M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1597

Press
~~Mis.~~

36-37

Dated November 24, 1859.

Not to be folded or roughly handled

No. 36. Read the following Petition from LINGAM LUTCHMAJEE; to T. PYCROFT, Esq., Chief Secretary to Government, dated Ganjam, 9th September 1859.

It being secretly whispered here that Mr. Forbes, the Governor's Agent in Ganjam, has applied to Government for permission to banish me from this district, which is my native country, and the accompanying letter which I have received from him, having in a degree, confirmed the said whisper, I most respectfully and humbly beg leave to represent the following circumstances, and to pray that you may be pleased to bring them under the consideration of His Excellency the Right Honorable the Governor in Council.

2. Captain Smith, late an assistant agent in Ganjam, having become inimical to me from his erroneous belief that the reprimands which he occasionally received from Mr. W. Knox, for his informal and oppressive proceedings towards the people of this province, were the result of that gentleman's consultations with me, he was resolved to procure my downfall. But as Mr. Knox was a just and conscientious gentleman, Captain Smith could do me no injury as long as that gentleman was in charge of the district; but on the arrival of the late Mr. Lushington as Agent in this district, Captain Smith soon acquired great influence with him and succeeded in bringing me, along with several other public servants, into disgrace, on a charge of forgery. As Mr. Lushington was sick, Captain Smith took upon himself the investigation of the charge, and conducted his proceedings in a most informal and oppressive manner. In the mean time, Mr. Lushington was succeeded by Mr. T. J. Knox, who immediately took the whole affair into his hands and disposed of it by dismissing one or two public servants, and allowing several to resign their appointments. There having been found nothing to implicate me in this matter, I was reinstated in my office as revenue translator to the Collector of Ganjam. A report was then submitted to the Board of Revenue on the disposal of the case, and that authority confirmed the decision of the local officer. All this was of course unpalatable to Captain Smith, who on the arrival of Mr. Forbes as Collector and Agent, prejudiced his mind against me. Mr. Forbes consequently re-opened the above case, and without even holding supplementary proceedings, condemned me on the same papers on which his predecessor had pronounced me innocent; he then compelled me to resign my appointment, threatening that my refusal would be followed by my immediate expulsion from the public service. I protested against these proceedings, and submitted an appeal to the Board of Revenue, who have, however, confirmed Mr. Forbes' decision. Upon the decision of the Board reaching me, I have submitted an appeal to Government, in the Revenue Department, and it is still pending.

3. As I have been thus thrown out of public employ and remained unemployed, I have been occasionally engaged by the Zemindar of Callicote and Hautgur, and by several private individuals as their private translator, for the purpose of translating their petitions and representations to the Collector, and to the higher authorities. In June last, the Director of Public Instruction having offered me the appointment of Deputy Inspector of Schools in the Vizagapatam district, I accepted it on the condition of my being allowed to remain in Ganjam until the 1st August last, for the purpose of settling my private affairs. I have since applied for an extension as, owing to domestic inconveniences, I shall not be able to enter upon my duties immediately.

4. You will be pleased to see from the above that I have been, during the time I have been out of public employ, conducting myself quietly and that Mr. Forbes can bring home against me no other charge, than that I have written English petitions for private individuals. You will also be pleased to see that I have, as every one else, a right to sell my labor in the best market, so long as I do not employ myself in exciting rebellion, insurrection, sedition and other political crimes. There are, as you know, hundreds of people in every country who earn their living by writing petitions for, and employing themselves as the representatives of private individuals. It is then for this that Mr. Forbes regards my residence in my native country as objectionable, and the Government will be pleased to see that no sufficient ground exists to justify that gentleman to take the extreme step of proposing my banishment.

5. In November last, Mr. Forbes deprived me of my appointment in the Ganjam collectorate, and during the last ten months I have resided at Chetterpore, the station of the Collector and Agent; my position has been anything but influential; yet there have not been any complaints against me in regard either to my past or present acts. There can, I humbly beg to state, be no more proof of one's conduct being perfectly unobjectionable.

6. I know that Mr. Forbes' mind has been strongly prejudiced against me by Captain Smith, and that the consequence has been the loss of my position in the Ganjam collectorate. To go beyond this and propose my banishment from my native country is, I bitterly complain, very uncharitable. No nation knows the value of, and prizes personal liberty more than the English; I am living under the protection of the English Government; Mr. Forbes is an honorable English gentleman; yet it is this gentleman that makes light of my personal liberty and is taking measures to expel me from my native country. Whether or not I take the appointment to which I stand appointed, is a question with which Mr. Forbes has no reason to interfere. Not only my present appointment, but no other earthly boon can compensate me for the loss of my

14/9/38

personal liberty. Therefore, if Mr. Forbes has really applied to Government for permission to banish me from Ganjam, His Excellency the Right Honorable the Governor in Council will be pleased to see that, under the above explanation, there exists no cause for placing any restriction on my movements.

No. 37.

ORDER THEREON, 24th November 1859, No. 1597.

Petitioner will be informed by endorsement that the Government have received no communication from the Collector of Ganjam such as he supposes; the enclosure in his petition will be returned to him.

2. That enclosure is an original letter from the Collector of Ganjam to Lingam Lakshmáji, containing various imputations against him, and warning him that he (the Collector) will object to his remaining in Ganjam. The Government resolve to inform Mr. Forbes that they disapprove of this letter. They cannot give their sanction to a system of banishing individuals from a district simply by an act of authority without any trial. Such a system is contrary to all received principles, and would place the fortunes and happiness of every person in the district completely in the power of the local officer or agent for the time being.

3. From what has transpired in Lingam Lakshmáji's case, it appears to Government extremely doubtful whether he is a fit person to be entertained in the educational department, or to take any part in the instruction of youth; they accordingly resolve to forward to the Director of Public Instruction, the papers connected with Lingam Lakshmáji's suspension and ultimate dismissal from office.

Ordered that the following endorsement be made on petition No. 3555 of 1859.

1. Petitioner is informed that the Government have received no communication from the Collector of Ganjam, such as he supposes.

2. The enclosure in his petition will be returned.

(Signed) J. D. BOURDILLON,
Secretary to Government.

Ganjam, Chatterpore
9th September 1859.

To,

F. Pycroft Esquire
Chief Secretary to Government
Fort St George

Sir,

It being secretly whispered here that Mr Forbes, the Governor's Agent in Ganjam, has applied to Government for permission to banish me from this District where is my native country, & the accompanying letter which I have received from him having in a degree confirmed the said whisper; I most respectfully & humbly beg leave to represent the following circumstances & to pray that you may be pleased to bring them under the consideration of his Excellency the Right Honorable the Governor in Council.

2. Captain Smith late an Assistant Agent in Ganjam having become inimical to me from his erroneous

Received 1859 Dept
Sec. of Govt 30th Nov.
No 1597.

To
The Secretary of the Madras
Government.
Dated 24th Nov 1859

Reference on
Lingam Lakshmáji's
petition, complaining
that he has been dismissed
by Govt to leave Ganjam
District.

No 36-37

belief that the reprimands which he occasionally received from Mr W Bruce for his informal & oppressive proceedings towards the people of this province, were the result of that gentleman's consultations with me, he was resolved to procure my downfall. But as Mr Bruce was a just & conscientious gentleman Captain Smith could do me no injury as long as that gentleman was in charge of the District, but on the arrival of the late Mr Lushington as agent in this District, Captain Smith soon acquired great influence with him and succeeded in bringing me along with several other public servants into disgrace on a charge of forgery. As Mr Lushington was in Captain Smith took upon himself the investigation of the charge & conducted his proceedings in a most informal & oppressive manner. In the meantime Mr Lushington was succeeded by Mr J. J Knox who immediately took the whole affair into his hands & disposed of it by dismissing one or two public servants & allowing several to resign their appointments. There having been found

nothing to implicate me in this matter I was reinstated in my office as principal translator to the Collector of Sanjàn. A report was then submitted to the Board of Revenue on the disposal of the case & that authority confirmed the decision of the local officer. All this was of course unpalatable to Captain Smith who on the arrival of Mr Forbes as Collector & agent prejudiced his mind against me. Mr Forbes consequently reopened the above case & without even holding supplementary proceedings condemned me on the same papers on which his predecessor had pronounced me innocent; & then compelled me to resign my appointment threatening that my refusal would be followed by my immediate expulsion from the public service. I protested against these proceedings & submitted an appeal to the Board of Revenue who have however confirmed Mr Forbes' decision. Upon the decision of the Board reaching me I have submitted an appeal to Government in the

revenue department, and it is
still pending.

3 As I have been thus thrown
out of public employ & remained
unemployed I have been occasionally
engaged by the Zemindar of Calliote
& Kantgur & by several private
individuals as their private
translator for the purpose of
translating their petitions &
representations to the Collector &
to the higher authorities. In June
last the Director of Public Instruction
having offered me the appointment
of Deputy Inspector of Schools in the
Vizagapatam District I accepted it
on the condition of my being allowed
to remain at Ganjam until the 1st
August next for the purpose of
settling my private affairs. I
have since applied for an extension
as, owing to domestic inconveniences,
I shall not be able to enter upon
my duties immediately.

4 You will be pleased to see from the
above that I have been, during the
time I have been out of public employ,
conducting myself quietly & that
Mr Forbes can bring home against
me no other charge than that

2

I have erected English petitions for
private individuals. You will also
be pleased to see that I have, as every
one else, a right to sell my labor
in the best market to buy as I see
not employ myself in secreting re-
bellion, insurrection, treason &
other political crimes. Here are,
as you know, hundreds of people
in every country who earn their
living by writing petitions for &
employing themselves as the repre
sentatives of private individuals.
It is then for this that Mr Forbes
regards my residence in my native
country as objectionable & the Govern-
ment will be pleased to see that no
sufficient ground exists to justify
that gentleman in taking the extreme
step of proposing my banishment.

5 In November last Mr Forbes de-
prived me of my appointment in
the Ganjam Collectorate & during the
last ten months I have resided at
Chatterpore, the station of the Collector
& Agent, & my conduct has been any
thing but influential; yet there
have not been any complaints against
me in regard either to my past
or present acts. Here can I think
be no more proof of

one's conduct being perfectly unobjectionable.
I know that Mr Forbes' mind has been strongly prejudiced against me by Captain Smith & that the consequence has been the loss of my position in the Ganjam Collectorate. To go beyond this & propose my banishment from my native country is, I bitterly complain very uncharitable. No native knows the value of & prizes personal liberty more than the English; I am living under the protection of the English Government; Mr Forbes is an honorable English gentleman, yet it is this gentleman that makes light of my personal liberty & is taking measures to expel me from my native country. Whether or not I take the appointment to which I stand appointed is a question with which Mr Forbes has no reason to interfere, not only my present appointment but no other earthly boon can compensate me for the loss of my personal liberty. Therefore if Mr Forbes has really applied to Government for permission to banish me from Ganjam, His

Excellency the Right Honorable the Governor in Council will be pleased to see that under the above explanation there exists no cause for placing any restriction on my movements.

I beg to remain,
Sir,
Your most obl & most humble servant,
Lingam Lekshmayya

Ganjam, Chatterpore
9th September 1859

5

Copy - Rept Returned to L.L.

Chicacole Sept 3d

Singum Sadchmajee

I understand that you have applied to Mr Arbuthnot to allow you a further extension of leave before taking up your appointment. The period you at first applied for expired on the 1st August - and my impression is that you have no intention of taking up the appointment you have been nominated to in Vizagapatam. Since your dismissal from the public service you have been treated with more consideration than you had any right to expect and in return you seem disposed to make a convenience of the service, remaining here so long as you find a profitable employment for your abilities and the experience of public matters which you have gained.

You will of course follow your own

Note. Keep a copy of the Enclosure

This is the second case

Revenue 1857 Report
Rept Public Works
Item Government
Item Estates
Item Temporary
Item Establishments
Item Contingencies

Pattapore Estate
Rent 250
Deficiency Rent 1857
Deficiency Rent 1858
Contingencies
Cattle have been
ordered by the
Collector to be
sold by Private
Sale

Bo 1597 - 24th November

No 2726.

e14 [illegible] "C18 - Rel"

own inclination as regards taking up your appointment but I warn you that I regard your presence in the district as objectionable and that if you do not take up the Vizagapatam appointment I shall object to your future residence in Ganjam.

Signed C. S. Forbes.

Petition

No 3555 of 1867

From Lingum Latchmaje, of Chittipore in Ganjam.

Complaining that he has been ordered by the Govt. to leave the Ganjam District

Endorsement on Petition.

1. Petr. is informed that the Govt. have no communication from the Govt of Ganjam, such as he supposes

2. The enclosure in his petition will be returned

Signed

For orders

Petr. was disciplined by the present Collr. for being implicated in several intrigues in the Ganjam District, especially in the Bodiki case. A report upon the Petr. explains the whole affair. After his disciplinal he was appointed in the Educational Dept., and was asked to join at Vizag.. Both the Govt. & the Collr. considered that his removal from the Ganjam District was highly desirable. He has not joined his new appointment, having obtained leave of absence, he is now going happily on leave, and the Collr. has written to warn him that he must leave Ganjam.

Note. Keep a copy of the enclosure

This is the second case

which has come before us lately in which Mr Forbes has taken upon himself to banish persons from his District ~~without compunction~~, by a simple act of authority, without any trial. I cannot think that this is right. It is contrary to all received principles; it places the fortunes and happiness of every person in the District at the hazard of the ~~entire~~ want of correct information or error of judgement, to say nothing of the prejudice or caprice, of the Collector and Agent for the time being; and it enables him to ~~at all~~ produce an appearance of good management in his District, by fear alone, ~~and especially~~ without the necessity for the higher qualities of administration. ~~I do not suppose that~~ I do not suppose that the ~~Government~~ of my colleagues

concur in this view. I propose that it should be communicated to Mr Forbes in such manner as will not have the appearance of a censure upon him - for although I expressed the same opinion on the last occasion, the order of Government sanctioned the course adopted by the Agent. It seems, however, very

Guide 29 Oct 57

doubtful whether Lingam Lakshmiji is a fit person to be entrusted with the education of Youth, and I think that the Papers should be sent to the Director of Public Instruction for his consideration.

I agree to the proposal suggested by Mr Goodwin. I observe that in the former instance Mr Forbes did not take upon himself to [illegible] Authority to Govt and the Collector [illegible]

to the Petitioner that he must object to his continuing to reside in the Ganjam District - Under these circumstances it does not appear to me that the communication proposed should be sent to Mr Forbes or called for at present.

19 Nov 1859

Revenue Department

No. 1597

Proceedings of the Madras Government

Under date the 24th November 1859

Read the following

Petition from Lingam

Lutchmajee

Here enter 9th Septr (59)

In reference to the Memorandum of the President & my Colleagues I place this draft - but they can do as they please

Petitioner will be informed by endorsement that the Government have received no communication from the Collector of Ganjam such as he supposes; the enclosure in his petition will be returned to him

2 That enclosure is an original letter from the Collector of Ganjam to Lingam Lakshmajee, containing various imputations against him, and warning him that

that he (the Colr.) will object to his remaining in Ganjam.

The Government resolved to inform Mr. Forbes that they disapprove of this letter. They cannot give their sanction to a system of banishing individuals from a District simply by an act of authority without any trial. Such a system is contrary to all received principles, and would place the fortunes and happiness of every person in the District completely in the power of the local officer or agent for the time being. Cases may indeed occur in wild and half settled Districts in which the exercise of such a power of deportation may be necessary, and the Govt. have

are not in possession of the circumstances which led Mr Forbes to make this intimation to the Petitioner, but they think it expedient to make him aware of their opinion that the power of deportation conferred by Act XXIV of 1839 ought to be exercised only in very exceptional cases.

2nd — On looking at the Act, & at the Petn. which it refers to, I find nothing to give the Collector power to detain the Petitioner. The end of this case. The Agent is merely empowered to withhold

Order Jud. Dept. 25th July 1859 No. 1003

A warrant of arrest in certain cases when means of State policy may make it proper to restrain the liberty of the subject under ordinary restraints, but when it may not be expedient to bring him to trial. This is a totally different case, from that of Mr. Forbes & totally different from a case, where a person is entrusted by the Govt. with the agency of the Postal Department, & abuses the trust reposed in him. This, I submit, I do not think Chatterton.

The draft will need some alteration.

I propose that the Draft should stand as originally prepared omitting the part drawn through in red. I entertain strong opinions on this novel practice of deportation or banishment or the threat of either (which is a punishment is a punishment which, as both the Government & the Court in

have recently given their consent to such a measure in Ganjam on Mr. Forbes strong representation; but it is necessary that a clear political danger should be made out, in order to justify such a proceeding, and [illegible] nothing of the kind is alleged or seems probable in the present case.

3. From what has transpired in Ganjam Lakshmanaji case, it appears to Govt. extremely doubtful whether he is a fit person to be entertained in the educational Department, or to take any part in the instruction of youth; they accordingly resolve to forward to the Director of Public Instruction, the papers connected with Ganjam Lakshmanaji suspension and removal from

the following endorsement
be made on Petition
N° 3555 of 1859.

1 Petitioner is in-
-formed that the Govt
have received no com-
-munication from the
Collector of Ganjam,
such as he supposes.

2 The enclosure
in his petition will
be returned.

To Chief to the
Bd of Revenue - Dispc 25
1 to Collr of Ganjam
1 to Director of Public Instruction with 9 Enclosures
5 to Public Departt
1 to Dpr Cpr. ~~XXXXXXXXXX~~ 1 Dispt Encls.

Ent Nov 1859 Ent 18-12-21

Revenue 1859 Dep^tt.
Pro: of Govt. 30th Nov.

No 1597.

Pro: of the Madras Govt.
Dy 24th Nov^r 59.

From the Collr of Ganjam
D. 9th Dec^r 59. C. No 2386.
From the Director of Public
Instruction dy 7th 1860
C. N. 430.

Passing orders on Lingam
Lakshmajis Petition complain-
ing that he has been ordered
by the Collector to leave the
Ganjam District.

No 36 & 37.