M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 934 Press Mis.

Dated 15th July 1859.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, from 9th to 15th July 1859.

No. 46. Read the following Petition from C. CHINNASAWMY, Naick; to W. C. SIM, Esq., Acting Deputy Secretary to Government Fort St. George; dated Tranquebar, 15th June 1859.

According to your instruction dated 31st May 1859, I have the honor to forward my printed Memorial, in triplicate, and humbly crave its being submitted to the Secretary of State for India.

No. 47. ORDER THEREON, 14th July 1859, No. 934.

Ordered that the Memorial received with the foregoing letter be forwarded to its destination, and that intimation of its dispatch be made to the Memorialist.

(Signed) W. C. SIM,
Acting Deputy Secretary to Government.

R 1225/59

To

THE RIGHT HONORABLE

THE SECRETARY OF STATE FOR INDIA,

&c., &c., &c.

India House, Leadenhall Street,
London
England.

The humble Petition of C. CHINNASAWMY NAICK, Inhabitant and Shop-keeper of Tranquebar.

RESPECTFULLY SHEWETH,

I.—That your Petitioner had the full privilege of selling all sorts of European Liquors for a series of years under the Danish Government.

II.—That, after the settlement was brought under British rule in the year 1845, your Petitioner was permitted to continue his Traffic by three successive Collectors,[a] from whom he invariably obtained a renewal of his Licence, when applied for, year after year.

(a) T. Bishop, Esq: T. K. Goodwyn, Esq: H. Forbes, Esq:

(b)

III.—That in July 1854, when the Shop-keepers of the place[b] applied to the Collector for the time being,[c] for the usual renewal of their Licences, they met with an unexpected refusal, and were referred to the Abkarry Renter.[d] As the sale of European Liquors would more or less interfere with the sale of Country Spirits and Toddy, obviously the Renter, at liberty to act as he pleased, would, with a view to his own interests, refuse to grant the Licences to as many as he could. Conceiving the requisition in question to be thus detrimental to their own cause, and at variance with the Circular Orders of the Board of Revenue, dated the 31st May 1852, the Shop-keepers made two subsequent appeals to the Collector; when they were again directed to the Renter[e] as the proper person to grant the Licence. But the Renter, when applied to, demanded a fee of 2 Annas on every bottle they might sell; which they objected to as an unlawful exaction, and reported to the Collector in common with the Merchants of the place.[f]

(b) C. Chinnasamy Naick, T. Valoo Chetty, M. Soopa Pillay.

(c) H. Forbes, Esq:

(d) Appendix No 1.

(e) Appendix Nos 2 & 3.

(f) Appendix No 4.

IV.—Though their commercial privileges were virtually superceded, and their personal feelings violated, by being thus subjected to a refusal from a man of a very inferior caste; the European Inhabitants of the Town, who would not consent to be supplied with Wines and Spirits by Toddymen, addressed the Government of Madras on the subject;[g] and when the matter was eventually referred to the Board of Revenue, the Collector was compelled to grant the Licences required, as will be seen by the Board's endorsement of 5th February 1855.[h]

(g) Appendix No 5.

(h) Appendix No 6.

V.—But, though the other Shop-keepers had their Licences renewed to them, that favor was not extended to your Petitioner. His application of 5th March 1855, was denied him on a charge that he had attempted to carry 30 Gallons of Brandy without paying the Frontier Duty.[i]

(i) Appendix No 7.

VI.—In reference to this charge, your Petitioner would simply observe:

1.—The Liquor adverted to was indeed consigned to your Petitioner by a Merchant at Pondicherry who, adopting the cheapest and most expeditious mode of transit in the Monsoon, had shipped it to Karrical. But in virtue of an agreement between the seller and himself, the Liquor was not to be considered your Petitioner's till

actually delivered into his store, the Duty being in the meanwhile to be paid by the seller, as it was included in the general bargain. The seller himself being at Pondicherry, it was reasonable to expect his Agent at Karrical would have been duly instructed to attend to the agreement aforesaid ; and it was the seller's Agent who accordingly brought the Liquor on to the British Frontier.

2.—The seller's Agent (who in the Collector's endorsement of March 30, 1855,[f] is erroneously called your Petitioner's Agent) is said indeed to have deposed that your Petitioner went himself to Karrical to convey the Liquor to Tranquebar, and that he is throughout the Agent's deposition represented as the actual owner of it. But was it not evidently the Agent's design to exculpate himself by the implied imputation ? As it was he who brought the Liquor on from Karrical to the British Frontiers ; so it must have been he who brought it thither between sunset and sunrise. And conscious of the default on his side, he tried to shift the ownership on your Petitioner.

(j) Appendix No 8.

3.—As the Collector, however, regarded the Agent's deposition in the light of "recorded facts," and acted upon it, your Petitioner respectfully submits whether, even from that deposition, he does not appear innocent of the charge on which his application of 15th March 1855, for a renewed Licence was denied him. While the Agent tries to make your Petitioner appear the actual owner of the Liquor at the time it was confiscated, by stating that your Petitioner went himself to Karrical to bring it to Tranquebar ; he deposes that your Petitioner took money with which to pay the Duty thereon. If, then, your Petitioner is admitted, even by his accuser, to have taken money for the avowed purpose of paying the Frontier Duty ; the charge of "an attempt" on his part "to carry 30 Gallons of Brandy without payment of the Frontier Duty," is obviously groundless. The attempt, if made, must clearly have been made by the seller's Agent of Karrical ; and being the defaulter, he was deservedly made to bear the loss of the confiscated property.

4.—Even granting that the attempt to defraud the Government was really made by your Petitioner, your Petitioner would humbly ask, why he had not been charged with that attempt before 30th March 1855? The attempt to smuggle 30 Gallons of Brandy is said to have been made by your Petitioner on 21st December 1853. If so, why, when the Liquor adverted to was confiscated, was your Petitioner not immediately deprived of his Licence ? He was allowed to retain it, and act upon it, till the end of June 1854. And when, in July 1854, he applied to the Collector for a renewal of his Licence, in reply to none of the three several applications made on that occasion, was it even insinuated that his Licence would not be renewed by reason of any such charge. If his Licence was not then renewed, it was precisely on the same ground on which the Licences of other Shop-keepers at the place were not renewed. They were all referred to the Abkarry Renter, as has been already stated ; and not a word was then said about your Petitioner's attempting to introduce the Liquor without the payment of the Frontier Duty. This charge was not heard of till 30th March 1855, though 15 months had intervened between that time and the date of the alleged smuggling. Towards the close of that interval, the European inhabitants of Tranquebar had, as has been already related, succeeded in obtaining an order from the Board of Revenue, directing the Collector to grant the local Shop-keepers their respective Licences ; and probably supposing them to have acted chiefly at your Petitioner's private instigation, the Collector seems to have made your Petitioner a marked object of his dread displeasure.

5.—The truth however of the matter is, that your Petitioner neither went to Karrical to bring the Liquor into Tranquebar, nor did he take money for that purpose.[k] The agreement between the seller and himself superceded the necessity of his doing one or the other. But surprized to hear that, the Brandy he had been waiting for was kept at theChowkey; and inferring from that circumstance, the seller's Agent had not been supplied with cash ; your Petitioner despatched his own man to advance money on behalf of the seller's Agent, and pay the Frontier Duty ; when the Chowkeydar said he only waited for instructions as to the amount of Duty he was to levy, and would pass the Liquor as soon as he received them. After the lapse of a few days, as the Liquor he expected had not yet been passed, your Petitioner waited on the Assistant Collector for the time being,[l] and reported the matter to him. It was then, for the first time, your Petitioner was informed by that gentleman, that the Brandy had been carried between sunset and sunrise, and that therefore he had ordered it to be confiscated. Your Petitioner has shewn already that the carrying of the Brandy at an illicit hour was no act of his. Hence, while the seller's Agent was made to bear the loss of the confiscated property, your Petitioner was not placed on his trial for a breach of the Revenue Regulations, nor was he ever convicted. On the contrary, he was permitted to retain his Licence full six months after ; and lost it afterwards only under the circumstances related above. It did indeed come afterwards to his knowledge, that the Sub Judge of Combaconum alluded to an accusation of your Petitioner being concerned in a smuggling transaction and convicted thereon. But not aware of being convicted on any such transaction, or even cited to appear before any authority to answer such a charge, your Petitioner applied to the Collector of the District[m] for a copy of the Document in which the allusion was said to be made, with a view to your Petitioner being thereby enabled to submit an Appeal to the Session Judge of Combaconum ; but Petitioner regrets to add the means of self-vindication were denied him.

(k) Appendix Nos 9.10.11.12. & 13.

(l) L.C. Innes Esq

(m) Appendix No 14.

VII.—When deprived of his Licence under the circumstances already noticed, your Petitioner's Shop was filled with sundry kinds of Spirits imported while your Petitioner had a Licence. And not only so, while in the possession of his Licence, your Petitioner had also given orders to his Agent at Madras, to make sundry purchases of Beer, &c., for which cash had been remitted ; and those purchases had been actually made when it was found too late to countermand the order. Two consignments from Madras, with valid Permits, and regularly passed through the Sea Custom House of Tranquebar, were thereupon added to the supplies on hand. And your Petitioner, feeling it a grievous inconvenience to have a large stock that had thus accumulated without the liberty of selling it, made the Collector fully acquainted with his dilemma, and entreated a renewal of his Licence with pressing importunity.

VIII.—The following is a faithful statement of the kind of redress your Petitioner obtained :

1.—He was charged by the Assistant Magistrate[n] on avowed suspicion, with having in his possession more than one seer of Spirituous Liquors without a valid Permit.

(n) Appendix Nos 15.16 & 17.

(o) J. Vans Agnew, Esq:

2.—His property was confiscated.[o]

(p) J. Vans Agnew, Esq.

3.—He was sent to the Sub-Court at Combaconum as a Criminal.[p]

(q) L.C. Innes, Esq:

4.—He was tried by the Sub-Judge,[q] the very Assistant Col-

lector who had previously directed the confiscation of the 30 Gallons of Brandy.

5.—He was condemned, not on the charge for which he had been sent to take his trial, viz., that of being in possession of Spirituous Liquors exceeding one seer without a valid Permit, but on the novel charges of having imported Spirituous Liquors without a Licence, and of having concealed a cask of Beer in his house, when his Shop was directed to be searched.(r)

(r) Appendix Nos 18 & 19.

6.—He was sentenced to a fine of 250 Rupees which he was obliged to pay forthwith.

IX.—In reference to the charge of your Petitioner "having in his possession Beer and other Spirituous Liquors exceeding one seer in quantity, without a valid Permit," your Petitioner would observe :

1.—That the charge is admitted by the accuser himself to have rested only on suspicion.(s)

(s) vide, No 16

2.—That the Liquors referred to were in your Petitioner's possession at the time in virtue of valid Permits that covered their importation from Madras and by reason of which they were passed regularly through the Sea Custom House at Tranquebar.

X.—In reference to his trial at Combaconum, your Petitioner begs to observe that the Sub-Judge was both his Judge and accuser. He sat to try your Petitioner on one charge ; but, during the trial, introduced other charges your Petitioner had never heard of before. Those charges, and the penalty awarded thereon, have been already noticed. And though the sentence of the Sub-Court was confirmed by the Appeal Court of Combaconum, the Judges of a higher Court, (the Foujdarry Udalut Court) to whom your Petitioner's case was subsequently submitted, reversed the sentence of the Combaconum Courts, and directed " that the fine, if levied, should be repaid to the Petitioner." Hence, it would appear that the Judges of the highest of the late East India Company's Courts at Madras, seemed disinclined even to suppose that the fine had been actually levied by the Judges of the Combaconum Courts. And whereas the Judges of the Combaconum Courts, who appear to have lost sight of a distinction between a " Licence" and a " valid Permit" had punished your Petitioner for being in possession of Spirituous Liquors without a Licence, the Judges of the Foujdaree Udalut Court, resolved(t) "to quash the "alleged conviction in this case," observed that "had the Defendant been found guilty of selling Spirituous Liquor without a Licence, he might have been convicted under Clause 9 Section VI., but under Section XV., of Regulation I. of 1820, it is the absence of a " valid Permit" and not of a " Licence" which makes the possession of Spirituous Liquors punishable."

(t) Appendix No 20.

" The Court of Foujdaree Udalut, on these grounds, are of opinion, that the prisoner being charged with being in possession of Brandy without a Licence, cannot be punished under the Section of the Regulation above quoted."

" They accordingly direct that the fine, if levied, be repaid to the Petitioner."

XI.—The charge of having concealed a Cask of Beer in his house, when orders had been issued to search his Shop, is of such a nature, that your Petitioner would only submit :

1.—As your Petitioner had frequently complained to the Collector of being over-stocked with Liquors which he was precluded the

Appendix.

No. 1.

தஞ்சாவூர் சீமையின் கலெக்ட்டராகிய எச்சு - பாற்பஸ் ஸ்கொயர் அவர்கள் சமூகத்துக்கு;

கசுப்பா தரங்கம்பாடி கோட்டைக்குள்ளிருக்கும் ஷாப்புகீப்பர்- சி. சின்னசாமிநாயக்கர், வேலுசெட்டி, சுப்பபிள்ளை நாங்கள் மிகுந்தவணக்கத்துடனே சலாம் செய்து எழுதிக்கொண்டவாக்குமூலம் என்னவென்றால்-

எங்களுடைய ஷாப்பில் பிராந்திவகையரா சீர்மைசாராயம் விற்றுக்கொள்ள வேண்டியதற்காக எங்களுக்குக் கொடுத்திருந்த லசென்சு நாளதுமீ ஓகஷ உடனே கெடுவு முடிவாகிறபடியால், ஓஷ முதல் புதுமுதலுக்கு விற்று முதல்செய்துவர வழக்கப்படி எங்களுக்கு லசென்சு கொடுக்கும்படி சமுகத்தில் உத்திரவாகவேணுமென்று மிகவுந் தாழ்மையாக கேட்டுக்கொள்ளுகிறோம்.

வேணும் அநேகசலாம்.

தரங்கம்பாடி. (ஒப்பம்) சி - சின்னசாமி.
தஅருசஷவு (,,) ஷாப்பு - சுப்பபிள்ளை.
சூலீமீ கூஷ (,,) திரு - வேலுசெட்டி.

இண்டார்சு

நீக்கு ராசுசை.

உயஷறுத்திய . க - வது ரிஜிலேஷின்- ஙு - வது பிரிவு க - வது உள்ப் பிரிவுபடி நாட்டுசரக்குகளும் அசல் சீர்மை சரக்குகளும் விற்பனை செய்ய வேண்டியதற்காக தரங்கம்பாடி தாலூக்கா கலால் ஜிஜாராதார சிதம்பரநாடான் வகையறாவுக்கு கவுல் கொடுத்திருக்கிறோம்; ஆகையால், லசென்சு பெற்றுக்கொள்ள வேண்டியதா யிருந்தால் கலெக்ட்டர் அவர்களிடத்தில் அல்ல அந்த ஜிஜாராதாரிடத்தில் பெற்றுக்கொள்ள வேண்டியது.

(Signed) H. FORBES.

(ஒப்பம்) திருமலைஅய்யங்கார்.
டிப்ட்டிஜவாப்புதவீசு.
(,,) கிருஷ்ணசுவாமிநாயக்கர்.
ஏட்டு ஜவாப் நஷீசு.

கோடிக்கனா - ஙசு இ சூலீமீ எஷ,

No. 2.

H. FORBES, ESQUIRE,
Collector of Tanjore.
&c., &c., &c.

The humble Petition of C. CHINNASAWMY NAICK, SOOPA PILLAY, and VALOO CHETTY, Inhabitants and Shop-keepers of Tranquebar.

SHEWETH,

That your Petitioners had, on the 3rd Instant, applied to your honor for Licences, for the sale of European Liquors at their respective Shops.

2.—That your Petitioners have, with much concern, perused the endorsement made upon their Petition, refusing the grant of Licence applied for on the above said date.

3.—That your Petitioners in applying for Licences, had followed up the same course which they had invariably pursued and obtained, during the Collectorships of Sir H. C. Montgomery, Bart., and J. F. Bishop, Esquire, both whom without any hindrance, whatsoever, granted them Licences; and even previously thereto in the Administration of the Danish Government, they, your Petitioners had the full privilege, of selling all sorts of European Liquors for a series of years, successively.

4.—That your Petitioners most respectfully beg to show that, by your honor withholding Licences from them, they not only sustain serious loss in the capital they have laid out, but their hitherto fair livelihood, as Shop-keepers is greatly injured.

5.—That your Petitioners also beg respectfully to state, that the European and East Indian Community, residents at Tranquebar, as well as Captains of Ships and their Officers touching and landing at this Port from time to time; some of whom remaining at Tranquebar for several days and sometimes for weeks and months together—would thereby be deprived of the means of supplying themselves with Liquor, for various domestic purposes, and also on urgent occasions in sicknesses.

6.—That whilst your Petitioners, with all humility, beg to show the distressing inconvenience resulting to both the European and East Indian Community, as also to Agents of European Vessels, from the circumstance of Licences being withheld from them, your Petitioners are constrained to refer your honor to the Circular Order of the Board of Revenue, 31st May 1852, as connected with the Regulation I of 1820, Section V Clause I, as pointed out by your honor.

7.—That your Petitioners, after the explanations they have thus briefly submitted for your honor's re-consideration, now crave your honor will be pleased to grant them Licences, without referring them to the Renter which was never done before, nor can your Petitioners consistently with their long standing, as Shop-keepers at Tranquebar, now consent to do without injuring their own property and livelihood; and affording the Renter an undue advantage over them which, no doubt, he would most gladly rejoice to take. And your Petitioners, as in duty bound,

Shall ever pray,

(Signed) C. CHINNASAWMY.
" T. VALOO CHETTY.
" M. SOOPA PILLAY.

Tranquebar, 13th July 1854.

Petitioners can obtain the Licence they wish for, from the Renter.

(Signed) H. FORBES.
Collector.

17th July 1854.

No. 3.

H. FORBES, ESQUIRE,
Collector of Tanjore,
&c., &c., &c.

The humble Petition of C. CHINNASAWMY NAICK, SOOPA PILLAY, and VALOO CHETTY, Inhabitants and Shop-keepers of Tranquebar.

SHEWETH,

That your Petitioners, in conformity with the tenor of your honor's endorsement on their Petition, dated the 13th July, have applied to the Renter for Licences; and your Petitioners now most respectfully beg to shew, that he refuses to grant them Licences, on the plea that he has granted Licences to others, or intends doing so.

2.—That your Petitioners, as shewn in their former Petition have held Licences for many successive years, and established themselves as Shop-keepers in Tranquebar; and for the Renter now to withhold Licences from them, entails a hardship on your Petitioners, which your honor will be pleased to take into kind consideration and afford them redress.

For which act of charity, your Petitioners as in duty bound,

Shall ever Pray,

(Signed) S. M. MANICKAUM PILLAY,
In C. CHINNASAWMY NAICK'S absence.
" M. SOOPA PILLAY.
" T. VALOO CHETTY.

Tranquebar, 28th July 1854.

Petitioners are referred to the Collector's endorsement of the 17th July 1854.

(Signed) H. FORBES,
Collector.

Negapatam, 1st August 1854.

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liberty of selling, he had no reason to conceal any portion of his stock on hand.

2.—The Officials, directed to search your Petitioner's Shop, would have exceeded their commission had they proceeded to search your Petitioner's house; which therefore, in point of fact, was not searched. How then could they have deposed to a Cask of Beer being concealed in a house which they had neither searched, nor received any commission to search?

XII.—In conclusion, your Petitioner regrets, that though the fine of 250 Rupees was refunded to him, his loss of the confiscated property remains irrepaired, and his Licence unrestored still. Your Petitioner repeatedly appealed for redress both to the Board of Revenue and to the Government;(u) but as the order for the confiscation of his property had emanated from the Board themselves, the Board of Revenue, seem disinclined to undo their own act in a matter in which, if indemnification is to be made, it must be made from the Treasury of the Madras Government, into which the proceeds of the said confiscation were paid.(v) Hence your Petitioner's reiterated Appeals for redress have proved sadly unavailing. The extent to which his interests have consequently been injured may easily be conceived. But though India had unjustly denied him the satisfaction he feels he has a right to demand, he looks with humble confidence to India's Gracious Queen and to Her Royal Government for Mercy and for Justice, in the harmonizing exercise of which consists the Glory of an Imperial Crown. Aware that his case is a very tedious one, your Petitioner has made it his duty, with a view to your convenience, to condense the whole into a little compass, referring for fuller details, if necessary, to the Documents hereto appended. He begs an indemnification for all the losses he has sustained, and such further redress as in your superior and unbiassed judgment you may deem it right to award him. On your just and liberal decision will depend his future welfare; and awaiting it with anxious solicitude, your Petitioner, as in duty bound,

SHALL EVER PRAY.

MADRAS,
13th February 1859.

C. Chinnasamy Naick

(u) Appendix Nos 21, 22, 23 & 24.

v VALUE OF GOODS CONFISCATED.

1855, Novr. 29,	To 45 11-12 doz. Beer at 6 Rs...	275	3	0
,,	,, 8 do pts. do 4 ,, ...	32	0	0
,,	,, 40½ do Brandy 18 ,, ...	724	8	0
,,	,, 7 flasks Holland Gin 24 ,, per case of 15 flasks ,, ...	11	3	3
,,	,, 1 Hhd. Beer, with shipping charges	90	0	0
	Rupees...	1,133	3	3
Interest on the above sum locked up by the stoppage of the Licence from July 1854 to the end of 1858—4½ years, at 12 per cent per annum—the usual Mercantile rate in India.....		611	14	10
	Rupees...	1,741	2	1

No. 4.

H. FORBES, ESQUIRE,
Collector of Tanjore,
&c., &c., &c.

SIR,

We, the undersigned Merchants and Traders of Tranquebar most respectfully beg to address you, on the subject of granting Licences for vending Spirituous Liquors. The 3d Clause of the Board of Revenue's Circular of 31st May 1852, most distinctly points out that the Renter cannot sell Spirituous Liquors manufactured to the westward of the Cape of Good Hope. Mr. Bishop, the former Collector, endeavoured to introduce the system now carried into execution by you, and he had gone so far as to allow the Renter to sell the Liquors of several individuals in Negapatam, when the late Firm of Messrs. Wainhouse and Co., contended for their rights as Merchants. Mr. Bishop on reviewing the matter immediately conceded to their wishes. We now have no further object than in pointing out to you the great inconvenience of your present restriction. All Foreign Spirits on their first importation pay to Government an exorbitant Revenue, and by your present action you allow a Renter to add to the Government Revenue a further charge of 12 Annas upon the Imperial Gallon. Here is a direct double taxation unlawful in every bearing, but sanctioned by the highest authority in this Province, and singular to observe under our enlightened time that an article should be subject in British Dominions to be taxed over and over at the will of a private speculator when all his power can alone exist in the rental of Abkarry farms. We will therefore trust that this subject be kindly re-considered, and our rights conceded to us.

We remain, Sir,
Your most obedient servants,

(Signed) DESCHAMBEAUX PRUDHOMME & CO.
For Messrs. LERINGWALD & TESTA.
„ A. GALLYOT.
„ J. P. BIRCH & CO.
„ C. CHINNASAWMY.
„ VALOO CHETTY.
„ SOOPA PILLAY.

Tranquebar, 20th September 1854.

No. 5.

TO THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL,
&c., &c., &c.,
FORT SAINT GEORGE.

The humble Memorial of the undersigned European and East Indian Community of Tranquebar.

MOST RESPECTFULLY SHEWETH,

That it is with feelings of deep respect that we venture to Memorialize your Lordship in Council in consequence of an order issued by the Collector of Tanjore, forbidding any of the Shop-keepers of this Town vending Spirituous and Malt Liquors and Wine, except that they first obtain from the Renter a Licence to that effect.

Your Lordship in Council we presume are fully aware of the enormous duties now levied by Government on all European Liquors, though the scarcity of the same and the high prices now charged for them, has caused no abatement of these duties, but on the contrary, the order now issued has tended rather to lay heavier taxation on this community, as the Renter will not grant these Licences under a stipulated allowance being made to him, and which allows a community being taxed without any benefit accruing thereby to Government. And your Memorialists are under the impression that no taxes directly or indirectly can be levied without the special sanction of the Governor General of India in Council for the benefit of this Government, much less could it be done for the gratification of a private individual and thereby giving him an exclusive monopoly.

Your Memorialists appealed to the Collector himself stating the convenience they laboured under in being obliged to send to a common Renter's Bazaar for such Liquors as they might require, as none of the Shop-keepers of any respectability would place themselve under the orders of the Abkarry Renter, he being a man of the lowest or Toddy drawing caste, but that gentleman has unfortunately not deemed it proper to rescind his obnoxious and arbitrary order, though the treaty between the Danish and the Honorable Company's Government provides that no restriction to the trade should be laid on by the English Government, but that it should continue the same as heretofore. The Shop-keepers have always enjoyed this privilege until the present Fusly, and the benefit has been reaped by your Memorialists. Your Memorialists feeling the inconvenience they labor under have at once betaken themselves to your Lordship in Council praying that the obnoxious order now enforced may be forthwith rescinded, and for such other relief as your Lordship in Council shall deem meet to afford them, to prevent their being placed at any future period in a similar position. And your humble Memorialists, as in duty bound,

Shall ever pray,

(Signed) C. E. MEHAY.
„ GEO. QUANBROUGH.
„ M. A. PINTO.
„ F. CAEMMERER.
„ T. W. GODFREY.
„ J. P. BIRCH.
„ A. F. WOLFF.
„ S. GODFREY.
„ A. PRUDHOMME.

(Signed) P. WODSCHOW.
„ W. BORGEN.
„ THOS. HEAL.
„ H. PRUDHOMME.
„ H. CORDES.
„ J. M. N. SCWARSZ.
„ E. APPLET.
„ GUST EM. LUNDGREN.

Tranquebar, 12th October 1854.

No. 2275 of 1854.
Memorialists must first address the Board of Revenue.
By order,
(Signed) J. D. SIM,
Depty. Secy. to Govt.

No. 6.

To the HONORABLE the PRESIDENT and MEMBERS
of the BOARD of REVENUE,
Fort St. George.

The humble Memorial of the undersigned European and East Indian Community of Tranquebar.

Most Respectfully Sheweth,

That in conformity with the endorsement on the enclosed Petition, your Memorialists now most respectfully beg to submit the same for your kind and indulgent consideration.

Your Memorialists have to observe that although the direction of the Government Deputy Secretary was on the 21st November last, it would appear from the circumstance of its being handed to us only on the 15th Instant, in its present state, viz: without an envelope or address and by the Tahsildar of this Talook, your Memorialists were prevented from submitting this address at an earlier date.

Your Memorialists now submissively entreat your Honorable Board will cause a speedy removal of the obnoxious order which presses most heavily on the less opulent European and East Indian Community of this place, and imposes on the whole of it the great evil which no Collector's control can alleviate. Your Memorialists, as in duty bound,

Shall ever Pray,
(Signed) ADE. PRUDHOMME
" R. WODSCHOW,
" WM. BORGEN,
" H. CORDES,
" E. APPLET,
" C. E. MEHAY,
" J. P. BIRCH,
" GEO. QUANBROUGH,
" M. A. PINTO,
" A. F. WOLFF,
" F. W. CAEMMERER,
" T. W. GODFREY,
" THOMAS HEAL,
" S. GODFREY.

Tranquebar, 17th January 1855.

No. 300 of 1859.

From Mr. W. Borgen and others, Merchants of Tranquebar, dated 17th, and Read b. T. 22nd January 1855, with enclosures.

Pray that the order of the Collector prohibiting the sale of Liquors except under a Licence from the Abkarry Renter may be cancelled.

Petitioners are referred to the Collector, to whom orders have been sent on the subject of their Petition.

By order,

(Signed) R. CUNLIFFE,
Acting Secretary.

Revenue Board Office :
Fort St. George,
5th February 1855.

No. 7.

H. FORBES, Esquire,
Collector of Tanjore,
&c., &c., &c.

The humble Petition of C. CHINNASAWMY NAICK, Shop-keeper at Tranquebar.

Sheweth,

That your Petitioner most respectfully begs your honor will be pleased to grant him a Licence for vending Spirituous Liquors, as your honor had on a former occasion kindly granted to your Petitioner. And your Petitioner, as in duty bound,

Shall ever Pray,
(Signed) C. CHINNASAWMY.

Tranquebar, 5th March 1855.

No. 17.

Thirty Gallons of Brandy belonging to Petitioner having been seized between Karricall and Tranquebar on the night of the 21st of December 1853, in an attempt to carry it without payment of the Frontier Duty, the Collector cannot under the third paragraph of the order of the Board of Revenue, dated the 5th of February 1855, grant a Licence to Petitioner.

(Signed) H. FORBES,
Collector.

Vullum, 17th March 1855.

No. 8.

H. FORBES, Esq.,
Collector of Tanjore,
&c., &c., &c.

The humble Petition of C. CHINNASAWMY NAICK, Shop-keeper at Tranquebar.

Sheweth,

1.—That your Petitioner, having petitioned your honor, on the 5th Instant, for a Licence for vending Spirituous Liquors—your honor has returned the petition without granting him the Licence solicited for, with an endorsement unfavorable to your Petitioner.

2.—That your Petitioner most humbly begs to shew that the Liquor alluded to in the endorsement, was not your Petitioners. That it was offered for sale to him, and the bargain struck with a party at Pondicherry your Petitioner will not deny. But the conditions were that the Liquor was to be delivered to your Petitioner at Tranquebar at such a rate, Duty and Charges borne by the seller.

3.—That it was the Agents of the party after landing the Liquor at Karricall, who had brought it to the Frontier Chowkey. They had positive instructions to pay the necessary Duties and deliver it to your Petitioner. Your Petitioner was to meet the expences and receive charge of the Liquor.

4.—That your Petitioner had even sent the amount of Duty to meet the demand when he was informed that the Liquor would pass after the Chowkeydar had received instructions what amount to levy. This occasioned a delay of a few days, when your Petitioner waited on the Assistant Collector, L. C. Innes, Esq., and reported the matter to that gentleman. It was then your Petitioner was told by that Authority, that as the Liquor was carried between sunset and sunrise, it was confiscated according to Regulations.

5. That under these circumstances, your Petitioner now, with the utmost deference, begs to shew, that he had no hand in, nor made any attempt to carry or smuggle Liquor against Regulations,—your Petitioner therefore humbly and respectfully begs your honor will be pleased to exonerate him from any blame;—but, in your honor's benevolence, grant your Petitioner the Licence petitioned for. And your Petitioner as in duty bound,

Shall ever Pray,
Tranquebar, 21st March 1855. (Signed) C. CHINNASAWMY.

No. 18.

The Collector has examined the record of the case referred to by Petitioner—and he finds that Petitioner went himself to Karricall to bring the confiscated Liquor to Tranquebar—that his Agent represents that Petitioner himself took money with which to pay the Duty on the Liquor, and that he is, throughout his Agent's deposition, represented as the actual owner of the Liquor.

Petitioner's present assertion that the Liquor was to be his, only when delivered into his Store, Duty paid by the seller, is at variance with all these recorded facts—and the Collector cannot under the orders of the Board of Revenue give a Licence to Petitioner.

(Signed) H. FORBES,
Collector
Cordacherry, 30th March 1855.

No. 9.

H. FORBES, Esquire,
Collector of Tanjore.

The humble Petition of C. CHINNASAWMY NAICK, Shop-keeper at Tranquebar.

Sheweth,

1.—That your Petitioner most humbly begs permission to state matters as connected with your honor's endorsement, dated the 30th ultimo, on the petition submitted by your Petitioner on the 21st March 1855.

2.—That your Petitioner never went himself to Karricall to bring the confiscated Liquor in question and never took money with him to pay the Duty on the Liquor.

3.—That your Petitioner had employed no Agent to represent your Petitioner as the actual owner of the Liquor.

4.—That your Petitioner's assertion that the Liquor was to be his only when delivered into his Store, Duty paid by the seller is a fact. But the Agent of the Merchant who had accompanied the Liquor must have given a wrong deposition thereby implicating your Petitioner.

5.—That your Petitioner has also to state that as the Liquor was conveyed by Sea as being the cheapest way, and fearing the Merchant's Agent may require money to pay the Frontier Duty at Tranquebar, your Petitioner had sent money to the Mettoo to meet the demand on the Merchant's account.

6.—That your Petitioner most submissively begs to shew that he had established himself for many years as a Shop-keeper, even during the Administration of the Danish Government, and has continued so ever since the transfer of Tranquebar in the year 1845, to British rule and authority. That he in no one instance had incurred the displeasure of his high superiors. That his constant and never ceasing aim was, and is, still to obtain and secure the patronage of the gentleman holding the exalted office which your honor now fills for the public good in this extensive Province.

7.—That under the circumstances now represented, your Petitioner with the utmost deference begs your honor will be pleased to attach no blame to your Petitioner, but grant your Petitioner the Licence he has petitioned for.

For which act of charity, your Petitioner as in duty bound,

Shall ever Pray,
Tranquebar, 4th April 1855. (Signed) C. CHINNASAWMY.

No Endorsement.

No. 10.

H. FORBES, ESQUIRE,
Collector of Tanjore.

The humble Petition of C. CHINNASAWMY NAICK, Shop-keeper at Tranquebar.

SHEWETH,

1.—That your Petitioner had submitted a petition to your Honor on the 4th April last and has anxiously awaited your Honor's order thereupon.

2.—That your Petitioner fearing that, that petition may have been either miscarried or mislaid, most respectfully begs to be permitted to submit a copy thereof for your Honor's consideration.

3.—That your Petitioner still hoping that your Honor will be pleased to give indulgent consideration to his case ; most humbly begs that as the Fusly year has commenced, your Petitioner may receive a Licence in common with others as solicited by your Petitioner. And your Petitioner as in duty bound,

Shall ever Pray,
(Signed) C. CHINNASAWMY.

Tranquebar, 2nd July 1855.

No. 25.

Petitioner is referred to the Collector's endorsement, dated the 30th March last.

(Signed) H. FORBES,
Collector.

Kodycurray, 6th July 1856.

No. 11.

H. FORBES, ESQUIRE,
Collector of Tanjore,
&c., &c., &c.

The humble Petition of C. CHINNASAWMY NAICK, Shop-keeper at Tranquebar.

SHEWETH,

1.—That your Petitioner having personally waited on your honor on the 1st Instant, at Negapatam, he most respectfully hopes, that the humble representations he then made orally to your honor, respecting his case, have proved satisfactory to your honor's mind.

2.—That your Petitioner most humbly conceiving that, it is imperatively due to his large family and himself, to remove from your honor's mind, the displeasure under which he has suffered for a season ; and to obtain your honor's approbation ; again craves your honor's patronage by granting him a Licence which, being withholden from him, has proved not only injurious to your Petitioner's character, but a source of great pecuniary loss to him.

3.—That your Petitioner having kept Shop for many years past, and being still desirous of continuing to keep Shop, from the circumstance of his being long, and well known to the European and Native inhabitants of Tranquebar, and other places approximate thereto, and as your Petitioner is looked to for supplies of various articles ; on which account your Petitioner has still goods in his Shop ; he is naturally desirous of vending them with that confidence he had possessed before.

4.—That your Petitioner is perfectly aware that Licences have been granted to two persons, who not having sufficient pecuniary means, have scarcely any goods for sale, and their Licences proving of little avail to themselves and the public. This your Petitioner most respectfully advances, for your honor's information from no improper motives, but as a matter of fact.

5.—That your Petitioner now most humbly begs he may be permitted to hold a Licence, by which, in strict conformity to its tenor it will be your Petitioner's paramount duty to abide. And your Petitioner as in duty bound,

Shall ever Pray,
(Signed) C. CHINNASAWMY.

Tranquebar, 4th August 1855.

No. 27.

Petitioner is referred to Collector's endorsement dated the 30th March last.

H. FORBES,
Collector.

Negapatam, August 7th 1855.

No. 12.

H. FORBES, ESQUIRE,
Collector of Tanjore,
&c., &c., &c.

The humble Petition of C. CHINNASAWMY NAICK, Shop-keeper at Tranquebar.

SHEWETH.

1.—That your Petitioner having on the 4th Instant applied to your honor for a Licence, your Petitioner regrets that this application also was returned, referring him to your honor's endorsement, dated the 30th March last.

2.—That your Petitioner had hoped that his written representation submitted on the 4th April, and his oral declaration made to your honor at Negapatam on the 1st Instant, would have removed all scruples and objections to granting him a Licence. But it appearing clear to your Petitioner that your honor is still laboring under a mistake, your Petitioner most respectfully begs again to show distinctly. 1.—That he never went to Karricall to bring the confiscated Liquor to Tranquebar. 2.—That he never took money with him to pay the Duty on the Liquor. 3.—That he had employed no Agent to represent him as the actual owner of the Liquor.

3.—That your Petitioner fears your Honor has misrepresented matters to the Board of Revenue to the hurt and injury of his character and prospects in trade. Hence the denial of a Licence to him : whilst to others who have, repeatedly, smuggled and were even convicted of the nefarious acts, hold Licences from your honor.

4.—Under these circumstances, your Petitioner humbly begs your honor will be pleased to grant him a Licence. And your Petitioner as in duty bound,

Shall ever Pray,
(Signed) C. CHINNASAWMY.

Tranquebar, 10th ~~September~~ *August* 1855,

No. 13.

H. FORBES, ESQUIRE,
Collector of Tanjore,
&c., &c., &c.

The humble Petition of C. CHINNASAWMY NAICK, Shop-keeper at Tranquebar.

SHEWETH,

Your Petitioner last addressed your honor on the 10th last month, and in several preceding petitions he honestly endeavoured his utmost to remove the impression, that, your honor labors under, of his having been privy to the attempt made of defrauding the Government of their proper Revenue ; but all his labor proves fruitless and even were he guilty as your honor believes, the Brandy having been confiscated, and the loss of the Licence, thereby depriving him of his legitimate gains for the last two years ought to be deemed a sufficient punishment on conviction thereon. But your Petitioner again firmly declares that he is innocent of even harboring such a thought as that of defrauding the Government.

If your honor would not consider your Petitioner presuming, he would take the liberty of mentioning, that the Shop-keepers of Negapatam had on three or four occasions been detected, in endeavouring to smuggle as the records of the Assistant Collector's Cutcherry will prove and that one of the persons who has obtained a Licence for the present year has no Shop, but keeps a Public Punch House at Tranquebar, whereas your Petitioner has an immense and valuable stock in hands, which is rendered unsaleable owing to your honor's not yet being pleased to confer the favor he seeks, and which he believes will no longer be withheld from him, when such doubtful characters as those now pointed out to your honor, have obtained Licences. Your Petitioner now hopes that your honor will by no means consider him, a troublesome character, but he has such a large stock in hands on which a very great amount of money has been invested, that its being now as it were a dead capital, is likely to entail ruin on himself and his large family, without remuneration for the loss he has already sustained and in conferring the favor he now seeks, will be nothing but an act of justice undeservedly withheld from him, and thus rescue your Petitioner from unmerited disgrace and misery. And your Petitioner as in duty bound,

Shall ever Pray,
(Signed) C. CHINNASAWMY.

Tranquebar, 5th September 1855.

No. 14.

H. FORBES, ESQUIRE,
Collector of Tanjore,
&c., &c., &c.

SIR,

Having applied to the Sub-Court of Combaconum for the Decree passed against me, I find therein, that the Judge alludes to an accusation of my being concerned in a smuggling transaction and convicted thereon. This he states as having gathered from your endorsement, dated 30th March 1855, on my petition to your address, dated 21st March 1855. As I am not aware of being convicted on any such transaction, or even been cited to appear before any authority, to answer such a charge, I beg you will be pleased to give directions for my being furnished with copy of such sentence or decree to enable me to submit an appeal to the Civil and Session Judge of Combaconum.

I beg to remain,
Sir,
Your most obedient servant,
(Signed) C. CHINNASAWMY.

Tranquebar, 4th February 1856.

ENDORSEMENT.

The Proceedings held in the case referred to, will be forwarded to the Session Court, if called for by the Judge.

(Signed) H. FORBES.

Vellum, 15th March 1856.

No. 15.

G. VANS AGNEW, Esq.,
Magistrate,
&c., &c., &c.,
Tranquebar.

Sir,

I beg to bring to your notice a circumstance which has not only brought a slur on my character as a Merchant, but has since tended to confirm an erroneous opinion on the public, that I am either suspected as a smuggler, or guilty of some feloneous act.

I have been laid up with fever for the last fortnight, and consequently unable to attend my Shop, or even personally to wait on, and lay complaint before you. I was informed at noon, this day, that you had directed a Peon to stop a case containing empty bottles which was in pursuance of my orders being returned to a friend, of whom I borrowed a supply. I sent my people to lay the hardship before you and obtain redress, but admission was denied on the plea of your being busily engaged. Since, I am told, that you have directed four Peons to guard the four sides of my Shop, which they have surrounded, and when some articles had been sent for on purchase by a gentleman, the Peon on guard of the front of my premises, had actually taken away the goods, or properly speaking, robbed the purchaser of his property. I am thus constrained to close my Shop to the detriment of my trade and character, without any specific charge being laid against me ; property publicly stolen, as the Peon has no warrant to show, by whom he was authorized, or under what power he has acted.

I beg to know if you had directed these un-heard of proceedings, and on what account, that I may defend my cause, if any, being perfectly unconscious of having merited such arbitrary and unlawful treatment.

I beg to remain,
Sir,
Your most obedient humble servant,
(Signed) C. CHINNASAWMY.

Tranquebar, 28th Novr. 1855.

No. 16.

MEMO :

In answer to his letter of this date, C. Chinnasawmy is informed that he is suspected of having in his possession Beer and other Spirituous Liquors exceeding one seer in quantity without a valid Permit, such being in opposition to Regulation I of 1820, and that the peons to whom he refers were placed round his Shop by my orders, with instructions to prevent the removal of any such Liquor. The empty bottles were examined by my order. The three bottles, which are probably the property to which C. Chinnasawmy refers, were detained by one of the above peons on suspicion of containing Spirituous Liquor, but as soon as such detention was reported to me, were sent for, examined, and ordered to be returned. The peon offered them to the servant in whose possession he found them, but that party refused to receive them. He was then ordered to return them to the Shop-man, but upon enquiry just now, it appears that he has not done so, but still holds them in custody. They are herewith returned and the peon will be punished for his disobedience of my orders.

C. Chinnasawmy is further informed that a Search-Warrant was issued this day under my hand and seal, and that it will be executed on his Shop premises to-morrow morning the 29th Instant, as soon after 7 A. M. as practicable. He is therefore hereby enjoined to attend at the above time and place either in person or by deputy.

(Signed) G. VANS AGNEW.

Tranquebar, 28th November 1855.

No. 17.

G. VANS AGNEW, Esq.,
Magistrate,
&c., &c., &c.,
Tranquebar.

Sir,

I beg to acknowledge receipt of your Memo : of yesterday's date, and have to state that I hold a large supply of Beer and Spirits, which form a portion of stock I had on hand, when my Licence was withdrawn from me in the Fusly of 1854.

I beg also to state that ever since the withdrawal of my Licence, I have frequently applied to H. Forbes, Esq., the Collector of Tanjore, for a renewal of the same, urging my request that as I was a sufferer to a great extent, by having remaining with me a large stock of such Liquors, that I may be permitted to hold a Licence.

Mr. Forbes has endorsed all my letters, although refusing to grant my request ; and that gentleman, should he have thought that by my holding more than one seer, had acted contrary to Regulations, ought to have directed me how I should have disposed of such Liquors, either by their removal from the country, or have purchased the same on account of Sircar.

The regulation I of 1820, may effect any party having no Licence, but holding Spirituous and Fermented Liquors with the avowed purpose of disposing such, with the intent of defrauding the Government Revenue. But my case is quite different. I was legally Licenced. On the good faith of a paternal Government, I was induced to lay in large supplies at favorable times. On bare suspicion my Licence was withdrawn from me without proper inquiry. And now, to be told that my holding honest property will militate against me, is preposterous. I solemnly protest against such an arbitrary act. An act calculated to undermine the basis of Trade. For no person may hold more than a day's supply of Liquor, that should his Licence be withdrawn that day, whatever he may have on hand remaining above a seer, will be subjected to Regulation I of 1820. Surely, the spirit of the Regulation was not intended to act in this wise.

I have already stated that I have a large supply remaining. In obedience to your orders, I shall wait on you by deputy at the hour and place directed in your Memo. I only deeply regretthat I cannot personally attend, owing to my severe illness, and explain matters thoroughly.

I beg to remain,
Sir,
Your most obedient servant,
(Signed) C. CHINNASAWMY.

Tranquebar, 29th Novr. 1855.

No. 18.

STAMP PAPER.

Extract from the Proceedings of the Subordinate Court in the Zillah of Combaconum under date 18th January 1856.

Criminal File No. 127 of 1855.

Prosecutor Vers. *Prisoner.*

Government, CHINNASAMY NAIKEN.

Breach of Abkarry Laws.

The Prisoner stands charged with having at the Town of Tranquebar on the 28th November 1855, been found in possession of Brandy, &c., in 1,131 bottles valued at Rs 828-8-0 without a Licence.

Prisoner pleads guilty but says the amount in his possession was what remained over at the expiration of his Licence in July 1854 and which he was unable to sell off as the Licence was not renewed. He admits however that he imported in September 1854, 2 hogsheads of Beer one of which was for his Shop, and the other for a person in Tranquebar of the name of Hale, he states that the Hogshead which came for his Shop was injured in landing. He also owns to 6 dozen of Brandy having been imported for his Shop in the same year and 3 cases of Gin, the latter for Mr. Hale ; also to 3 hogsheads of Beer in the month of September 1855 having been imported for his Shop, two of which he has bottled off.

From the Extract from the Sea Custom accounts forwarded with the record it appears that no less than the above passed through the Custom House in his name since July 1854.

He (Prisoner) urges however that he, on several occasions, petitioned the Collector to grant him a Licence, but that the Collector refused to do so.

On referring to the Petitions (original and copies) put in by Prisoner, it appears from the endorsement of the Collector, dated 30th March 1855. On one of them dated 21st March, and marked **A**, that the Licence was withheld, in consequence of a smuggling transaction, in which Prisoner was convicted of having been engaged in 1854, between Karicall and Tranquebar ; this is only alluded to show that the Prisoner is not justified in pretending ignorance of the Regulations with respect to the carriage and possession of Liquor.

The remaining Petitions only show that the Prisoner was, on several occasions, refused a renewal of the Licence which expired in July 1854. He however further urges that he gave orders to his Madras Agent in 1854, to send him Liquor from time to time, and that the Agent on that account and without express orders, sent him some in 1855 as he had not countermanded his order ; that he (Prisoner) continued to import in the hope that he might get a Licence. That however he did not write to the Collector to inform him that he was importing fresh Stores.

Prisoner denies having sold any liquor since his Licence expired.

From the evidence to the search it appears that a Cask of Beer not included in the Charge, was also found in Prisoners house.

On a consideration of the above admission, and the evidence of the two witnesses to the search it is impossible to believe the plea of the Prisoner that he has not sold liquor since the expiration of his Licence. It is the only object with which he would have imported liquor in the first instance, and with that object unfulfilled, it is incredible that he should have continued adding to his stock. But independently of the question of whether any of the imported liquor was sold, the importation of liquor for his shop and keeping it in his possession. without a Licence was illegal and the Prisoner being fully convicted is sentenced to a fine of Rupees 250, or 6 Months imprisonment under Section XV. Regulation I of 1820.

True Extract.
(Signed) L. C. INNES,
Acting Sub Judge.

No. 19.

STAMP PAPER.

Extract from the Proceedings of the Session Court in the Zillah of Combaconum, under date the 16th February 1856, *M. P. No.* 46 *of* 1856.

Read Petition presented on the 14th Instant, by Chinnasawmy Naick, a Prisoner in case No 127 of 1855, on the file of the Sub Court.

Petitioner appeals against a sentence of the Sub-Judge dated 18th January 1856, fining him 250 Rs. which he prays to be remitted.

ORDER.

The Session Judge finds that on the Petitioner's own admissions he continued to Import Brandy and other Liquors after his Licence was withdrawn and considers that he has been properly punished.

PETITION DISMISSED.

Ordered that Extract from these Proceedings be granted to Petitioner on his application

(True Extract.)
(Signed) G. T. BEAUCHAMP,
Session Judge.

No. 20.

Extract from the Proceedings of the Foujdary Udalut, under date the 11*th August* 1856.

PRESENT—F. ANDERSON, ESQ., JUDGE.

Read Miscellaneous Petition presented on the 19th June 1856, by E. Salmon, Esq., Pleader, behalf of Chinnasawmy Naick, Zillah Combaconum.

(Here enter F. M. D. No. 115 of 1856.)

The Petitioner prays the Court of Foujdary Udalut will cancel the sentence passed by the Acting Subordinate Judge in Criminal case No. 127 of 1855, and confirmed on appeal by the Sessions Judge on the 16th February 1856, fining him in the sum of Rupees 250, for being found in possession of Brandy, &c., *without a Licence* as the offence charged was not punishable under the Section of the Regulation quoted by the Acting Subordinate Judge, viz., Section XV Regulation I of 1820.

2.—The Court of Foujdary Udalut resolve to quash the conviction in this case. Had the Defendent been found guilty of selling Spirituous Liquor without a Licence, he might have been convicted under Clause 9, Section VI, but under Section XV Regulation I of 1820, it is the absence of a "*valid Permit*," and not of a "Licence" which makes the possession of Spirituous Liquors punishable.

3.—The Court of Foujdary Udalut on these grounds, are of opinion, that the prisoner being charged with being in possession of Brandy without a Licence, cannot be punished under the Section of the Regulation above quoted.

4.—They accordingly direct that the fine if levied, be repaid to the Petitioner.

Ordered that extract from these Proceedings be sent to Session Judge of Combaconum, for communication to Acting Subordinate Judge, by precept returnable within 6 days from and after its receipt.

Ordered also that extract from these Proceedings be furnished to Petitioner's Pleader on his application.

(True Extract.)

(Signed) C. L. CHAMIER,
Deputy Register.

No. 21.

TO THE HONORABLE THE PRESIDENT AND MEMBERS
OF THE BOARD OF REVENUE,
FORT SAINT GEORGE.

The humble Petition of C. CHINNASAWMY NAICK, of Tranquebar.

SHEWETH,

That your Petitioner during the rule of the Danish Government at Tranquebar commenced carrying on the business of a Shop-keeper, and sold Wine and other Liquors to his customers, during which time no Licence for carrying on the said business was required.

2.—That as his business increased he invested in it what little capital he possessed, and was induced also to borrow large sums of money in order to extend his trade and obtain supplies from Europe to meet the demands of his customers in Tranquebar, Negapatam, Karricall, Tanjore, Combaconum, Mayaveram, and the surrounding Districts.

3.—That having thus established himself, at a great outlay, and by continued industry he applied for a Licence to sell Spirituous Liquors on the transfer of Tranquebar to the British Government in 1845, which was granted to him by Mr. Bishop, the then Collector, and continued by Mr. Goodwyn, and other gentlemen their successors.

4.—That up to the 3d of July 1854, your Petitioner as well as other Shop-keepers in Tranquebar similarly circumstanced, had as usual obtained their Licences from the Collector in accordance with the rules laid down by your Honorable Board, in Circular Order, dated the 31st of May 1852.

5.—That however your Petitioner on his application in July 1854 for a renewal of his Licence for the ensuing year, was refused it by the Collector, and referred to the Renter, as the person empowered to grant it.

6.—That it seems doubtful whether Regulation I of 1820, can be so construed as to give to Abkarry Renters a power to grant Licences to Shop-keepers to sell European Wines and Liquors especially when the Circular Orders of the Board of Revenue, under dates the 31st of May 1852, and the 5th of February 1855 are taken into consideration, but, however, that may be, your Petitioner did according to the Collector's endorsement apply for a renewal of his Licence to the Renter, who refused it, merely asserting that he had granted Licences to others and intended to continue to do so.

7.—That this was a manifest injustice and great injury to your Petitioner, who was thus deprived of his trade and means of livelihood, and left with a very large stock upon his hands, on which he expended a considerable capital, and which he was thus prevented from disposing of legally.

8.—That your Petitioner brought the hardship under which he labored before the Collector by Petition, on the 28th of July 1854, when he was referred to the previous endorsement on the 5th of March 1855, he again applied to the Collector for a Licence, and then for the first time a reason was given for the refusal of his request.

9.—That your Petitioner would entreat the attention of your Honorable Board to the charge now brought against him by the Collector. The endorsement containing it, was the answer given to his petition of the 5th of March 1855, and is dated the 17th of March of that year. It states that "Thirty Gallons of Brandy belonging to Petitioner having "been seized between Karricall and Tranquebar on the night of the 21st of December "1853, in an attempt to carry it without payment of the Frontier Duty; the Collector "cannot under the 3d para of the order of the Board of Revenue, dated the 5th of February "1855, grant a Licence to Petitioner."

10.—It is apparent then, that this supposed offence of your Petitioner, thus adduced against him in *March* 1855, was known to the Collector in *December* 1853; at that time your Petitioner was in possession of a Licence, and was carrying on his trade as a vendor of Wine and other Liquors, yet his Licence was not withdrawn, nor was any formal accusation against him made, whatever, as he hopes to prove to your Lordship in Council, who are too noble and too lofty to entertain a prejudice, or to be swayed by favor or affection to the detriment of stern justice.

That your Petitioner being an inhabitant of Tranquebar, formerly under the Danish Government, he set up in business as a Shop-keeper in 1843, and had carried on trade for a number of years, when the country was transferred to the Honorable the East India Company. Under the new Rule, it was necessary to take out a Licence for vending of Wine, Beer and Spirits, which he did, and continued to keep his Shop, which evidently improved by the change of masters. These Licences are taken out yearly, and in 1854, when he applied to the Collector for a renewal, your Petitioner was referred to the Abkarry Renter, as the proper person empowered to grant it. From motives of self-interest, the Renter naturally refused your Petitioner's application, and although your Petitioner repeatedly applied to the authorities of the district, he met with no success, but was simply referred back to the Renter. Latterly on 30th March 1855, different reasons for the first time were given by the Collector for withholding the renewal of the Licence, which your Petitioner was able to refute, which he did, in the most respectful manner. Your Petitioner should have stated that it was in the year 1854, when his Licence began to stand in abeyance, and continued so, until the 28th November 1855, at which last named date, his premises were entered under a Search Warrant, and his property seized. He had no previous notice or warning served on him, although he did not fail in every petition, address, or communication previously to the Collector and Assistant Collector, to bring prominently to their notice, that your Petitioner had a large stock of Wines, Beer and Spirits in his Godowns, procured during the time his Licence was in force, which he held powerless of sale to his ruination in the absence of a renewed or special Licence, and that he was thereby suffering a heavy loss, as indeed they have caused him at this day, ruined his health, in character, prospect and fortune. Had the authorities summoned him and placed him on his trial for any charge against him, and had instituted an enquiry into any allegations they had against him, your Petitioner is confident he would have established his innocence to their entire satisfaction, and have come out of the ordeal with an irreproachable character, but instead of adopting a rational course, as he submits was due to him under the circumstances of his peculiar case, and as will be obvious to your Lordship in Council. Peons were suddenly placed as a guard over his Shop, and he was otherwise degraded and insulted by such uncalled for procedure, under the direction of the Assistant Collector, who seized his property, arrested him, and sent him to Combaconum to stand his trial on the charge of having in his possession more than one Seer of Liquor without a Licence, notwithstanding that he was made aware long previously of the way and manner y our Petitioner's balance of stock in trade was lying in his Shop being the accumulation during the time his Licence was in force. On which charge your Petitioner was considered guilty and sentenced to pay a fine of 250 Rs. or six months imprisonment.

That the charge that your Petitioner had in his possession more than a seer of Liquor without a Licence is the turning point of the question at issue. Your Petitioner is free to confess that he certainly held no renewed Licence when the Wine, Beer and Spirits in his Shop was seized which he respectfully submits was not his fault, as he for nearly 18 months continually applied for a Licence and constantly intimated to the Collector, that he had a large balance stock of Liquors in his Godowns, the accumulation of years (which kind of stock will be found in all Shops and places of business) that unless a renewed Licence or a special one was granted him, he had no means to sell them, and under existing circumstances, nothing but ruin was staring him in the face. Your Petitioner contends that he had no interest to make a secret of the matter. On its publicity depended his success by obtaining a renewed or special Licence. It was patent to the authorities as to every inhabitant at Tranquebar, that his Shop was stocked with Wines, Beer and Spirits, laid in, during the time his Licence was effective, yet he was denied any sort of Licence, and with the knowledge, that he had such old stock in hand; the Assistant Collector of Tranquebar sealed his property and then sends him for trial on a criminal charge, when the Sub Court at Combaconum fined your Petitioner as aforesaid, the Collector thereupon caused his property which cost him the sum of Rs. 1,133-3-3, to be confiscated and sold.

That your Honorable Government by a patient and careful perusal of the documents handed herewith, will observe that the proceedings bear evidence of irregularity, illegality and contrariety to the Regulations, and as such he humbly submits contrary to the principles of justice and equity, that it must have so appeared to the highest Company's Court in the Presidency, is manifest by the Extracts from the Proceedings of the Foujdary Udalut, quashing the sentence of the Lower Court, and ordering the fine to be remitted to your Petitioner.

That your Lordship's humanity munificence and dignity are universally known, and not less distinguished are the Honorable Councillors for justice and benevolence, and from a Government so constituted, whose Members are remarkable for these sterling qualities, which render Governors a real Blessing to a country and people. y our Petitioner respectfully and humbly seeks redress, which the justice of your Honorable Government will not deny to an injured and wronged British subject. For four long years has your Petitioner been kept out of his trade, and long since deprived of his property, the hard and honest earnings of a series of years, which was all that he was worth in the world, and that thus deprived of his all, himself and his large family ever since has been exposed to trouble, sorrow and care, who had been guilty of no crime—of no offence against the Laws; and thus with the ruin of his prospects, he has been ruined also of his property, and it is for the restoration of that property, your Petitioner now appeals to the justice and equity of your Lordship in Council.

That the charge preferred against your Petitioner which was made the ground work for the confiscation of his property has been pronounced illegal by the Foujdary Udalut. If therefore the charge was illegal on the declared authority of the higher court, then he submits with due deference, and without any offence on his part, that the confiscation of his property was equally illegal, and that your Honorable and equitable Government will at once order his property or the value thereof to be restored, the restoration whereof is the prayer of this Petition.

That in conclusion your Honorable Government will graciously admit, that your Petitioner has been a deeply injured man, and that he has been disgraced and brought to the verge of ruin.

Your Honorable Government being the centre of protection to the millions of subjects to

your Rule. Your providence constitutes their security—under your safe-guard they live and have their political existence, deprived of which their condition may be better conceived than described. It being the principle of your Honorable Rule to do every thing for ameliorating the condition of a vast population, by a strict regard to justice, and in the name of that holy justice which is the guiding star of the British Government, your Petitioner most humbly and most respectfully solicits your Honorable Administration to order the restoration or value of his property which he has proved as he humbly trusts in the strongest manner under the decision of the higher Court, to have been illegally confiscated.

For which act of condescension and justice, your Petitioner as in duty bound,

Will ever Pray.

Madras, Black Town, Rattanman Street, No. 58, 17th June 1858.

(Signed) C. CHINNASAWMY.

Order of Government on the Petition from C. Chinnasawmy Naick of Tranquebar and now at Madras, No. 1709 of 1858.

Government having called for the correspondence in Petitioners case, fully concur with the Board of Revenue that there is no reason whatever for their interference.

By order,

(Signed) M. NORMAN,

Deputy Secretary to Government.

Fort Saint George, 6th August 1858.

No. 23.

To

THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL.

FORT SAINT GEORGE.

The humble appeal Petition of C. CHINNASAMWY NAICK, of Tranquebar and now at Madras.

RESPECTFULLY SHEWETH,

That your Petitioner considering himself aggrieved by the endorsement of Government, dated 6th August 1858, on his petition No. 1709 of 1858, he therefore humbly solicits the favorable reconsideration of your Lordship in Council to his hard case.

No. 1 from the Shop-keepers to the Collector, dated 3rd, with original endorsement, dated 7th July 1854.
No. 2 from do to do, dated 13th with do, 17th July 1854.
No. 3 from do to do, dated 28th July with do, 1st August 1854.
No. 4 from C. Chinnasawmy to do, dated 5th with do, dated 17th March 1855.
No. 5 from do to do, dated 21st with do, dated 30th March 1855.
No. 6 from do to do, dated 4th April 1855.
No. 7 from do to do, dated 2nd July with endorsement, dated 6th July 1855.
No. 8 from do to do, dated 4th with do, dated 7th August 1855.
No. 9 from do to the Magistrate, dated 28th November 1855.
No. 10 Original Memo. to do from do, dated 28th November 1855.
No. 11 from do to do, dated 29th November 1855.
No. 12 Attested extract from proceedings of Subordinate Court of Combaconum, dated 18th January 1856.
No. 13 from C. Chinnasawmy Naick, to the Collector, dated 4th February with original endorsement, dated 15th March 1856.
No. 14 Attested extract of proceedings of Combaconum of Session Court, dated 16th February 1856.
No. 15 Attested extract from proceedings of the Court of Foujdary Adawlut, dated 11th August 1856.
No. 16 from the Collector to the Inhabitants, dated 2nd September 1854.
No. 17 from the Inhabitants to Government, dated 12th October 1854.
No. 18 from do to the Board of Revenue, dated 17th January 1855.

That a review of the correspondence, with the Authorities at Tranquebar, noted in the margin, will prove the utter groundlessness of the allegation, whereon the property in his Shop had been confiscated.

That in the first place, the then Collector of Tanjore, Mr. Forbes, referred your Petitioner, on his application in common with the other Shop-keepers at Tranquebar for the usual Licence to sell European Liquors to the Abkarry Renter, who demanded two Annas for himself on every bottle he might sell, which being both illegal and extortionate, as well as unprecedented, your Petitioner declined compliance therewith; that *only* in consequence of this single difference between your Petitioner and the Renter, he (the Renter) refused to grant him (your Petitioner) a Licence, declaring at the same time that he was the proper party to do so; and that if your Petitioner would meet his terms, he would consult his interests, while on the other hand, a refusal on your Petitioner's part, would bring down ruin on himself; that as the correspondence which accompany, with their original endorsements, contain the whole history of his case; he conceives it therefore unnecessary to occupy the precious time of Government by travelling over the same ground here, but he will confine himself to three points, being the whole matter at issue.

1.—The refusal of the Abkarry Renter to grant a Licence to your Petitioner,—his refusal to grant Licences to other Shop-keepers being beside the question.

2.—The refusal of the Collector to grant him a Licence, on repeated application, on the unsupported allegation that your Petitioner had smuggled a cart load of Brandy from Karricall.

3.—The *justification* of the confiscation of his property, on the allegation that he imported and sold Liquor, after he had forfeited his Licence.

That on the 1st point, it is only necessary to submit that had he consented to the unjust demand of the Renter, he would have been in possession of a Licence at this day, and nothing would have been heard of the alleged smuggling transaction, and his property would *never* have been confiscated.

That on the 2nd point, under permission and with all due deference, he broadly and unequivocally denies the allegation, in toto, as a misrepresentation—the truth and the whole truth being, that a Merchant at Pondicherry entered into an agreement with your Petitioner to send him a consignment of Brandy, deliverable at Tranquebar, at the Merchant's sole risk and so as to give him an opportunity of proving its falsehood; and what is stranger still, when your Petitioner and others applied for a renewal of their Licences in *July* 1854, the Collector on the 17th of that Month endorsed their petitions as follows:—

"Petitioners can obtain the Licences they wish for, from the Renter;" not a word was then said about the illegal transaction in December 1853, for his supposed connection with which your Petitioner was refused a Licence in 1855, and indeed the very terms of the endorsement of July 1854, imply that the Collector knew of no reason for withholding your Petitioner's Licence, but merely pointed out the Renter as the proper person to grant it.

11.—That your Petitioner, when this matter was first brought to his notice, and when the Liquor in question was confiscated, gave a full explanation to Mr. Innes, who was then Assistant Collector, of his connection with the transaction, shewing that the Liquor was not his, the contract with the seller of it at Pondicherry, being that the Liquor was to be delivered to your Petitioner at Tranquebar at a fixed rate, all Duty and other Charges to be borne by the seller, who was to convey it to Tranquebar, and be entirely responsible in every way, till it was delivered according to contract. The Liquor was seized and confiscated on the road between Karricall and Tranquebar, as being carried between sunset and sunrise; but your Petitioner had nothing to do with it, till it should reach him according to agreement; and as no charge was made against him nor any further steps taken, he naturally concluded that his explanation to the Assistant Collector had been satisfactory, especially as nothing further was heard of it, as above shewn, till it was given as a reason for refusing him a Licence in the endorsement of the Collector, dated the 17th of March 1855.

12.—Your Petitioner submits that thus to condemn him on ex-parte statement made behind his back (for such is "the record of the case" referred to by the Collector in his endorsement of the 30th of March 1855) without his having had an opportunity of answering his accusers is neither just nor legal. A full explanation of the real state of the case is set out in your Petitioner's letters to the Collector, (hereto annexed*) under dates the 21st March and the 4th of April 1855. To the latter he received no answer and on his making a further application on the 2d of July 1855, he was merely referred to the Collector's former order.

* Appendix No. 8.
" " 9.
" " 10.

13.—Subsequently, your Petitioner on the 4th of August, the 10th of August and the 5th of September 1855, renewed his application to the Collector, setting forth especially his innocence of any fraud or complicity in fraud, the fact that he had been condemned without any trial or legal investigation, and this after a two years silence as to the charge, that he had on hand a very large and valuable Stock of Wines, Liquors, &c., which he was unable to sell without a License; and that the loss of the large capital so locked up would entail ruin upon himself and his family, all this was fruitless, however, as the only answer he could obtain was a reference to the Collector's "former indorsement."

14.—Matters remained in this state till November 1855. On the 28th of that month, your Petitioner addressed the following letter to G. Vans Agnew, Esq., the Assistant Magistrate with reference to the occurrences therein detailed. "I beg to bring to your notice a circumstance which has not only brought a slur on my character as a Merchant, but has since tended to confirm erroneous opinions on the public, that I am either suspected as a smuggler, or guilty of some felonious act."

"I have been laid up with fever for the last fortnight and consequently unable to attend my Shop, or even personally to wait on, and lay complaint before you. I was informed at noon, this day, that you had directed a peon to stop a case containing empty bottles, which was in pursuance of my orders being returned to a friend, of whom I borrowed a supply. I sent my people to lay the hardship before you and obtain redress, but admission, was denied on the plea of your being busily engaged. Since, I am told, that you have directed four peons to guard the four sides of my Shop which they have surrounded, and when some articles had been sent for on purchase by a gentleman, the peon on guard of the front of my premises, had actually taken away the goods, or properly speaking robbed the purchaser of his property. I am thus constrained to close my Shop to the detriment of my trade, and character, without any specific charge being laid against me, property publicly stolen, as the peon has no warrant to shew by whom he was authorized, or under what power he has acted."

"I beg to know if you had directed these unheard of proceedings, and on what account, that I may defend my cause, if any, being perfectly unconscious of having merited such arbitrary and unlawful treatment."

15.—The Magistrate in reply informed your Petitioner, that he was suspected of having Beer, and other Spirituous Liquors, exceeding one seer in quantity, without a valid Permit, that therefore peons had been placed round his house, and a Search-Warrant issued which was to be enforced the next day. Your Petitioner would submit whether this was not a most unnecessary and harrassing exercise of authority. Your Petitioner had over and over again informed the Collector, that he was in possession of a large quantity of Liquor, being his unsold stock, which he, could not dispose of, for want of a Licence, indeed this was always put forward as a strong reason for granting his petition, it seems therefore to have been a most uncalled for proceeding to surround his house with peons, stop his trade altogether, even in other commodities, and search his premises under the pretext of ascertaining whether he had a quantity of Liquor in his possession. A fact which he had prominently urged upon the notice of the Collector so late as two months previously. It is to be observed, that he was never called upon to shew that he had a valid Permit, the absence of which alone could have made his possession of Liquors illegal; and it is remarkable also that the charge was entirely given up when he was subsequently tried and fined, as he proceeds to shew. He also craves leave to refer to his letter to the Assistant Magistrate, under date the 29th of November 1855.

16.—Notwithstanding the remonstrances of your Petitioner, his Spirits, Beer, &c., were sealed up by order of the Assistant Magistrate, and he was committed for trial before the Subordinate Court of Combaconum, but on a totally novel charge. The charge in the Sub Court ran thus: "The Prisoner stands charged with "having at the Town of Tranquebar on the 28th of November 1855 been *found in possession* of "Brandy, &c., in 1137 Bottles valued at Rupees 828-8-0 *without a Licence*." The question of a valid Permit being dropped altogether. On this charge (which states no offence against the Abkarry laws at all) he was convicted and fined Rupees 250, or in default sentenced to 6 months imprisonment under Section 15, Regulation I of 1820.

* Appendix No. 17.

17.—On appeal this order was confirmed by the Session Judge, and your Petitioner then brought his case before the Court of Foujdarry Adawlut. The Judges of that Court immediately quashed the conviction as altogether illegal; they observe in their proceedings, under date the 11th of August 1856, paras 2, 3, and 4. "The Court of Foujdarry Adawlut "resolve to quash the conviction in this case. Had the Defendant been found guilty of sell- "ing Spirituous Liquors without a Licence, he might have been convicted under Clause 9, "Section VI, but under Section XV of Regulation I of 1820, it is the absence of a *valid Permit* and not of a "Licence"—which makes "the possession of Spirituous Liquors punishable."

"The Court of Foujdarry Adawlut on these grounds are of opinion that the Prisoner "being charged with being in possesion of Brandy without a Licence cannot be punished "under the Section of the Regulation above quoted."

"They accordingly direct that the fine if levied be repaid to the Petitioner."

18.—Such then is the position to which your Petitioner has been reduced, as he humbly submits most unjustly. Three years ago his Licence was refused him without any reason whatever; he was then referred to the Renter who for his own purposes of private advantage refused to grant a Licence; on his application again to the Collector, he is told in March 1855, that there was a charge against him in December 1853, which was decided behind his back, and was then resuscitated against him, as a reason for refusing his Licence, though never adverted in 1854, and lastly he was dragged before the Criminal Court on a charge which in the face of it stated no offence against the Law or the Regulations. He has now no hope nor means of redress except from the Justice of your Honorable Board. The Wines, Liquors, &c., to the value of Rupees 1,133-3-3 according to the subjoined Memorandum which formed his Stock, have been sold by the Collector and the proceeds retained by him, his trade is ruined, and his connection destroyed, and all this as he respectfully urges without any offence on his part? Therefore he humbly prays that you will take his case into your merciful consideration, and order a Licence to be granted to him and such other relief as to your Honorable Board may seem fit and equitable.

(Signed) C. CHINNASAWMY.

Tranquebar, 15th June 1857.

MEMORANDUM REFERRED TO ABOVE.

1855.				
November 29th to 45 11/12 dozens Beer @ 6 Rupees	275	8	0
" " " 8 " Pints do. @ 4 "	32	0	0
" " " 40¼ " Brandy @18 "	724	8	0
" " " 7 Flasks Holland Gin @ 24 Rs. per case of 15 Flasks. "	11	3	3
" " " 1 Hhd. Beer withshipping charges. "	90	0	0
Total Company's Rupees...	1,133	3	3

(Signed) C. CHINNASAWMY.

Endorsement on Petitions Nos. 2114 and 3652 of 1857.

"The Board decline to interfere in Petitioner's behalf."

(By order)

(Signed) J. D. SIM,
Sub Secretary.

Revenue Board Office,
Fort St. George,
6th February 1858.

No. 22.

To

THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL,
FORT SAINT GEORGE.

The humble Petition of C. CHINNASAWMY NAICK, of Tranquebar, and now at Madras.

MOST RESPECTFULLY SHEWETH,

That your Petitioner with the greatest respect begs leave to approach your Lordship in Council and to submit, that having through the constitutional channels sought redress without success, for the injury and wrong which he humbly submits has been done him by the authorities at Tranquebar, he is necessitated to appeal to your Honorable Government, which, since the British Rule has been happily established in India, has been remarkable for interposing between the weak and the strong, than permitting poor and helpless subjects of your Honorable Government to be treated with impunity; that compelled to appeal to your Lordship in Council as the ultimate tribunal opened to the friendless and oppressed, your Petitioner entertains an humble, yet confident hope, that your Honorable Government in the conscientious exercise of its duty, as a Christian rule, composed of English gentlemen of high and distinguished rank, and influenced moreover by just and honorable principles, will take the merits of the case of a poor and much injured person into your just and equitable consideration, and afford him the justice he seeks at the hands of your Honorable Government,

That as the accompaniments, namely:

1.—Extract from the Proceedings of the Foujdary Udalut.
2.—Petition to the Board of Revenue.
3.—The Board's Endorsement.
4.—Second Petition to the Revenue Board.

will fully explain the particulars of your Petitioner's case, he deems it superfluous here to recapitulate them, as calculated unnecessarily to occupy the valuable time of your Honorable Government. But it will be necessary to shew for the satisfaction of your Lordship in Council that your Petitinoer has been subjected to a cruel, illegal, and arbitrary treatment on no grounds charge, and that your Petitioner would not consider the consignment his property, until actually put in possession. The Brandy was sent to Karricall by sea, and the Merchant's Agent there, or whoever the party may be, brought on the consignment, and being advised of its arrival on the Frontier, your Petitioner sent his own man with money to pay the Frontier Duty—if the Merchant's Agent was short of funds. Your Petitioner's man was informed that the Liquor would pass after the Chowkeydar had received instructions what amount to levy. This occasioned a delay of a few days, when your Petitioner waited on the Assistant Collector and complained of the delay. It was then your Petitioner was informed, that as the Liquor was carried between sunset and sunrise, it was confiscated according to Regulations. In this transaction your Petitioner was not a consenting party. He was wholly and utterly ignorant of the circumstance, and it was first mentioned to him by the Assistant Collector.

That your Petitioner was then in possession of his Licence. At the usual time for renewal, he, with the other Shop-keepers, applied to the Collector for new Licences, and were referred by him to the Abkarry Renter, the result your Petitioner has already stated. A second application was made—to the Collector, who again referred your Petitioner to the Renter; that the Collector, on your Petitioner's subsequent application for a Licence, and, perhaps, *determined* from prejudice to refuse him, and not knowing how to decline his request decently, without good and sufficient cause, eked up an affair, that had been mouldering among the Records of the Cutcherry, and armed therewith, he was pleased to make the following endorsement on his Petition:

"The Collector has examined the Record of the case referred to by Petitioner, and he finds "that Petitioner went himself to Karricall to bring the confiscated Liquor to Tranquebar; that "his Agent represents that Petitioner himself took money with which to pay the Duty on the "Liquor, and that he is, throughout his Agent's deposition, represented as the actual owner of "the Liquor."

"Petitioner's present assertion that the Liquor was to be his, only when delivered into his "store, Duty paid by the seller, is at variance with all these recorded facts, and the Collector "cannot under the orders of the Board of Revenue, give a Licence to Petitioner."

That the Collector has here altogether mis-represented the matter, evidently on the ex-parte statements of his subordinates, and it will be obvious that the Merchant's Agent was interested in shifting the blame from himself, to escape responsibility. Your Petitioner solemnly declares that he *never* went to Karricall to bring the confiscated Liquor in question, nor did he employ an Agent to represent him as the actual owner of the Liquor. Your Petitioner's assertion, that the Liquor was to be his, *only* when delivered into his store,—Duty paid by the seller—is a fact, and the deposition of the Merchant's Agent, implicating your Petitioner, is down-right untruth. The correspondence will prove—the endorsements being originals—that the Collector referred your Petitioner to the Renter more than once; and why did he do so, if the allegation subsequently brought forward to justify his refusal, were true? Your Petitioner submits that the Karricall affair took place in December 1853; in July 1854, the application for renewal of his Licence was made as usual, and it was referred to the Renter; but it was not till March 17, 1855—more than a year after, that the Collector brought forward the allegation of his implication in the Brandy smuggling, as the reason for refusing him a Licence with the sanction of the Board, for a violation of Regulation I of 1820. There appears, therefore, *prima face* evidence, that the Collector was prejudiced against your Petitioner, by some one of his Cutcherry servants, who may have represented, that your Petitioner had stirred up the inhabitants of Tranquebar to address the Collector, complaining of the inconvenience to which they were subjected, in obtaining their supplies of Wine, &c., in consequence of the Renter refusing to grant Licences to the Shop-keepers, and the Collector may also have been led away with the impression, that your Petitioner was at the bottom of the representations made by the inhabitants and the Shop-keepers, to the Board of Revenue and the Government on the subject, to the detriment of the Renter.

That such are the facts, and such the unvarnished truth of the allegation, that your Petitioner was a party in smuggling Brandy from Karricall; and he appeals to the distinguished sense of a high minded, generous and liberal Government, to take this his solemn affirmation, that he was *never in his life* concerned in smuggling Brandy, into the equitable consideration of your Lordship in Council, and on its merits to do your Petitioner justice.

That as to the 3rd and last point, that your Petitioner had imported Liquor after his Licence was withdrawn, it is respectfully submitted, that it was done under circumstances over which he had no control. The order had been given when he was in possession of a Licence. The money was advanced and the Agent at Madras had made the purchase, and it was too late to countermand the order. The consignments—only twice made—were regularly passed through the Tranquebar Custom House. They were conveyed to your Petitioner's godowns, where they remained—and it is declared on solemn affirmation that not a bottle of the supply was sold, nor did a single bottle leave his Shop,—as he was in expectation of succeeding eventually in his efforts to procure a Licence. A piece with the misrepresentations which were maliciously fabricated by Subordinates to ruin your Petitioner, it may be stated, that in the proceedings of the Combaconum Subordinate Court, the Judge says: "from the evidence to search it appears that a cask of Beer not included in the charge, was also found in prisoner's house"—the fact being your Petitioner's country house is about a mile off from his Shop, and his town house about the distance of 300 yards; and his Shop and not his house was searched! Moreover, the Sub Judge says, that your Petitioner's Licence was withheld in consequence of a smuggling transaction in which prisoner was convicted—a statement *wholly* and *utterly* at variance with fact. Your Petitioner was never convicted—the Brandy was confiscated and that was all he knew or heard of the matter. Your Lordship in Council is humbly and particularly referred, on this allegation, to the correspondence. He addressed a petition to the Collector stating that as he was not aware of having been convicted as stated by the Sub Judge in his decree, nor cited to appear before any authority to answer such a charge—namely of having smuggled Brandy—he, your Petitioner, begged the Collector to furnish him with copy of such sentence or decree. The petition is dated 4th February 1856, and the endorsement 15th March 1856—or nearly 6 weeks after. It is humbly nd respectfully submitted to the sense of justice of a great Government, whether the delay was not intentional and endeavour to thwart your Petitioner from making his appeal in due time? Besides, is it any repiy to his petition? Is it not an evasion? In this manner and after this fashion, your Petitioner has been victimised, but if there is justice to be had in India your Petitioner is sure to obtain it from the Noble

President in Council. Furthermore, Regulation I of 1820, may effect any party having no Licence, but holding Liquors with the avowed purpose of defrauding Government Revenue. But your Petitioner's case was quite different. He was legally Licenced. On the good faith of a paternal Government, he was induced to lay in large supplies at favorable times. On bare suspicion his Licence is withdrawn, without a fair and just enquiry; and then he is told that holding honest property is illegal, and it is confiscated under the Regulation in question,—he is sent as a criminal to Combaconum, and there tried and fined 250 Rs.—the Sub Judge being the quondam Assistant Collector, who had ordered the Brandy to be confiscated. Your Petitioner solemnly protests against such arbitrary, tyrannical and oppressive acts, and appeals for redress to a paternal and God-fearing Government. Again, that no person in your Petitioner's situation should hold more than a seer of Liquor, is not, it is most humbly and respectfully submitted, the spirit of Regulation I of 1820, which was framed to punish such as attempted to defraud Government Revenue, and not a Licence holder, whose Licence had been withheld under mere suspicion, originating in the malice of subordinates. In truth, it was nothing more than the work of malice and calumny. In this manner, facts have been misrepresented, and the reversal of the proceedings of the subordinate Court by the highest Court of Judicature—Sudder and Foujdarry Udalut, has also been conveniently explained away, to the prejudice of your Petitioner. It is most humbly submitted that the confiscation, under the circumstance was illegal, and the fine imposed by the Subordinate Court, was pronounced illegal by the highest Court. To confiscate a man's property when the Collector repeatedly persisted in refusing to renew his Licence, was clearly doing him a wrong, because when his Licence was in force he invested what little capital he had, in stock, and when his Licence remained unrenewed, the stock was in his hands and it remained with him till his property was confiscated, but that he had a large stock of Liquors was no fault of his, and he was unjustly punished for an act of the Collector's, to whose notice, as well as to the notice of *all* the authorities at Tranquebar, the circumstance of his being in possession of a large stock, which he could not sell without a Licence, was repeatedly and frequently submitted. It has been already submitted, that his Agent at Madras sent him consignments on two occasions, when it was too late to countermand the order—a circumstance which a humane and benevolent Government will take into its charitable consideration.

That having thus brought to a conclusion the arguments which fully shew that your Petitioner has been more sinned against than sinning, he humbly throws himself on the just equitable, and humane consideration of a great and generous Government, at the head of which, your Lordship in Council presides rather a providence to the people, and less an authority exercising the terrors of power. Before a lofty minded Nobleman and before Councillors eminent for every Christian virtue, your Petitioner lays his case; he lays it at the feet of British Gentlemen, representing the imperial rectitude, integrity, and stern determination of England, always to uphold and never to swerve from the cause of truth and justice.

Therefore he prays that your Lordship in Council will be pleased to direct the Collector of Tanjore to make satisfaction for his property, illegally and unjustly seized under a Warrant from a Covenanted Officer of Government, and your Petitioner as in duty bound,

Shall ever Pray,

Madras, Black Town, Rattanman Street, No. 58, 28th August 1858. } (Signed) C. CHINNASAWMY.

Returned under Para 4 of the Petition Rules with reference to the order of Government dated 6th August 1858 and Petition 1709 of 1858.

(Signed) M. NORMAN,

Deputy Secretary to Government.

2nd September 1858.

No. 24.

To THE RIGHT HONORABLE G. F. R. LORD HARRIS,

&c. &c. &c.

Neilgherry Hills.

My Lord,—I have the honor to forward direct to your Lordship the accompaniments—being my appeal petition to Government against the injustice done me by the then Collector of Tranquebar, by the confiscation of my property and by sending me as a Criminal to the Subordinate Court of Combaconum, together with the Original Correspondence that had passed between me and the Collector and his Assistants. I petitioned your Lordship in Council on the 17th June and the Petition was returned endorsed.

"Government having called for the Correspondence in Petitioner's case, fully concur with "the Board of Revenue that there is no reason" whatever for their interference."

I have since collected fresh evidence and original documents which clearly prove my innocence and the injury done me. The Petition Rules permit an appeal where a party has new grounds to lay before Government, but his petition dated 28th August, delivered on that date into the hands of the Chief Secretary, has been returned under the Petition Rules, evidently without being circulated or read by the Members of Government.

As this summary way of disposing of the best and dearest interests of the public, cannot be your Lordship's wish, and as your Lordship cannot but be as emulous to leave as good a name in Madras as your Lordship had left at Trinidad where a statue has just been inaugurated in honor of your Lordship, I make bold to submit my petition to your Lordship, and respectfully entreat that your Lordship will spare a few minutes for its careful perusal.

As the Petition is full and explanatory of my grievances, it is needless to say more than that.

I have the honor to remain,
My Lord, Your Lordship's most
Obedient and humble servant,
(Signed) C. CHINNASAWMY.

Madras, 4th September 1858. }

ENDORSEMENT.

Returned under Para 4 of the Petition Rules. No further addresses on this subject will be noticed.

(Signed) M. NORMAN,
Deputy Secretary to Government.

13th October 1858.

True copies

C. Chinnasawmy Naik

Copy in a Letter to Esq^r
D/ 18^th July 1859 N^o 29

N^o 46847.

C. 5^th July / R 13^th

Revenue 1859 Dep^t
Pro: of Goat 18^th July

N^o 1225

From C. Chinnaswamy
Naick, Inhabitant &
Shopkeeper of Tranquebar

Dated 15^th June &
Rec^d 2^nd July 1859.

3 Encls.

Requests to transmit to Home Govt. his Memorial on the Confiscation of Certain Liquors found in his Shop without a Licence.

N^o 934. 14^th July 1859

With an Order

N^o 934.

Noted that the Memorial
ed with the forgoing letter be
forwarded to its destination,
and that intimation of its
dispatch be made to the
Memorialist. H. Elliot

Dep^t Sec^y Govt
14^th July 1859.