vacancy, Soondra Chetty Ramanoojen Row late Head Sheristadar of Nellore a man with whom I have been acquainted for the last twenty two years and whose knowledge and experience in both Revenue and Judicial matters particularly qualify him for the situation.

/True Extract/
/Signed/ P Grant Collector.

Extract from the Proceedings of the Board of Revenue dated 3d January 1842. 20

Read the following letter from the Collector of Masulipatam dated 11th December 1841.

/Here enter No/

Para 1. The nomination by the Collector of Masulipatam of S. Ramanoojen Row to be Head Sheristadar of that District in succession to Ramakistna Pundit, is sanctioned by the Board of Revenue.

/A true Extract/
/Signed/ R T Porter Actg Secretary

To The Secretary to the Board of Revenue 21
Fort Saint George

Sir

Para 1. I have the honor to acknowledge the receipt of your Extract from the Proceedings of the Board of Revenue dated 3d January 1842 sanctioning the nomination of Ramanoojen Row to be Head Sheristadar of this District in succession to Ramakistna Pundit.

2 As he has as above shewn served a period which is reckoned equivalent to 7-1-1 as Head Sheristadar I request the Board's authority to pay him the same rate of allowances as was lately granted to Ramakistna Pundit by your letter dated 21st June last.

Masulipatam Collectors Catchery 14th January 1842

/Signed/ P Grant Collector

To. The Court of Sudr Udalut.
Fort Saint George.

The humble Petition of Soondraghenny Ramanujen
Row at present residing in Masulipatam and
Head Sherestadar of that District.

Having been informed that the Number of Principal Sudr Ameens under the Madras Presidency will be increased I beg to offer myself as a Candidate for that office.

I am an Inhabitant of Nellore and entered the Company Service in the Zillah Court at that Station in April 1807, in which I served for a period of 20 years as Assistant to the Native Register, and Sherestadar and my Conduct in the discharge of the duties met the approbation of the then Judges Mssrs Lord, Dickinson, Saunders Casamajor as well as several other Gentlemen. Of the several Testimonials granted to me I beg to Submit Copies of a few of those in my possession. A perusal of these papers, I trust will certify to the Court that I had served in the Judicial Department for a long period and acquired a thorough knowledge of its details such as will qualify me for the efficient discharge of the duties of the high office, which I now aspire to. Independently of the above I served 14 years in the Revenue Department also, as Manager of Sydapooram Zemindary, Manager of the Magistrate Department Subdivision Sherestadar and afterwards as Head Sherestadar of the Principal Division in the same District under Mssrs Fraser, Smalley, Kindersly, Bruce, Pendergast, Whish, Agilvie Otterson, and some other Gentlemen.

While holding the last mentioned office, I regret to have to state that I have fallen a victim of the false and cruel aspersions of my enemies, who took advantage of the gloomy stars which then guided my fate to bring me into trouble from jealousy of my correct management, but it is a source of gratification to me, to state that I was honorably acquitted by Government and the Board of Revenue of the Calumnious accusations laid to my charge after a patient and thorough enquiry, and who directed my re-employment in the public service as well as the payment of the arrears of salary due to me.

Consequent in the vacancy of the office of Head Sherestadar in the Masulipatam District the late Mr Grant Collector appointed me with the sanction of the Board of Revenue to that situation, which I at present hold having now served in it 13 months. The Salary I am now in receipt of is 315 Rupees per month.

As regards my conduct in this District, I can refer you to Mr Ward Head Assistant Collector Mr Mathison acting Collector and the present Collector Mr Porter who I have no doubt will bear ample testimony to the same.

The total period of my servitude under Government amounts to upwards of 35 years and I believe that the Officers under whom I have served have been fully satisfied with my conduct and the intelligent manner in which I discharged my duties. Mr Stenhouse highly pleased with my good conduct when I was his Head Sherestadar reported the same favorably to the Board and

22 No 230 Revenue Department

Extract from the Minutes of Consultation dated 19th Feby 1842

1315/8 Read the following letter from the Acting Secretary to the Board of Revenue dated 3d February 1842

Here enter No 45

The Right Honorable the Governor in Council grants authority for paying to S Ramanoyo Row from the date of his assumption of the office of Head Sheristadar of Masulipatam, the Salary of a Head Sheristadar of a settled District of 5 years standing viz Rupees (245) two hundred and forty five per mensem

[Signed] H Chamier Chief Secretary

23 Extract from the Proceedings of the Board of Revenue dated 24th Feby 1842

Ordered that a copy of the foregoing resolution of Government be forwarded to the Collector of Masulipatam for his information and guidance with reference to his letter of the 14th Ultimo

[A true Extract]

[Signed] R Porter Acting Secretary

24 To, The Acting Register

& the Sudr Udawlut

Fort St George

Sir,

At the request of my Head Sheristadar S Ramanoyo Row I forward for the perusal of the Court before the Sudr Udawlut the accompanying address intimating his wish to serve the Government in the capacity of Principal Sudr Ameen should an opportunity occur of conferring such a situation upon him in the arrangements about to be made consequent on the abolition of the Provincial Courts.

1315/8 My acquaintance with S Ramanoyo Row is but of recent date commencing from the beginning of October last when I took charge of this District and the high testimonials by which his address accompanied, would almost render any observations from me unnecessary as affecting the success of his present suit but as he has appealed to me for my opinion as to his conduct and capabilities, I have no hesitation in representing that he appears to me to be most fully qualified to conduct any business whether Revenue or Judicial with which it may please the Government to entrust him and should he succeed in his object in the present instance, tho' I should regret to lose the services of an able and zealous co-adjutor, I could not but admit that promotion could not have been bestowed upon a more deserving object.

I have the honor to be
Sir
your most obed.t Servant
[Signed] R Porter
Collector.

Masulipatam District
Railway by 8th March 1843

1315/9

and Government who noticed it with satisfaction, and when my unlucky days have passed away, that Gentleman assisted in procuring for me the situation I now hold.

Myself and ancestors held important offices and acquired good name and character. I have studied the Hindoo Law, the Regulations, the Bengal reports of cases and other essential works necessary to an efficient administration of justice and being possessed of a solemn desire which is not only promoted from my early days but initiated from anxiety to give effect to the benevolent intentions of Government in regard to the fair distribution of justice to its subjects, I entertain the most sanguine hope that my exertions to give redress to the people will secure to me the approbation of Government.

The Salary attached to my present office in the settled Districts Viz[t] 315 Rupees can only be increased at the rate of 35 Rupees after a period of 5 years service, which adverting to my age is too remote a period to hope to enjoy its full benefits but indulging in the belief that the Salary of a Principal Sudr Ameen under the new System will be the same as that at present attached to the office Viz[t] 500 Rupees I am pursuaded by my humble application before the Court with the view of obtaining promotion in the Judicial Department.

Rs
Gov[t] Reg 2 of 15 Comment changeable on Mun[l] questions 7°
315

1315/9

I respectfully beg, therefore, that your Court will be pleased in consideration of my long and laborious services in the Judicial and Revenue Departments and the experience I possess of the details of business in both these Departments to grant a compliance with my prayer. For which act of favor I shall as in duty bound

Ever Pray
(signed) S Ramanoojah Row

Masulipatam
8th March 1843

(True Copies)
Sowdersogiery Ramanoojah
Junr.
Late Head Shirastadar
& Interpreter

1315/10

From

A. D. Phillips Esq^r
Acting Register to the Court of Sudr Udalut

To

R. J. Porter Esq^r
Collector of Masulipatam

Sir

1 With reference to the accompanying address, I am desired by the Judges of Sudr Udalut to request you will by communication with the party from whom it has emanated, ascertain such particulars as may enable you to enter in the appropriate Columns of the annexed form, the information which that document is entered to convey

2 The Judges desire you will use the utmost possible expedition, in furnishing the required information

I have the honor to be
Sir
Your most Obedient Servant
(Signed) A. D. Phillips
Acting Register

Sudr Udalut
Registers office
1st June 1843

To

A. D. Phillips Esq^r
Acting Register to the Court of Sudr Udalut

Sir

With reference to your letter of the 1st Instant, I have the honor to forward the accompanying Statement prepared, agreeable to the form received therewith. The address which accompanied your letter is herewith returned

1315/10

I have the honor to be
Sir
Your most Obedient Servant
(Signed) R. J. Porter
Collector

Masulipatam Zillah Collector's
Circuit Cutcherry at Gollapoodee
10th June 1843

No. 132.

To

C. C. Lovell Esq^r
Acting Secretary to the Board of Revenue
Fort St. George

Sir

1 In a letter addressed to the Board of Revenue by my predecessor, under date the 12th January 1842 it was shown that S Ramanoyaken had previously to his appointment as Head Sheristadar in the District equivalent to 7 years 1 Month and 1 day and sanction was accordingly granted for paying him at the rate of Rs 245 per mensem, that being the Salary awarded by the Rules published 22d June 1816 to a Head Sheristadar, of a Settled District of 5 years Standing

Board Proceedings 24th February 1842

2 On the 30th ult^o Ramanoyaken completed a period of service equivalent to 10 years as Head Sheristadar, and he is accordingly entitled under the rule above quoted, to an increase of Rupees 35 per mensem c- rendering his Salary from Government amounting to Rupees 280, at which

which rate I request that I may receive Sanction for passing his allowances from the above date

3 I have much pleasure in availing myself of the present opportunity of acknowledging the effect and willing assistance which I have uniformly received from S. Ramanoojen since I have been in charge of this District and it will be satisfactory to the Board to know that his Conduct in the discharge of his various and important duties has been such as to prove that he fully merits the increase of pay to which from length of service he has become entitled

Paid of Service previously to Joining Masulipatam District	y	M D
	7	1 1
Head Sheristadar in Masulipatam District from eleventh Dec.r 1841 to 30th Nov.r 1844	2	11 20
Total	10	0 21

4 The nature and amount of the duties devolving on the Head Sheristadar of this District have been already so fully set forth in Mr Grahame's letter of the 10th April 1841 that it would be superfluous here to recapitulate the same. I may however remark that those duties have since the period alluded to rather increased than diminished, owing to the number of Estates retained under management and the adjustment of claims which it has been considered advisable to make with the view of preserving the property of the impoverished Zemindars from the processes of Court to which they had become liable. A further and considerable addition to the labour and responsibility attached to the Head Sheristadar's situation will shortly be incurred by the assumption of the management of the extensive estate belonging to Vaseereddy Ramanatha Baboo in this District. Under these circumstances there can be no question that the duties performed by the Head Sheristadar of this District, and the remuneration should therefore be the same as those performed by any equal in a similar station in an unsettled District, and the remuneration would therefore respectfully beg to repeat in favor of S. Ramanoojen the remuneration made by my predecessor in favor of the then Sheristadar Ramakrishna Pundit viz.d that his pay should be made equal to that which he would have received had he continued to serve in an unsettled District by the addition of 87-8-0 Rs. to his Salary 10th May 1841 chargeable to the Estates under management for although as was formerly observed by the Board in case of there being no Surplus from such estates the increase of pay would be formally a present charge on the Government Treasury yet the labor and responsibility of managing these estates is not diminished from the circumstances of their coming into our hands in a deteriorated Condition but rather the reverse and the charge may moreover be eventually recovered from improvement in the resources of the estates

5 I trust therefore that the Board will upon mature consideration of the circumstances above set forth acquiesce in the propriety of the arrangement for which I now venture to solicit the sanction and that in consideration of past services performed by Ramanoojen with zeal and assiduity and as a stimulus to future exertion he may be allowed to draw an additional Sum of 87-8-0 Rs. per mensem which will make his Salary the same as that of a Head Sheristadar of equal Standing in an unsettled District

Total period of Service up to 30th Nov.r 1844	37	1 20	y M D
Pay of a Sheristadar of 10 years Standing in an unsettled Dist.t	437	8 0	Rs. A. P.
Pay of do do in settled Dist.t	280	0 0	
At present Chargeable to Estates under management	70	0 0	
Proposed addition chargeable to do	87	8 0	
Total	437	8 0	

I have the honor to be
Sir
Your most obedient Servant
(Signed) Ke. J. Porter
Collector

Masulipatam Zillah Collectors Circuit Cutcherry at Madras 5th December 1844

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Extract from the Proceedings of the Board of Revenue dated 19th Decr 1844

Read the following letter from the Collector of Masulipatam dated

19th Decr 1844

(Here enter No. 132)

The Board request that Mr Porter will be good enough to furnish a Statement of the Services of S. Ramanoya Row specifying the period of his em"ployment in the several Situations which he has held in the Public Service

(A True Extract)

(Signed) E. C. Lovell

Acting Secretary

No 160

To

E. C. Lovell Esq.

Acting Secretary to the Board of Revenue

Sir

Agreeably to the instructions conveyed in an Extract from the Proceedings of the Board of Revenue dated the 19th Instant I have the honor to furnish a Statement of the Services of S. Ramanoya Row the Head Sheristadar in this District, to which I have taken the liberty to annex an abstract of the Testimonials in his possession and of the notice which is extent on the Public records regarding his conduct and efficiency.

Signed R. J. Porter

Collector

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(True Copy)

Soondraghery Ramanoyarow

late Head Sheristadar

of Masulipatam

Masulipatam

Collector's Cutchery

31st December 1844

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Government House
13 January 1846.

Sir,

I am directed to acknowledge the receipt of your communication of the 27th November 1845 addressed to the late Colle the Governor in Council, which has been transferred to my Office and beg to inform you that on the occurrence of a vacancy in the grade of Principal Collector Assessor you will be duly informed of your application.

I have the
Sir
your obedient Servant
J Conway
Private Secretary

To
S Ramanoyaroo Esqr
Head Shroffdar

S Ramanoyaroo
Head Shroffdar
Cutcherry

1315
13

Extract from the Proceedings of the Civil Court of Masulipatam Dated 19th March 1856.

Extra Petition No 141 of 1856.

Civil Court's File.

Soondarageiy Kaumanoyaron Pumtoyloo. Petitioner

Present
Thos Sage
Civil Judge.

Read Extra Petition No 141 of 1856 presented on the 14th instant by Crootla=
=venty Lutchmeenarroyanah, Vakeel on behalf of Petitioner.

Petitioner represents that the Revenue Authorities convicted him of the charges brought against him in three Summary cases, and acquitted him of all the rest- that Petitioner having preferred Summary Appeals to the Civil Court from the decision passed in the former three cases in Nos 206 of 1854, and 1 of 1855, Mr. Cotton reversed the decisions that were appealed against in Nos 206 of 1854, and the Acting Civil Judge reversed that in No 1 of 1855, that the Revenue Authorities had in the first instance attached the whole of the Petitioner's property and are still holding it under attachment- that the whole of the complaints brought against him having been finally disposed of in his favor, there is no necessity for his property being still retained under restraint-

Petitioner therefore prays for a Precept to the Collector directing the release of his property from attachment, and its restoration to him.

Petitioner further requests that a copy of the proceedings upon this Petition may be granted to him

And the Court Petitioner can take a copy of the decision

First sheet

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1H

decision, and apply to the Collector for a release of the attachment on his property.

Ordered that a copy of these Proceedings be given to Petitioner.

True Extract upon two stamped Papers

Second Asst Clerk

Civil Judge

Ex'd

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To

The Right Honorable the Governor in Council
of Fort Saint George

The humble Petition of S. Ramanooja Row
Puntooloo, late Head Sheristadar of Masulipatam.

Sheweth,

That on the 10th of February 1854 he was suspended from his office, and that on the 30th of January 1854 it was notified to him by the Collector that the Commissioner for the Northern Circars had confirmed his dismissal -

2. That such suspension and dismissal were based upon certain charges of malversation in revenue affairs brought against him under the provisions of Regn 9 of 1822.

3. That of these charges the Commissioner recommended to the Government that two should be dismissed, Viz Nos 12 and 15 on the file of the Special Assistant Collector, and that therefore the Government ordered the suspension of further proceedings with regard to them -

4. That the three other charges were brought in appeal before the Civil Judge of Masulipatam, and that in every case so appealed by your Petitioner the decree of the Special Assistant Collector was reversed -

5. That in March 1856, when the last decree was reversed, there was no charge or conviction remaining against your Petitioner, and that thus he has been acquitted of all the accusations brought against him -

6. That your Petitioner entered the Honorable Company's service in 1807, and up to the date of his suspension, a period of 44 years, served his Masters with zeal and energy and with the repeated approval of his superiors - (Vide the testimonials &c forwarded herewith and the statement marked A.)

That

7. That he has deeply suffered for the long period during which these charges were being investigated, all his private property of every kind having been Zufted, and no portion of his salary, nor any allowance whatsoever having been granted to him since the date of his suspension –

8. That whilst three of these charges were still pending in appeal before the Civil Court of Masulipatam, (all the others having been dismissed or the decrees thereon reversed,) a notification appeared in the Fort Saint George Gazette dated the 30th October 1854 stating that your Petitioner had been "convicted of gross malversation and corruption under "Regulation 9 of 1822," and that therefore he could never again be employed in the public service –

9. That your Petitioner most humbly submits it to the justice of the Right Honorable the Governor in Council whether such an order should still stand recorded against him, when he has now, as above shewn, been acquitted of every charge made against him, and convicted of none of them –

10. That under these circumstances he has a fair claim to his full pension from the date of his suspension, from which date he has received no salary – His salary at that time was Rs 350. per month, Viz Rs 280 on account of the Circar States, and Rupees 70 on account of the Zufted Zemindari Estates –

Therefore your Petitioner humbly prays

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prays that a full pension may be granted to him from the date of his suspension, together with the arrears of such pension from the 10th of February 1851.

And your Petitioner as in duty bound shall ever Pray

Madras
27th August 1856

Somasaghery Ramaroyaroo.
pantoloo.
late Head Sheristadar of
Masulipatam.

1315
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To

The Chief Secretary to Government
Fort Saint George

Honored Sir

With profound and humble respect I beg leave to request that you will be pleased to submit the accompanying Memorial to the Right Honorable the Governor in Council for the favorable consideration of Government.

I have the honor to be
Sir
Your most Obedient and
humble Servant

Madras
27th August 1856

Soondaraghery Ramanoojarow
pentadoo

Copied by D. Sheridan

No 1858 of 1858

From Soondara
Vyry Ramanoya
Row Pintoolu
late Head Sheris
tahsildar of Pulla
conliparthy.

Dated 27th
Dec 1858
Recd 31st Do
with 2 Enclosures

No 1858 of 1858

To Civil Court

Prays for a pension
in consideration of his
acquitted by the Civil Court
of his long service of
the years

Submits copies of
his testimonials. States
that the specific charges
of corruption preferred
against him under Regn
9 of 1822 by the Revenue
Officers have been in
appeal dismissed by

No 1858 of 1858

Under the circumstan-
-ces of Petitioner's case,
the Government are not
of opinion that it is
one in which they
can entertain an
application for a Pension

Fort St George 15th Sept 1858

By order
W. Morris
Dept Secy to Govt

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To

The Right Honorable Lord Harris Governor
1315/19
in Council
Fort St George.

The humble Petition of Soondaragery Pamanoo
s/o Ram Puntoloo late Head Sheristadar of
Masulipatam presented by his Pleader Mr John
H. P. Wilson.

Sheweth

1. That your Petitioner has served the Government
for a period not less than forty four years thirty five of which was passed
in the District of Nellore and the remaining nine as Sheristadar of
Masulipatam

2. That during this long period of service your Petitioner bore a
high character for zeal diligence and integrity in the discharge of
the several duties he was entrusted with as the Government are well
aware from the testimonials already submitted

3. That not only has his own character been unblemished
during the above long period of service and whilst discharging duties
the character of which brought him in connexion with several highly
respected members of the Civil service, but also with all classes of
his own Community towards whom he had to discharge the difficult
and invidious duty of administering equal taxation to all as
well as to advance the interest of Government, and yet he was

&c

1315/20

so far successful as by his exertions he was enabled to raise the Revenue of Government to the extent of one Lakh and upwards without creating any material dissatisfaction on the part of the people.

That your Petitioner submits that both his position and Character should have shielded him from the aspersions that have lately been cast upon an hitherto unblemished career and protected him from the malicious and unfounded, as the result proves, Charges that have lately been made the means and opportunity of subjecting him to the grossest Course of ill treatment, persecution, and injustice ever any subject of the British Crown has undergone in India.

Your Lordship in Council are not ignorant of the History of these Charges. It is written and exist in the records of the Government as a monument and testimony to your Lordship & shewing how for the Laws of this Country may be abused under the semblance of protecting the ends of Justice. Your Lordship is aware how carefully these so called Charges were got up against your Petitioner, how every attempt was made by those who should have acted as your Petitioner's Judges, and in that Capacity as Prisoner's Counsel in fact, to bring Conviction home to your Petitioner, how he was deprived of all of his property in fact of a Course of

persecution.

persecution during a trial, so called, prolonged for five years; and your Lordship in Council are aware also of the result. Of the eleven charges originally framed against your Petitioner by the Revenue department three of them were abandoned by themselves, and five determined against him. Two of these were also thrown out by the Government on the recommendation of the Commissioner so that only three Convictions stood against your Petitioner; Convictions that were arrived at by the Revenue Officers who were appointed to sit in Judgment once your Petitioner who prosecuted them urging not only the Claim, and unbiassed feelings of a Judge who is conscious that the character the liberty, the estate may the all of the party accused depended on his Judgment, but as the late Civil Judge has happily expressed it with the feelings of the † keen sportsman who is conscious that his character as a sportsman depended on his bagging his game, Your Petitioner will direct the attention of Government only to one Extract from Mr Knox's Judgment on one of these Convictions so called, as declaratory of their real Character and Motives.

Para 10. "In the present case, the officer who has
"directed all his skill and zeal to expose the evil doings
"of the Revenue servants in this District of which Defendant
"was the head, has had the difficult task imposed upon
"him of pronouncing sentence, and it is evident all through
"his Judgment he presumed appellant was guilty"

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But why quote opinions, the animus with which the whole trial in the Revenue Department was conducted is apparent and the mode of doing business was opposed to the most elementary rules of justice as well as to the Circular Orders by which that Department is professedly governed.

Under the provisions of the very Law under which your Petitioner's sham trial was conducted and on the endorsement of Government your Petitioner appealed to the Courts of the Country for that protection which he failed to obtain from men predetermined on his ruin and he did not appeal in vain.

But whilst these appeals of his were pending before the regularly Constituted Tribunals, the Government had ~~dug~~ with almost indecent haste fixed the brand of shame on your Petitioner by the ignominious Notification in the Official Gazette that in consequence of your Petr having been convicted under Regulation IX of 1822 of gross Corruption and Malversation, he was declared incapable of serving Government in any situation whatever. This Notification is dated 30th October 1854 and the last Judgment of the Civil Court on the only remaining Conviction in the Revenue Department is dated the 4th March 1856.

Up to that day your Petitioner was in the position of a guilty man as respects one, the only one, the very last of the Revenue Convictions and this one was declared not to be a Conviction so that your

Petitioner

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awarding your Petitioner some Compensation for all the injuries he has sustained

To his application for Pension which is the only Compensation your Petitioner now seeks and which on the renewal of the Revenue Judgment he was entitled to, he has been informed that the Circumstances of his case are not such as would justify the grant of a Pension.

Your Petitioner cannot but feel that this treatment is peculiarly cruel. What are the Circumstances of his case that do not justify his being treated as every other officer of Government is treated. The only circumstances are those related in the Notification and other Convictions referred to as it having been rescinded by the Notification becomes a dead letter, and must be treated as such. It is still standing in the Gazette in the face of the Courts decision pronouncing on its illegality is not only a gross injustice against your Petitioner but a serious reflection on the good faith of Government, and your Petitioner feels assured that it is only necessary to place this matter in a clear light before your Lordship in Council to enable the Government to do justice to your Petitioner.

Your Petitioner therefore most humbly

prays

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Petitioner stood forth to all the world an innocent man entitled to the benefits of his innocence and the rank and previleges, Salary and Pension appertaining to his position as Head Shirastadar of Masulipatam—

Your Petitioner is assured that your Lordships only desire is to do justice towards man and as it must be quite apparent that as so long as your Petitioner stood under the ban of the three Convictions in the Revenue Department the Govern't were justified in depriving him of his position and all its previleges appertaining thereto, of declaring him to be disqualified for further Service and of cutting him off from the Pension his long services would otherwise have entitled him to, so just in the same manner, as soon as these three Convictions were removed, and your Petitioner was declared innocent of them, then all the Consequences of his supposed guilt failed to take effect, the Notification became a dead letter, and he should have been restored to his situation with all arrears of Salary or a Pension equal to his rank granted him.

Your Lordship in Council must recognize the justice of this argument and your Petitioner would further add that the Circumstances of his Case would almost justify Govern't awarding

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prays that the said Notification may be cancelled and that he may either be restored to his former situation with arrears, or a Pension granted him according to his standing in the Service from the date of his Suspension.

Madras
26th February 1857

I am &c
Mordaunt Mills
for the Petitioner
Doomsday by Hanmant Narrow
Pensioner

1315/26

To The Right Honorable the Governor
in Council
Fort Saint George

The humble Petition of Soondarapherry
Ramanoojа Row Puntulu late Head
Sheristadar of Masulipatam.

Sheweth,

That your Petitioner entertaining the belief that the refusal of his application for a Pension by your Lordships Government in their orders of the 16th September 1856. can only be based on the notification which appeared in the Fort Saint George Gazette of 31st Oct. 1854. wherein it is set out that your Petitioner "having been convicted under "Regulation IX of 1822 of gross corruption, and "malversation and dismissed from the Office of "Head Sheristadar of Masulipatam, is hereby "declared incapable of again serving the Govern"ment in any situation whatever."

And as your Petitioner is desirous of forwarding an appeal to the Honorable Court of Directors, your Petitioner humbly prays that he may be furnished with Copies of the convictions therein referred to, as he is igno=rant that any such exist, and is thereby pre=cluded from addressing the Honorable the Court of Directors so fully as he is

desirous

desirous of doing in a matter of such
vital importance to himself -

For this act of justice your Petitioner
as in duty bound -

Shall Ever Pray

Madras
20th June 1857

Soondarayhery Ramaswoyavoo
Petitioner
Caste Wd & Theras Laboo of Masulipa
tam

No 1315 of 1857
Petition of
Soondarayhery Ramaswoyavoo
Caste Wd & Theras Laboo of Masulipa
tam
to have adjudication
to the Collector
of Madura Statutes
Filed 23rd June
1857
By Order

No 1315 of 1857
25 6

From Soondarayhery
Ramaswoyavoo Petitioner
Caste Wd & Theras Laboo
of Masulipatam -
To the Board of Revenue

Dated 23rd June

Report of the
Collector &c -
stating how he
stands for
the Petitioner for
that he was
dismissed from his

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No. 224.

EXTRACT FROM THE PROCEEDINGS OF THE CIVIL COURT OF MASULIPATAM DATED 17TH NOVEMBER 1854.

Present J. J. Cotton Esq., Civil Judge.

1, Read Petition No. 2 of 1854 Civil Court's file, presented by Cootteventy Lutchmeenaroyanah Pleader on behalf of Soondarageery Raumaunoojarow Puntooloo late Sheristadar of the Collector's Cutcherry of Masulipatam.

2. The present is a second Appeal from the amended decision passed against the Petitioner Soondarageery Raumanoojarow Puntooloo, the Ex-Head Sheristadar of the Collector's Office Masulipatam, by the late Special Assistant Collector as confirmed in review by the Collector, and by the Commissioner for the Northern Circars in Appeal, and now preferred to this Court in accordance with an endorsement under Clause 2d Section VI Regulation VII of 1828 furnished to Petitioner by the said Commissioner.

3. The Indictment in the Original Decree charges the Petitioner as follows.

INDICTMENT.

The Defendant is charged with having in Fusly 1260, while attending with the Collector's Cutcherry at the Jamabundy Settlement of the Juggiahpettah Talook, wilfully and knowingly caused the Villagers of Batavole, Gundraye, Sheer Mahommedpett, and Anoomunchepully, in the Juggiahpettah Talook to present false Kararnamahs before the Collector in reference to the Bajah Khurch Collections and disbursements in the said Villages from Fusly 1255, to 1259, with a view thereby to conceal the bribes paid by the said Villagers to the Circar Servants out of the money so collected from the Ryots, and from the Collections made on account of the Circar Revenue. The Defendant is also charged with having on the same occasion concealed from the notice of the Collector the true Bajah Khurch accounts, which he knew were in the possession of the said Villagers, the Defendant being at the time Head Sheristadar of the Masulipatam District being offences of the 4th and 5th classes specified in clause 2d Section II Regulation IX of 1822.

4. Previous to entering upon the details of the case before the Court, the Civil Judge would specially note the tenor and wording of the Clauses under which the above charges against the Petitioner, are laid.

5. Para 4 Clause 2d Section II Regulation IX of 1822 refers to the making of false or fraudulent entries in the Public accounts of Public monies.

6. Clause 5th to the offence of wilfully and knowingly falsifying, concealing or destroying Public accounts, vouchers &c. relating to Public monies.

7. It is clear therefore that in this appeal the Court should confine itself to such portions of the voluminous record as refer alone to the charges framed upon the above enactments.

These consist of the depositions of those persons who profess to speak to the facts charged, and of the Documents connected therewith.

8. The law does not admit of accessories either in the first or second degree in any offence under a Felony and the present case coming under the head of a misdemeanor, if the offence of causing Public accounts to be fabricated, or concealed, or destroyed, is proved against the Petitioner, he will become liable to all the pains and penalties to which any of the more immediate actors in the transaction became amenable.

9. In the case now under review it would appear that the parties primarily concerned in the fabrication of the false accounts have been admitted throughout as Witnesses against the Petitioner—although such parties are not incompetent in the eye of the law as Witnesses, considerable latitude is given to the discretion of the presiding Judge to determine the amount of credibility due to such evidence, when properly tested by facts and circumstances.

10. It remains to be seen how far Petitioner was concerned in causing these parties to commit the offences charged and specified in paras 4 and 5 Clause 2d section II Regulation IX of 1822. There are on the record four Kypheyuts marked A B. C. and D. respectively dated on the 6th and 7th December, 1850, presented before the Tahasildar of Juggiapettah with certain accounts attached to them. These Kypheyets (which are signed by the same parties generally who subsequently gave other four Khararnamahs marked Nos. 1,2,3, and 4 dated 29th January 1851 before the late Collector) state that the accounts attached to them, are boná fide memoranda of grama or Bajah Khurch accounts from fusly 1255 to 1259, and that they have no others. The Khararnamahs subsequently given before the Collector dated 29th January 1851 are confirmatory of the above, and it is these latter that Petitioner is accused of having forcibly extorted from the Witnesses, knowing them to be false.

11. There is nothing to show that Petitioner was in any way concerned or connected with the execution or the presentation of the Kypheyuts before the Tahsildar on the 6th and 7th of the previous month (December.) The alleged false accounts or Memoranda were given in with those Kypheyuts. It is therefore only with reference to the Kararnamas given in before the Collector, Mr. Porter, that the present enquiry lies.

12. The following is a summary of the evidence of the Witnesses in support of the charges.

13. The 1st Witness (who confessed in his cross examination that he had been fined through the instrumentality of Petitioner Rs. (10) ten on a charge of extorting money from certain parties) signed two of the original Kypheyuts given before the Tahasildar of Juggiahpettah giving in at the same time abstract Bajah Khurch memoranda for a number of Fuslies from 1255 to 59, and also then declared that these accounts or Memoranda were *the true* and *sole ones* connected with the subject. He stated before the Special Assistant Collector that he went alone into the quarters of Petitioner at sheer Mahommedpettah, while the others remained outside and the Petitioner asked him why he had not given in the Bajah Khurch accounts; he replied that he had done so for 5 fuslies through the Tahasildar, that Petitioner nevertheless pressed him to give up the original accounts in the Curnums' possession: whereupon he *told* Petitioner that as these accounts contained items of payments made to his son-in-law and some circar servants they, the Curnums, had given in abstracts of accounts in which these names and circumstances had been omitted, thereupon Petitioner became incensed and ordered him to present a Khararnamah that there were no other accounts than those already given in, in the Talook Cutcherry. That he (witness) came out to the other Curnums Kapoos &c. assembled outside, and delivered Petitioners' message and orders to them, when they *all declined to comply* and Witness adds that they strictly cautioned him against signing the Khararnamah, for fear of the Commissioner whose

advent was shortly expected, giving as a reason for their refusal to sign, that they should be subject to much annoyances and troubles thereafter if they did. In spite of all this, he and other finally executed and signed the present Khararnamahs, fearing immediate consequences if they persisted in their refusal. (The subsequent proceedings before the Commissioner, and the depositions, en masse, given before that Officer are irrelevant to the issue of the case before the Court and with other similar matter tend to swell up the record to vast extent, and have been altogether set aside by the Court in taking the present charges into consideration.

14. The 2d Witness did not sign any of the present Khararnamahs, but states in general details as the last Witness.

15. The 3d signed the present and former Deeds, as well as the Memoranda given in, to the Thasildar, through fear he signed at the desire of the Curnums, and did not know what the accounts contained as they were not read over to him.

16. The 4th Witness appears to have written out the alleged false accounts himself, "as directed by the Tahasildar," and states that he is in the habit of doing so to avoid troubles and vexation! though he adds he is not aware of any similar cases of Compilation of false accounts through the same means, by other parties in the Talook. He states further that he informed Petitioner of the above facts who abused him for his information; that on being taken before the Collector, he complained of this to him, but was silenced by that officer. That the 6th Witness was also present with Petitioner on the occasion (but this the 6th denies) that he did not offer to produce any genuine accounts to the Collector—nor did he to the best of his recollection, make any complaints on the subject subsequently to the Commissioner.

17. The 5th Witness states that on the 1st Witness communicating to him the orders of the Petitioner to produce the Bajah Khurch accounts he told him that he had already done so in the Talook Cutcherry—but that he had other Kham accounts which he should produce before the Commissioner and that he could not present any other accounts at present than those already given in. He thus delayed the matter for a couple of days after which he was persuaded to sign the Khararnamahs, which he imagines Petitioner took from him and others lest the genuine accounts might be one day forthcoming, that he did not make any reference to this to the Collector when in his presence, fearing further detention with the Cutcherry, being short of Batta. That Petitioner never made any enquiries of him direct about the Kham accounts, though he was aware from what he told him that we had them.

18. None of these 5 Witnesses state that the Petitioner had any controul over the original Kham accounts, or indeed ever saw them. In fact it would appear that they had determined on keeping them from Petitioner, and on the arrival of the Commissiner making a clean breast of the business before him.

19. However the 6th Witness after adverting to the receipt of a certain letter by the Petitioner from the Tahasildar of Ellore, which he heard read aloud, complaining of the Commissioner's acts in that neighbourhood (altogether irrelevant to the charge, and of no importance whatever as evidence) states that the Petitioner *sent for* the original grama Khurch accounts of the 4 Villages alluded to, and upon examining them found that entries were recorded of certain payments made to public servants of Government—and that these accounts differed from those presented to the Tahasildar. He therefore *returned* them to the parties before him threatening them with punishment if they ever produced them thereafter, and then extorted from them the present Khararnamahs Nos. 1,2, 3 and 4. That the accounts of other Villages &c were not sent for, because it was suspected that they also would exhibit similar entries against Circar servants.

He then gives a description of a scene that is alleged to have taken place in the Petetioners' Cutcherry, during which was concocted a rough draft of an arzee finally received in it's fair state by the Collector, as from the Tahasildar of Ellore, impugning the proceedings of the Commissioner in the Talook of Ellore—also two other drafts of Petitions to Government and Revenue Board on the same subject.

20. The 7th Witness is the individual who professes to have prepared or corrected the rough drafts of the Khararnamahs in question; which after being fair written were submitted to the Collector by Petitioner with the signatures of the witnesses &c.

21. The original Drafts are not forthcoming, but the 7th witness recognizes the documents before the special Assistant Collector Nos. 1,2,3 and 4 as genuine.

22. The above Depositions and the Khararnamahs before the Collector and the 4 Kypheyats given before the Tahasildar of Juggiahpettah, to which latter were appended the alleged fabricated accounts, compose the whole of the evidence at all weighing upon the matters at issue before the court as specified in the indictment—or trenching thereupon.

23. The Special Assistant Collector in his original decision considered Petitioner to have been fully convicted of the charges preferred against him by the evidence and liable to the penalties awardable under clause 4th Section V Regulation IX of 1822 for an offence of the 5th Class enumerated in Clause 2d Section II of the same Regulation—but in consideration of the heavy amount of fines already imposeed on the Defendant in Revenue Nos. 2-6-12-and 15 he resolved to remit the penalty in the present instance.

24. The Commissioner for the Northern Circars by Extract from his Proceedings of the 1st July 1853 pointed out the illegality of the above resolution, and remanded the record to Mr. Bird accordingly for amendment; when a mitigated sentence, awarding a fine of Rupees 250, against the Petitioner, was recorded, in default 6 months imprisonment in the Zillah Jail, under clause 4th Section V. Regulation IX. of 1822.

25. The object of the special Assistant Collector as stated by him, in reference to an elaborate Memorandum appended to his decision in the original case, has been to bring to bear in one focus all the information procurable showing Petitioner's connection with the system of the Bajah Khurch accounts, and of which the present charge was an illustration. But however important it might be to collect this mass of record to substantiate the above fact, and the consequent honesty or otherwise of a Public servant holding the high and responsible Office of Head Sheristadar, the Civil Judge conceives that the enquiry extended far beyond the specific terms of the charges laid against Petitioner in the present matter. The question was simply whether or no Petitioner was concerned directly or indirectly in concealing, falsifying, or destroying the Public accounts alluded to in the indictment.

26. The Review proceedings of the Collector record his deliberate opinion of Petitioner's utter unfitness for office from his apparent complicity with the "system of Gramah Khurch accounts" from the commencement to the close of his career as Head Sheristadar, as exhibited by the *Memorandum* prepared by the special Assistant Collector, and which induce the Collector to concur entirely in the views of the guilt of the Defendant expressed by the special Assistant Collector in disposing of the case.

27. The Commissioner before whom the appeal for the above decision was laid found no room for impugning the judgment of the special Assistant Collector considering the sworn declaration of the Witnesses examined to be supported by collateral circumstances narrated in para 12 of his proceedings—and therefore confirmed the sentence awarded by Mr. Bird.

28. Before further remark upon the evidence &c. recorded, the Civil Judge cannot refrain from noticing the following circumstances in connection with the review proceedings in the present case brought prominently before him in this appeal. It seems from the Petitioner's statements which are borne out by the record that after the original decision was passed against Petitioner he applied to the Special Assistant Collector for a copy of the same, to enable him to frame an Appeal therefrom in due course to the Commissioner as laid down in the Regulations and Circular orders of the Board of Revenue but was informed by that Officer that the decision had before been forwarded to the Collector to whom Petitioner was referred. On his application to him Petitioner was further informed that the case had already been reviewed and the record sent up to the Commissioner in anticipation of Petitioner's Appeal a Proceeding which is greatly to be regretted as the arguments of the Petitioner against the decision of the Special Assistant Collector could not have had that consideration to which they were entitled and for which the Circular order of the Board of Revenue 11th August 1831 seems directly to provide.

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29. In entering upon a review of the evidence in the present case the Civil Judge commences the subject by a reference to the law of England as it at present exists regarding the reception or admission of such as that adduced. It rejects the testimony of interested parties *individually named* on the record and of those who stand in an anologous position to that of such parties, It is true that in the present matter, the indictment charges Petitioner with having wilfully and knowingly caused the Villagers to present false Khararnamahs &c, and the witnesses adduced in support of the charge are not actually and individually named in the indictment, but they appear by their own evidence (Viz that of the 1st 3rd 4th and 5th Witnesses) to be *very* villagers alluded to, and they are so far interested that if they cannot prove that they were coerced to give the Khararnamahs &c. in question, they would be liable to the same pains and penalties as the accused.

30. The ofiences charged in the present case are classed under paras 4 and 5 Clause 2nd Section II Regulation IX of 1822, but the wording of the Indictment both in the Teloogoo and English is so complicated that the Civil Judge finds some difficulty in bringing them strictly within the definition of offences described in the above Clauses.

31. Para 4 defines the offence alluded to therein as the making false and fraudulent entries in the public accounts either of the receipt or the expenditure of public money.

32. Leaving alone the question as to the nature of the accounts so said to be falsified it is not proved that Petitioner did make such false or fraudulent entries in any public accounts before the Court.

33. But the first charges is that Petitioner *caused* the Villagers to present false Kharnamahs referring to the Bajah Khurch accounts *with a view* to conceal bribes paid by the said Villagers to Circar servants from the Collections made on account of Circar Revenue &c &c.

34. This charge is of very wide significance and requires all the collateral points to be proved before the charge itself is brought home. It is necessary to prove that bribes *were* paid to Circar Servants by the said Villagers out of Revenue Collections—that the entries of such bribes were bonâ fide true in the Kham accounts, that the accounts themselves should be filed and were unobjectionable, and genuine, (in contradistinction to those given in elsewhere), that the Khararnamahs in question were false, and framed with the direct view of concealing the genuine accounts, and finally that Petitioner *casued* the said Khararnamahs to be given, knowing them to be *false*, and that he was at the same time aware of all the other collateralfacts connected with the same transaction alluded to above.

35. It seems sufficient in the present case to confine the charge to the simple and spec

fie overt act alleged to have been committed by the Petitioner vizt. the having caused the Villagers to present the Khararnamahs alluded to ; the gravamen of the charge being that the Petitioner knew that they were false.

36. The 1st 2d 4th and 5th Witnesses examined, state that they told Petitioner that there were in their possession other Kham accounts differing from those already given in by them before the Tahasildar, but did not offer to produce them before Petitioner, or even the Collector. Everything therefore depends upon the amount of credit due to these Witnesses. They stand in the position of offenders themselves, charged with having given these Khararnamahs knowing them to be false. In defence. as they state that they were obliged by Petitioner to present them, though they informed him they were not true statements. The very immunity of these Witnesses depends on the fact whether or no, they are able to substantiate the allegation, that these Khararnamahs were extorted from them, and that they gave them involuntarily. (It does not appear why no other and independent parties were not examined on this material issue.) The 6th Witness deliberately swore that Petitioner actually possessed himself of these Kham accounts and satisfied himself of the falsity of those given in by the witnesses es before he took the above Khararnamahs from them. If credit could be placed on this statement, it would tend materially to corroborate those of the other Witnesses but the Civil Judge is satisfied for the reasons subsequently noted, that it was wickedly false, and fabricated to give weight to the assertions of those Witnesses against the accused 37. Under such circumstances the Civil Judge considers that there is no credible evidence that the Petitioner was acquainted with the fact of the genuine accounts being concealed which differed from those already given in by these Witnesses on a prior occasion—suspicion founded upon the questionable evidence of these Witnesses is not sufficient to convict on a penal charge.

38. There is nothing on this record to show that there are other and genuine accounts different from those prsented before the Tahasildar to which the Kyfeyuts and the Khararnamah respectively allude. They were not produced nor filed in this or in any other case in which Petitioner is concerned and the falseness or genuineness of those before the Court remains undetermined.

39. The Witnesses brought forward to prove that these Khararnamahs were extorted had already given similar documents before the Tahasildar upwards of 7 weeks previously, and there is no satisfactory evidence that they gave either on any compulsion, and if the accounts alluded to in these Khararnamahs were fabricated at all, they were so on or before the former date Viz. the 6th December 1850, while Petitioner was not accused of being " Particeps criminis" at that time.

40. The special Assistant Collector in his dicision, considered that from the evidence recorded in the case the Defendant did really obtain the Kyfyuts presented before the late Collector on the 29th January 1839 by force. The Civil Judge upon a careful examination of the different depositions of these Witnesses, does not consider that it is proved what force was employed in procuring the signature of the parties in question to the Kyfyuts, beyond directing them to follow the Jamabundy Establishment from Sheermahomed Pett to Panoogunchepole, distanee of about 6 Miles, where there attendance might have been required in many other ways However, any misconduct of the Defendant, Petitioner, in this part of the transaction would rather be classified as an abuse of authority, and does not fall under either of the classes of offences mentioned in the indictment.

41. Great stress has been laid on the expressions entered in the latter part of these Khararnamahs as confirmatory of the criminality of Petitioner's conduct, to wit, that the par-

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ties signing,bound themselves thereby to undergo such punishment as might be awarded against them by the Circar in the event of their statements now made proving false, or should any other accounts than those already produced, and differing therefrom, be forthcoming in any future enquiry. The Court sent for a number of similar documents executed on a variety of occasions to see if the penal causes above alluded to, were singular, being aware at the same time however that that such clauses were common in many transactions both of a public and private nature. It appeared that a similar Clause of the same was included in *all* documents of the same purport, consequently no criminality can attach to the fact of its being found in those the subject of the present charge against the Petitioner.

42. But the gravamen of the charges under which Petitioner was convicted lies in the 2d Count as it is to the effect that Petitioner *had concealed* from the notice of the Collector the true Bajah Khurch accounts which he knew were in the possession of the said Villagers.

43. The original Gentoo charge was that Petitioner *caused* the concealment of such Genuine accounts.

44. It is necessary to analyze the evidence recorded under this plea and which is considered sufficient for the conviction of the Petitioner. It has already been demonstrated that Petitioner was not directly nor indirectly concerned with the false accounts (so to say) presented on a former occasion with the Kyfyuts A B C D to the Tahasildar. The subsequent Khararnamahs 1 2, 3, 4, reiterate the statements made in the above Kyfyuts of the truth of the accounts presented on that occasion and that no other existed. The parties vizt. the 1st 3d 4th and 5th Witnesses who signed these documents therefore are guilty,if other accounts are produced of the same offence charged against Petitioner, Viz concealing Vouchers knowingly. The Commissioner in his proceedings para 8 states. It is not clear from the evidence whether the Defendant saw the Kham accounts or not the Civil Judge upon an examination of the evidence is satisfied that he (Petitioner) did not see the Kham accounts, and that 6th Witness statements to the contrary upon so material a fact in opposition to those of the other Witnesses who must have been acquainted with the circumstances if truely given, are altogether false, and utterly incredible. This 6th Witness alone in the face of the other 5, avers that Petitioner procured these Kham accounts for inspection, and after having satisfied himself of the fact that certain damning entries were contained in them (knowing too that the Kurnums &c. who produced them, had already deliberately *denied* before the Thasildar that such existed) he returned them to the very parties who now refused to ratify their former statements before the Tahasildar, (Kyfyuts Nos. A. B. C. D.) and had declared (so states 5th Witness) that these accounts being genuine, they were to be handed over to the Commissioner as soon as he arrived. He being expected in those parts almost immediately. The whole of this scene is so utterly incredible that even were it not single to the most material point of the charge it must be rejected as a deliberate fabrication.

45. Whether therefore the wording of the original charge against Petitioner be considered as the point at issue, or that at the heading of the proceedings of the special assistant Collector, the Civil Judge is of opinion that there is no credible evidence at all on record that Petitioner either himself concealed the public vouchers or accounts, or caused others to do so.

46. The Court has obstained altogether in these proceedings from expressing any opinion as to the nature and character of the accounts alluded to (the Witness admits that even in the suppressed Kham accounts there are constant entries in fictitious names, or upon the genuineness or otherwise of the Khararnamahs presented before the Collector. These are points which under the circumstances (the evidence is to the specific charges having in the opinion of the

Courtaltogether broken down, it became unnecessary to consider and determine. Finally the Civil Judge being of opinion that the conviction recorded against the Petitioner upon the charges preferred by the Special Assistant Collector is erroneous in law for the reasons above given, and not borne out by the evidence adduced, which was besides most questionable and untrustworthy, he resolves to reverse the same, as the charges preferred are not proved.

47. The Court is unable to accede to Petitioner's request in the matter of costs—the Sudr Court having decided that as there is no respondential party in the case the stamp duties leviable on a regular suit shall be dispensed with.

48. Ordered that an Extract from these proceedings be sent to the Collector for his information.

(True Extract)
(Signed) J. J. COTTON,
CIVIL JUDGE.

Rising Sun Press.

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Extract from the Proceedings of the Civil Court of Masulipatam, dated 14th March 1856.

Case No. 6 of 1851
Special Assistant Collector's file.

Appeal No. 1 of 1855
Civil Court's file.

Soondaragery Ramanoojarow Pungoloo, *Appellant.*

Present
T. J. Knox, Esq.
Ag. Civil Judge.

Read the Appeal Petition, and the voluminous record of this case.

1. The chief reasons urged by Appellant are, 1st, that the indictment is vague and insufficient, and 2ndly, that a criminal receiving of money is not proved by direct or circumstantial evidence.

2. From the orders issued to Revenue Officers they must be aware that a trial under Regulation IX of 1822 is a strictly judicial proceeding, and whatever meaning may be attached to the word "summary," it in no way implies any disregard of the first principles of law. Now it is a safe and common rule that, when any act or acts are constituted by a particular law an offense, the indictment charging a man as an offender against this special Law, should distinctly aver such facts and circumstances as are necessary to bring the case within the operation of this particular Regulation.

3. The Acting Civil Judge cannot adopt the principle asserted by the Collector in para. 65 of his Proceedings when reviewing the Special Assistant Collector's Judgment that, as the Defendant "was fully aware of the real matter, from "which he was called upon to defend himself, he has not "been in the slightest degree prejudiced by the indictment

"being less definite and specific than it might have been made. Justice and common sense support the practice which requires indictments to be carefully drawn up; for an indictment in a Criminal case, and points in a Civil case, are analogous, and of equally great importance; and the Acting Civil Judge must commence with the consideration of the indictment as the Appeal Petition fairly requires of him.

4. The Appellant is undoubtedly a person described in this Regulation so far is clear.

5. Every indictment for exacting or corruptly receiving money under this Regulation must not only contain a statement of the amount of money the Defendant is said to have received, but also should specify in general terms at least the past, present or future official acts, or undue advantages, for which this money was paid. This principle is asserted in full in Para. 82 of the Collector's Review proceedings, and was acted upon by that Officer, when considering the case of H. Ramatow, Magistrate's Peishcar. If no strong presumption appears that this money is either the consequent or the cause of certain acts, a successful prosecution is very difficult, and the Regulation could be so construed as to leave it doubtful whether, under it, servants in a Subordinate Official position can be punished for receiving a present from a party for past services, which, at the time, were rendered to the Government in all honesty; for the Regulation describes the benefits sought for by a bribe, in the present and future tense, and not in the past.

6. However, the Acting Civil Judge is satisfied that in the present case the surplusage, with which the Indictment has been drawn up, has been greatly prejudicial to a satisfactory investigation of the truth. In the first part, the Defendant is charged with *corruptly receiving* money from a certain individual, and is also indirectly accused of aiding and abetting in forgeries, fabrications, and deceit, and from the Special Assistant Collector to the Commissioner, the important object seems to have been to establish Appellant's guilty knowledge of certain spurious bonds, by which money was drawn from the Public Treasury, while the real point at issue, whether Appellant received some of this money or not, is somewhat less carefully scrutinized. Moreover, as to the receiving, no assertion is made that Appellant's corruption tainted his official conduct, or that the briber thereby acquired

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any undue advantage over any body; though the judgment of the Special Assistant Collector shows that Appellant had greatly assisted by his good offices two parties of high position in the country. It is difficult to say how far his official *position* influenced them to listen to him, but probably the ability and experience which brought Appellant to a high position in the Government service, made him a successful mediator; and he certainly conferred great benefit on all, only for receiving a gift for this arbitration, it should have been undisguisedly inserted in the indictment as an act punishable by Regulation IX of 1822. The Teloogoo Indictment, as given to the Appellant, only contained a translation of the first part of the English Indictment; and certainly no offence is charged in it—so far the Appellant may complain justly, but unquestionably he has benefited by the way—the English Indictment has misled the Special Assistant Collector, as to the point to be proved.

7. This case was in itself simple, the Prosecutor, having proved the illegal receipt of money by Defendant with as good evidence as the case would admit, might fairly have strengthened the case against Defendant by showing, as collateral evidence, his fraudulent dealings with the manager, and his careless performance of his public duties, and so confirmed the direct evidence and increased the Defendant's criminality. Apparently, the Appellant has never questioned the fact that the manager had the monies said to have been given Appellant so that a vast mass of papers and evidence of Witnesses on this record might have been dispensed with.

8. This trial required three points for consideration.

1st. Did the Defendant receive this money, Rupees (10,000) ten thousand?

2nd. Was it a corrupt receiving, as defined, and punishable by Regulation IX of 1822? and

3rd. Are there circumstances attending this reception which aggravate Defendant's guilt?

9. But to proceed to the evidence—First, it may be remarked that in Criminal matters, the zealous policeman who has engaged in tracing and detecting a crime, and feels

his professional character at stake if it elude him, is not the person ever entrusted to pronounce finally on the guilt of the accused, because, with weak human nature he is supposed to enter too readily into the feelings of the keen sportsman, and feel disappointed if his game escape him.

10. In the present case, the Officer who has directed all his skill and zeal to expose the evil doings of the Revenue servants in this District, of which Defendant was the head, has had the difficult task imposed upon him of pronouncing sentence; and it is evident all through his Judgment he presumed Appellant was guilty.

11. The Collector says in his Report to the Commissioner Northern Circars, in para 13, "Mr. Bird was sent here "specially to bring to trial, and if legal evidence of guilt "existed, to punish, each and all of the grave offenders whose "misdeeds were proclaimed from all sides, denounced by foes "and admitted by friends and participators, wherever *you* turn-"ed your steps, from the moment of your arrival in this "District."

12. It is true, this statement is not legal evidence of the effects of the Commissioner's progress, but it has led the Acting Civil Judge to weigh very carefully all statements and conjectures which first saw light under such auspices. Para. 3 of the letter of Foujdaree Udalut to Government dated 27th February 1852, published by the Revenue Board in their 2nd Volume of Circular Orders, page 200, contains a wholesome caution on this point as to Witnesses; and the danger of false conclusions from circumstances is still greater.

13. The Acting Civil Judge finds that only *three Witnesses gave direct evidence before the Commissioner and before the Special Assistant Collector that Defendant received the bribes. There is also some hearsay evidence which is inadmissible and dubious. The Appellant impugns the veracity of these* three Witnesses, because they stated differently before each authority.

* 3rd, 4th and 5th.

* 3rd, 4th and 5th.

14. In the Judgment of the Special Assistant Collector, Para 45, these discrepancies are considered immaterial. In the Collector's Review Proceedings, paras. 82—83, the natural weakness of human memory is pleaded. These paras. contain

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the remarkable assertion that the Collector thought this case was "of *such importance* that he must be satisfied that the evidence for the prosecution was *false* ere he could interfere,

" 82 and 83.

and, altogether, these* paras. conveyed to the Acting Civil Judge's mind the impression, that the Collector thought *this case* wanted foundation, however evident it was that all confidence in Appellant's Official character was gone for ever. Again, the Commissioner, remarking on these contradictions so frequently brought to notice by Defendant, says, "Several allusions are made to discrepancies "between the statements of the Witnesses before the Com-"missioner, and on the trial. Mr Bird has stated, that the "former were not recorded, and were not meant to be employ-"ed on the trial, but were furnished to Petitioner at his "request. To this it must be added, as has been observed "in other trials, that the statements taken down by the Com-"missioner were not recorded with any pretensions to perfect "accuracy. The parties were generally examined *viva voce*; and "a goomastah, or any other available person, was then directed "to take each individual aside, and note the substance of "his statements. Occasionally the statements of several persons "were embodied in a single paper. The parties were neither sworn, "nor placed on solemn affirmation, the object being merely "to collect information on which to found further proceedings, "if necessary. It does not appear however that any discre-"pancies of moment did occur in the depositions taken on the "occasions referred to."

15. The Acting Civil Judge must remark that these depositions are headed in Teloogoo, and signed in English, as taken before the Commissioner, and must be considered, though not on oath, as statements publicly and deliberately made before the Highest Revenue Authority, whose signature attests that their contents are true records of what was said before him.

16. The Acting Civil Judge finds the statements there made differ in many matters from those made before the Special Assistant Collector. These Witnesses were not in their examination asked by the Special Assistant Collector to explain their discordant statements. It almost seems as if the Special Assistant Collector did not know of their existence; for they were apparently not seen by the Defendant, till his first defence had been given in.

17. The Acting Civil Judge has carefully weighed these discrepancies, so skilfully arrayed by Appellant in his Appeal Petition to this Court, and in his judgment the veracity of the *Witnesses has been questioned by Appellant on good grounds. No weakness of human memory will account for two men in very similar words, within three months, giving two different statements of the same transaction, exactly and simultaneously differing on the same particulars.

* 3rd, 4th and 5th.

18. The differences that 3rd Witness and 4th make about the 2nd Count, they make similar about the 3rd; although the transactions were distinct with six months intervening: and one discrepancy seems peculiar. Men are very unlikely to forget being kept waiting outside a house 40 or 60 minutes in charge of Rupees.

19. This unexplained agreement in contradictory statements being followed by an inability to answer any question on the cross examination, leads the Acting Civil Judge to place no confidence in the statements of 3rd and 4th Witnesses as to the 2nd and 3rd Counts. Their story reads very much like a lesson learned by rote; and it is evident from the Zemindar's letter to Mr. Walter Elliot dated 11th June 1851, that the Zemindar had then prepared the charges against Appellant, and with the letter sent his six dependents, 1st, 2nd, 3rd, 4th, 5th and 6th present witnesses, to say what in the letter he promises they will say. The Zemindar should have been forced to prosecute openly and to produce the account from which he learned of the charger's doings as stated in this letter.

20. As regards Count II, there are no such apparent discrepancies between 4th and 5th Witnesses' statements as suppose it. But the Acting Civil Judge can place no confidence in one of these men, and is of opinion none of these three witnesses were thoroughly examined by the Special Assistant Collector. For instance, a bag of Rupees (1,350) one thousand three hundred and fifty, weighs 35lbs. The particulars of carrying such a weight for two miles would have been marked by elderly men not accustomed to manual labour. A bag weighing 35lbs placed in a palanquin would surely have been noticed by the bearers, and search would probably have produced witnesses from among the bearers, or the usual attendants on a Shahstadar's house, which would in some way corroborate the perroquet-like story of the two witnesses, that speak to each count; and upon these three* the whole burden of the direct proof rests.

* 3rd, 4th and 5th.

21. The Acting Civil Judge does not expect clear, direct evidence in cases of bribery; but the above would not convince him of Appellant's guilt, unless he can gather from collateral and circumstantial evidence so strong a presumption that this direct evidence, such as it is, must in the main be true, as to throw the proof of the negative on Appellant.

22. The Special Assistant Collector, aware of the necessity of this collateral evidence, considered that if Appellant was proved to have aided the manager either in forgeries, or in drawing the manager's own money, under false pretences from a public Treasury, there was but one conclusion from such facts, viz. that this money was for Appellant's own use; and on this point, after much deliberation, the Acting Civil Judge differs, for he is not sure of the truth of the facts, and knows that all conclusions drawn from uncertainties, are conjectures, and not presumptions.

23. It is true, premeditated crimes are preceded generally by appropriate preparations, but here the preparation for bribery, and the crime of forgery, are all the manager's. As the giver of a bribe, he may not have consummated his guilt. Had Appellant been charged with aiding the manager in a series of forgeries (and from the Judgment of the Special Assistant Collector, it would appear that Officer thought he was so charged) the possession of the fruits of his crime as in 2nd and 3d Counts, so immediately afterwards would have raised a violent presumption of his guilt of aiding in forgery; but however mysterious the occurrences connected with the bonds may be, and justifying vehement suspicion, they are not in the Civil Judge's opinion so strictly and indubitably connected with the *factum probandum* as to admit of no reasonable explanation; but that of Appellant's guilt of receiving a bribe. The manager was well able, as was natural, to pay his douceur at one time, and no necessity for forgery existed. The presumption is against a man who has put another under obligation to him, accepting a present in such a manner as to change their relative positions, so as to put the receiver into the power of the giver. The fabrication of the documents by which money was procured by the manager is distinctly sworn to by the parties* who lent themselves for the purpose to the manager. Unfortunately, the documents

(See Para. 39 of Judgment where he distinctly affirms that proof of every description throws a flood of light on *one* point, the fabrication of the bonds.

* 1st, 2nd and 5th Witnesses.

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are destroyed, and the manager is dead, and his relative, the present Zemindar, has not the same kindly feelings toward Appellant.

24. It is evident the witnesses* are not, as described by the Special Assistant Collector, mere ryots, unable to lend large sums, but persons capable and in the habit of doing so; and if they would, as they swear, lend themselves to forgeries to please a Manager, they would lend themselves to perjury to please the Zemindar: and the question naturally arises, why the Manager, having an unincumbered Estate, should not have borrowed, if he could not wait, money from these men. To give to the Appellant Rupees (10,000) ten thousand, in one bag, and at one time, would have been a more princely exhibition of gratitude, than money at three different times, with the danger of discovery so greatly increased: and as regards the bonds alluded to in Count 1, they are supposed to have been fabricated to draw certain money 5 months before the Supreme Government of India had sanctioned its disbursement. Whether these papers were or were not fabrications cannot be ascertained. The Manager may have been making a purse for himself—there may be many surmises made; but the Acting Civil Judge inclines to the belief they were not fabrications made with Appellant's knowledge, or for his benefit, and that Appellant's irregular departure from official routine in some matters regarding them may have arisen from a willingness to oblige a rich friend, in a matter in which Government was not a party: for though the money was as a refund from Government in the Treasury, the creditors were *paid on* the order of the Manager, and without enquiry. Of course the knowledge of any irregularity in Official routine gave the Zemindar a suggestion how to frame his charges.

* 1st, 2nd and 5th.
See Judgment Para 33.
See Commissioner's Proceedings.

25. If however as a collateral proof it could have been shown that the manager ever acquired any undue advantages, the direct evidence against Appellant would have received support. The liberality of the Supreme Government could hardly have been attributed by the Manager to Appellant, and the inference that these Rupees (10,000) ten thousand was a general retaining fee, is somewhat too wide to afford the direct testimony much support in a criminal trial under a special Regulation.

26. Every days experience shows that a conscientious

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Master will dismiss evil-doing servants, and so punish them, acting on an accumulation of circumstances and suspicions, which he would find it impossible to lay before a Court of Justice, or affect the judgment of a third person equally with his own, and so it may be in this case.

27. The Special Assistant Collector possessed an intimate knowledge of facts which are not here recorded, but probably justified the numerous arguments and surmises in his judgment, and also justified Appellant's dismissal from the Public service; but the Acting Civil Judge has to judge of Appellant's guilt of a specific offence from what is recorded; and perhaps, if the Special Assistant Collector's mind had been concentrated on the important point, the payment of the money, the result would have been different.

28. In brief, the Acting Civil Judge is of opinion—

1st. That the Indictment is defective, but Appellant has profited thereby.

2ndly. That the direct evidence is insufficient *per se* to warrant a conviction, and the collateral evidence is in itself so uncertain, and so loosely linked with the case, that no strong presumption of Appellant's guilt so necessarily arises from it, as to afford the direct evidence the corroboration and support it needs.

29. The Acting Civil Judge therefore records a verdict of *not proven*.

30. He is of opinion the record has been overburthened with a mass of useless matters, and had the strict rules of evidence been followed, the inattention to which the Appellant so often remarks on, it is probable the Special Assistant Collector would have got more certainty at the truth, and all the Appellate Authorities been saved weeks of useless labor.

31. Ordered that an Extract from these Proceedings be sent to the Collector of Masulipatam, for his information.

(True Extract upon fourteen stamped papers.)

T. J. KNOX,
Acting Civil Judge.

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No. 21.

Extract from the Proceedings of the Civil Court of Masulipatam, dated 10th January 1855.

CASE No. 2 OF 1854.

Special Assistant Collector's file.

* No. 45 of 1853. APPEAL No. 6* OF 1854.

Civil Court's file.

SOONDARAGIERY RAMENCOTAROW PUNTOOLOO, *Petitioner.*

Present.
J. J. Cotton, Esquire, *Civil Judge.*

1. The present Appeal is from the decision of the Special Assistant Collectors, awarding a sentence against him, Petitioner, of fine to the extent of Rupees 346-13-0, and is founded upon an endorsement given to Petitioner by the Commissioner referring him for redress, if he thought proper, to the Civil Court.

2. Petitioner in the first place takes objection to the grounds on which the conviction was based, differing greatly as it has here from the tenor of the charge laid down in the indictment.

3. That it is proved in evidence, and admitted by Mr. Bird, that he, Petitioner, was absent from Masulipatam at the time the alleged bribes, so to say, were given to him direct or others in his presence. That the charge states that the alleged bribes were given to him (Petitioner) to secure his assistance to the donors, and personal interference in their behalf; while it is a known fact that the contract of these very parties was raised in six years from Rupees 1,000 to 8,120 Rupees, and that it fell to Rupees 4,500 in the very year after Petitioner was suspended—from this will be seen how little favour Petitioner actually showed towards these parties.

4. That none of the witnesses, excepting the first, stated that the money in question was paid to Petitioner. That this first witness' evidence is contradicted in most material points by others, and is also contradictory in itself, so much so that the Collector in his Review proceedings admitted that it was unsatisfactory, when modifying the original award.

5. That Petitioner has proved in his defence that there had been a running account between him and first witness, showing a balance of Rupees 238-11-0 in favor of the latter, which was duly liquidated subsequently by Petitioner, and this matter, being altogether a civil transaction, was solely cognizable in those Courts, and not under Regulation IX. of 1822.

6. That the accounts produced by first witness, on which the present sentence has been mainly grounded, are private ones, and inadmissible as evidence at all; for that any interpolations, or false entries, could be made in such, to the condemnation of an accused party, if believed. Some of the entries in his, Petitioner's, name are notoriously alterations, and the Collector has rejected such in taking cognizance of the matter in Review. That this first witness' character was well known to the late Session Judge, who, upon the trial of another case, declared the accounts produced by him to be forgeries, and addressed the Magistrate on the subject, with a view that he should be punished accordingly—that upon a reference to a Punchayet of merchants of Guntoor regarding those accounts, they unanimously condemned them as spurious.

7. That the whole proceedings connected with the present charge are illegal and irregular from the first; for that the Commissioner first examined the witnesses, taking their depositions collectively, and afterwards, when the case was enquired into by the Special Assistant Collector, he caused their former depositions to be read over to each party before taking a fresh one from them, a proceeding diametrically opposed to the Circular Orders of the Sudr Udalut, and the practice observed in the Courts of Law.

8. That Petitioner objected in his Appeal Petition to the Commissioner that *he* should take up the case, having already taken primary cognizance of the matter before it came to the Special Assistant Collector.

9. That the accounts furnished to the Public Department

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by the Renters make no allusion whatever of the damning entry now forthcoming in their private accounts, which are inadmissible, and which prove them to be fabricated.

10. That this first witness was altogether in the position of prosecutor, and his statements have been single and unsupported throughout, and he has been improperly encouraged to push the present matter under promises of a refund, which have been to some extent performed through a party named, all which induced this witness to fabricate the account in question.

11. Finally that the whole of the former decisions passed in the present case having been illegal and unjust, Petitioner prays that this Court will send for all the Records in any way connected with the case, and after a perusal of the same reverse their decisions complained of, and recover the costs to Petitioner.

12. The Civil Judge has carefully perused the Records in the present case, and is of opinion that the evidence adduced is unsatisfactory for conviction, on any criminal charge.

13. The wording of the charge is for receiving a bribe, in order to secure the good will and co-operation of the Petitioner in matters relating to the farm of the party or parties paying such.

14. The Regulation implies that this co-operation &c., must be to secure an undue gain or benefit, or advantage, to the giver of such bribe, i. e. money or other valuable consideration.

15. It is justly remarked in the Review and Appeal Record that the evidence in support of the charge mainly rests upon the statements of the 1st witness. The Collector in his Review of the Special Assistant Collector's decision has pointed out the leading features of the evidence of this witness, and the Civil Judge considers that upon a most material point this evidence has fatally broken down. This witness asserts and attempts to prove by his private accounts that the sum of 450 Rupees was placed to the credit of Petitioner in his account current, by which a debt of Rupees 238-10-0 was wiped out, and that the remainder, Rupees 211-6-0, had been paid off in separate items to two parties, of which Rupees 203-4-0 was stated to have been disbursed to an individual unknown. This witness does not attempt to

produce the order of the Petitioner for the payment of such sums—nor the receipt of the parties paid, but states that they were made in accordance to verbal instructions, and the larger sums to a stranger pointed out by the Petitioner. It is quite impossible to give the slightest credence to such a statement as this, and the Collector has therefore rejected it. The Khatta account, H, produced shows that the alleged transaction of the Rupees 450-0-0 took place 24th August 1849—while the Indigo account shows that it was made a debt on the 25th idem. Another item of 40 Rupees is entered as paid on the 8th Bhadrapada Soodhum (26th August) Sowmya (1849) *after* Rupees 48-10-0 entered Bhadrapada Bhowhum (9th September) same year. If incredibility attaches to so glaring a position as the foregoing, it is necessary to test the rest of the evidence of this witness with the greater caution. The Petitioner admitted that he had dealings with this witness and Firm to an extent nearly corresponding to that alluded to by the witness himself,

	Rs.	A.	P.
Petitioner's Account	342	0	0
1st Witness	238	10	0
Difference	3	6	0

discrepancies not likely to occur in a *bona fide* account of entries made on the days in which the transactions are alleged to have taken place. It is altogether beyond the province of the Special Assistant Collector, or any of the Revenue authorities, to decide upon the merits of that transaction. The Petitioner declares he has paid off the debt—the 1st witness denies it, and urges that it was struck off in the amount of Rupees 450 said to have been given as a bribe to the said Petitioner. The statement of the other witnesses regarding this item is altogether unsatisfactory as evidence, and cannot support the charge—the alleged arrangements entered into by these parties to share the loss being untenable, while the existence of the items is not proven.

16. If the items said to have been paid to the "unknown party" by the 1st witness be deducted from the total amount of Rupees 450-0-0, it leaves a balance but slightly differing from the amount alluded to by the Petitioner as having been due in account for articles supplied to him on

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account of the Car Furniture alluded to in the pleadings, and the Civil Judge does not think that the Revenue authority could interfere in disposing of a case, such as that which under its new phase it now assumes. It seems unnecessary therefore to take into consideration the pleas in defence which bear upon this point.

17. The decision as modified by the Collector consequently appears illegal, viz. in awarding one item "To liquidation of his, Petitioner's, debt to the 1st witness," and another "To credit of his Goomashtah's 6th witness;" the same being irrelevant to the nature of the charge preferred against the Petitioner by the Government.

18. The 1st witness moreover is entirely in the position of a prosecutor in the present case, and under any circumstances his evidence was not supported by the witnesses examined, in substantiation of his statements, and is valueless.

19. The Civil Judge therefore, upon a consideration of all the proceedings held in the foregoing case, considers that the decision of the Special Assistant Collector, modified in review, was erroneous, and must consequently be reversed.

(True extract on eight stampt papers.)

J. J. COTTON.
Civil Judge.

Statement Shewing the Jusles and collections for Fasly 1246 to Fasly 1259. 1315/39

Jusles	Collection	Total	Average of year
1246	1239526		
1247	1231675		
1248	1166760		
1249	1304682		
1250	1183938	6126581	1225304
1251	1154081		
1252	1265494		
1253	1170818		
1254	1294364		
1255	1477294	6362051	1348020
1256	1407529		
1257	1321502		
1258	1293212		
1259	1240564	5262807	1291651 76347.

Soondaraghy Ramanugaru
pundaloo
Cutcherry Shanbogue of
Masulipatam

Statement Shewing the Fasilies and collections &c
from Fasily 1246 to Fasily 1259. 1315/40

Fasilies	Collections	Total	Average Years		
1246	1239526				
1247	1231675				
1248	1166760				
1249	1304682				
1250	1183938	6126581	1225304		
1251	1154081				
1252	1265494				
1253	1170818				
1254	1294364				
1255	1477294	6362051	1348020		
1256	1407529				
1257	1321502				
1258	1293212				
1259	1240564	5262807	1291651	76347	

Soundarayer Ramanujan
punkulo
tah brao clerk
Jhansi Agency

Statement shewing the Jusdies and collections &c
from July 1246 to July 1259. 1315/41

Jusdies	Collections	Total	Average of Year.		
	£.				
1246	1239526				
1247	1231675				
1248	1166760				
	1304682				
	1183938	6126581	1225304		
1251	1154040				
1252	1265494				
1253	1170818				
1254	1294364				
1255	1477294	6362051	1348020		
1256	1407529				
1257	1321502				
1258	1293212				
1259	1240564	5262807	1291651	76347	

Jusdiary Romano-garan
prentices
late Dr Shoreham of Maidstone

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To,

The Right Honorable,
Lord H[illegible] Governor

[illegible]
Re

Humbly Sheweth,

That your Memorialist begs leave to forward herewith three Copies of the appeal Petition to the Honorable Court of Directors, with Copies of the Certificates granted to him by his Employers, and a table of Collections marked A, as well as three Copies of the Decree passed by the Court of Judicature.

Your Memorialist further begs leave to request the Government, in submitting this appeal, will be pleased to do so, with their favorable Recommendation.

And as in duty bound,
Shall ever pray.

Madras
30th September 1837

Soondaraya Ramanjarow
Late Head Shereastadar
of Masulipatam

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Revenue 1857 Department
Dt. to Cons. 23d. December

No 1184

From Soondraghery Ramnooja Row late Head Sheristadar Sirhtaar of Mahalyfutwa

Dated 30th Sept.
Received 7th October } 1857

Enclosure in Triplicate

Forwarding 3 Copies of his Appeal Petition to the Court praying that he may be declared eligible for Public Employment, with copies of the Certificate granted to him by his Employers of Collections marked A, B, C, Copies of the Decree appealed from & of Judgment &c.

Written Order -
No. 1318 - 17th Dec.

Cons 18 December 57 No.
15 July 156
Dy. in Dept. to 5. 4th Dec.

A

Received the above mentioned Petition & Papers & made it over to the Collector of Tirhoot for Report

Secy to the Govt
Fort William
the 9th Dec. 1857

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Ltr 2
H.F.
9 Dec. 1857