M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2337 Press / Mis.

185-194

Dated 20-12-1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 20th December 1861.

Read the following papers :—

No. 185. Proceedings of the Board of Revenue, dated 31st August 1861, No. 4,721.

Read letters from the Collector of Madura dated 14th and 16th August 1861, Nos. 213 and 219 respectively, forwarding his reports on the results of the 1st, 2nd and 3rd sets of charges preferred against Mr. Deputy Collector Hayes, together with his defence.

(In Cons. 19th and 21st August 1861, Nos. 5,279 and 5,342.)

In Cons. 8th April 1861, No. 2,156.

1. Ordered that the above papers and enclosures be submitted to Government, with reference to their Proceedings, dated 8th April 1861, No. 784, Revenue Department.

2. The Board are not certain that Government intended the Magistrate to submit these papers through their Office ; but they have availed themselves of the opportunity to peruse the defence and the Collector's remarks.

(A true Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 186. Proceedings of the Board of Revenue, dated 10th September 1861, No. 4,920.

Read the following letter from V. H. LEVINGE, Esq., Collector of Madura, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Madura, 3rd September 1861, No. 226.

SIR,

In obedience to the Order of Government, dated the 22nd August, No. 1,691, paragraph 1, I have the honor to transmit the record connected with the charges against Mr. Hayes upon which I have submitted my reports, under dates the 14th and 16th August 1861, Nos. 213 and 219 respectively.

Ordered to be submitted to Government in continuation of the Board's Proceedings, dated 31st August 1861, No. 4,721.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 187. Proceedings of the Board of Revenue, dated 23rd September 1861, No. 5,143.

Read the following letter from the Collector of Madura, dated 9th September 1861, No. 233 :—

(In Cons. 18th September 1861, No. 5,954.)

Ordered to be submitted to Government in continuation of the Board's Proceedings, dated 31st August 1861, No. 4,721.

(A true Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 188. Proceedings of the Board of Revenue, dated 25th September 1861, No. 5,188.

Read the following letter from the Collector of Madura, dated 18th September 1861, No. 239 :—

(In Cons. 24th September 1861, No. 6,079.)

Ordered to be submitted to Government in continuation of the Board's Proceedings, dated 31st August 1861 and 23rd September 1861, Nos. 4,721 and 5,143 on the charges against Mr. Deputy Collector Hayes.

(A true Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 189. From W. HUDLESTON, Esq., Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Chepauk, 16th October 1861, No. 5,693.

SIR,

From Madura, 3rd, in Cons., 10th October 1861, No. 6,465.
From do. 8th, in Cons., 14th October 1861, No. 6,526.

1. In continuation of their Proceedings, dated 1st October 1861, No. 5,302, I am directed by the Board to forward the Collector's reports on the 6th and 7th set of charges against Mr. Deputy Collector Hayes.

2. The Board understand that there still remain one set of charges on which the Collector has to report.

No. 190. From W. HUDLESTON, Esq., Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Chepauk, 18th October 1861, No. 5,747.

SIR,

From Madura, 10th, in Cons. 16th October 1861, No. 6,583.

I am directed by the Board to transmit Mr. Levinge's report on the 8th and last set of charges against Mr. Deputy Collector Hayes.

No. 191. MINUTE BY THE HONORABLE W. A. MOREHEAD.

1. I have gone through the reports, &c., on the eight charges brought against Mr. Hayes. Some of the records connected with these cases I, however, only received a few days ago, and it is this circumstance which has caused the apparent delay in my disposal of them.

2. The records submitted are tediously long and unsatisfactory. It has been attempted to prove too much against Mr. Hayes, and Mr. Levinge has, moreover, conducted his proceedings in a manner so unusual as to expose them to almost all of the objections which Mr. Hayes has urged against them.

3. In none of the charges does it appear to me that actual dishonesty has been established, that is to say, that it has been proved that Mr. Hayes has taken money for his own private use. But the records are nevertheless full of instances of the most grave irregularities and errors of judgment, which are not denied by Mr. Hayes, and many of which are of so serious a nature as clearly to show that Mr. Hayes is unfit to be trusted with the powers he has had conferred on him.

No. 1. 4. In respect to this charge and its eight counts, I see no reason to question the truth of the explanation afforded by Mr. Hayes. I do not think that the corruption charged has been proved. But I cannot exonerate Mr. Hayes from the responsibility which must attach to him for the commission of the irregularities and indiscretions, which are manifest throughout the various counts set out in this charge. And which acts it appears to me from his defence that Mr. Hayes even now does not recognize as being in any way objectionable.

Nos. 2 and 3. 5. These charges deprived of the allegations of corruption set out in them, and for which in my opinion no sufficient grounds exist, become comparatively slight, in fact they are reduced to little more than errors of judgment.

No. 4. 6. This charge broke down.

Nos. 5, 6 and 8. 7. These charges have been so split up into minute and almost frivolous counts, and have been dealt with in so confused a manner, that it is quite impossible, at least I find it so, to arrive at the conclusion contended for by Mr. Levinge, that Mr. Hayes in the instances charged acted dishonestly. In respect to his commission of grave irregularities, the remarks made by me in regard to the first charge apply with equal force to the charges in question.

No. 7. 8. This charge sets out sundry monetary transactions that took place between Mr. Hayes and one Sivasamy Taver. These transactions Mr. Hayes fully admits.

In this case I cannot accept Mr. Hayes' explanation. I cannot believe that Mr. Hayes was ignorant of the orders issued by Government precluding their Covenanted Civil Servants from having money dealings with Natives residing within their jurisdiction. It was, therefore, if he doubted the applicability of this order to himself, clearly his duty, in my opinion, before he acted in the matter to have ascertained that Deputy Collectors were governed by rules, in respect to pecuniary transactions, other than those prescribed for the guidance of the rest of the Revenue Officers of the District. The papers now before Government show that Mr. Hayes was in the habit of corresponding with Mr. Levinge in a demi-official manner, and that consequently for Mr. Hayes to have obtained on a point of this importance the opinion of his Collector, was a simple and natural proceeding, whilst the omission to do so must create feelings of mistrust and dissatisfaction in respect to Mr. Hayes' conduct.

9. The question to be decided is, what is to be done with Mr. Hayes. It is evident he cannot remain where he is. To reduce him in point of salary, and place him in charge of a Treasury immediately under the control of a Collector, would preclude the possibility of his again committing the irregular acts he has now been guilty of. But I am inclined to think that the safest and wisest course would be for the Government to cease keeping Mr. Hayes in their employ. Mr. Hayes has little or no claim upon Government; he has only been in the service for a short period; of his fitness for the responsible situation he was placed in, the Government had no means of knowing, and the trial which he has had certainly shows that his selection for a Deputy Collectorship was a mistake.

10. The objectionable acts for which I condemn Mr. Hayes are—

(1.) A total neglect of the rules and instructions laid down for the imposition and collection of the Income Tax.

(2.) The illegality (*Case No. 5*) of placing in confinement persons whose income returns he deemed to be incorrect.

(3.) The highly improper manner in which he raised subscriptions for the improvement of the town of Ramnad.

(4.) That the sums subscribed by individuals were so large as to render it altogether improbable that they were given voluntarily, the more so when such sums were subscribed by people in no way connected with the town of Ramnad.

(5.) The circumstance that the collection of the above sums was always connected with the payment of Government dues, enforced by Government servants, and necessarily leading in the minds of the people to the conclusion that the whole was an act of the Government.

(6.) The objectionable nature of his money transactions with Sivasamy Taver.

(Signed) W. MOREHEAD.

4th October 1861.

No. 192. MINUTE BY THE HONORABLE E. MALTBY.

1. I agree generally with Mr. Morehead in his remarks on these eight charges against Mr. Hayes, but my opinion is stronger than that expressed by him regarding Mr. Hayes' irregularities and misconduct, and I consider him quite unfit to remain in Government employ.

2. If the evidence is not sufficient to establish personal corruption before a Criminal Court, Mr. Hayes' conduct has given the gravest cause for suspicion by the grossly improper manner in which he collected money from persons who came before him officially as payers of the Income Tax or examinees for the office of Village Moonsiff.

3. Mr. Hayes explains that he received this money to improve the town of Ramnad and enlarge the Protestant Church there; but no public servant is allowed to levy money at his own

discretion for such purposes, since to permit such conduct is to open immediately the widest door to oppression and corruption. Here there is ample proof of oppression, that is to say of money having been extorted through official influence, and as I have remarked above, Mr. Hayes has given grave cause for his own character for honesty being distrusted.

4. I entirely concur in the reasons given by Mr. Morehead for removing Mr. Hayes from Government employ, and I would add to them as follows.

5. In the 7th count of Case I. it appears to me that Mr. Hayes is convicted of untruthfulness.

6. In Cases II. and III. I consider that Mr. Hayes is guilty of more than errors of judgment. The unjustifiable detention in confinement of some of these persons argues, in my opinion, gross and deliberate abuse of authority.

7. Case V. would alone, I consider, necessitate Mr. Hayes' dismissal. Here Mr. Hayes admits that he had kept five persons in confinement some days for giving in wrong returns of income, though such confinement is entirely illegal and in defiance of the provisions of the Act, which were expressly framed to protect the people from any such treatment. But this is not all. Tandavaroyen Chetty, the person mentioned in the case, was made to pay Rupees 100 to what Mr. Hayes calls his Madura Town Fund, although he had no special interest in the town, and such a subscription was out of all proportion to his means since it would have exceeded his payment for the Income Tax, even if Mr. Hayes estimate of his income was correct. All Mr. Hayes can say in his defence is that Tandavaroyen Chetty paid the Rupees 100 before he was put in custody, a very doubtful point.

8. Case VIII. exhibits a similarly reckless abuse of authority. Some Village Moonsiffs who were summoned for examination as to their qualifications were made to subscribe Rupees 70 and 40 either to the "Madura Town Fund" or the Madura Church, although they were so poor as not to be assessed to the Income Tax. Mr. Hayes cannot deny this, and Mr. Levinge pertinently asks—Where could they get such sums, and what extortions were they in turn to practise in their villages to reimburse themselves?

9. It is also to be remembered that these irregularities, and these extortions (for such I must call them), were practised at a time when Mr. Hayes was entrusted with the confidential task of carrying out the Income Tax, and was expected to show the greatest caution and conciliation.

10. Case VII. I fully concur with Mr. Morehead in thinking Mr. Hayes' money transactions with Sivasamy Taver highly objectionable and against rule.

11. They are aggravated in my opinion by two facts—

(1.) He deducted Rupees 4,000 from the Rupees 15,000 to be paid for the Promissory Note for Rupees 20,000 in the 4 per cent. Loan, as a subscription for the Madura Church, which he was enlarging because his wife had been lately buried there.

(2.) When Sivasamy Taver died a balance was still due, for this Promissory Note, and his widow had to file a suit against Mr. Hayes before it was paid.

12. The records submitted with these cases are, as remarked by Mr. Morehead, "tediously long and unsatisfactory," and this observation applies, in my opinion, to the defence as well as to the prosecution. It would have been better if the Magistrate had confined himself, in the first instance at least, to some of the more prominent charges, and he is open to more serious blame for the highly unbecoming expressions and remarks which he has recorded regarding Mr. Hayes. I believe that they sprang from an honest indignation at Mr. Hayes' abuse of his authority, and at the irritation which has thereby been excited against our administration, but such violent expressions are inexcusable in one holding Mr. Levinge's position, and weaken instead of supporting a cause.

13. Indeed the violence of these expressions, joined to the time which has elapsed since the acts charged against Mr. Hayes, help me to the conclusion that it is best to leave the

parties injured by Mr. Hayes (I allude more especially to acts of wrongful imprisonment) to seek their own redress in the Courts, and that Government should limit itself to removing him from its service instead of ordering a criminal prosecution against him.

E. MALTBY.

13*th November* 1861.

No. 193. MINUTE BY THE HONORABLE THE PRESIDENT.

MR. HAYES' CASE.

No. 5.

1. I have gone carefully over the evidence given in this case, Mr. Hayes' defence, and Mr. Levinge's comments. It is proved and admitted by Mr. Hayes that he did confine Tandavaroyen, and four others for, as Mr. Hayes states, having sent in incorrect returns of income.

2. The evidence of the accuser is precise as to the fact of his imprisonment, as to the payment of 100 Rupees as road subscription, 32 Rupees as a bribe, 20 Rupees as Income Tax; the 100 Rupees being as he says forced from him by threats of surcharge. Other witnesses testify to the fact that the 100 Rupees in question was not inserted in the accounts of the Road Fund until 28th or 29th April, although Mr. Hayes says that it was received on 22nd of February and the prosecutor says that he paid it on 28th February.

3. The statement of prosecutor or accuser is corroborated as to the fact of the imprisonment and in several minor details, such as Mr. Hayes having gone out to ride, &c.

4. Mr. Hayes' defence turns first on the evident animus of Mr. Levinge as against him. He then tries to prove the payment of the sum of 100 Rupees on 22nd February and not on 28th, as stated by prosecutor, which of course, if believed, would relieve him from the charge of having imprisoned the man for the purpose of extorting this sum.

5. But his principal witness, Mr. Stevens, seems only able to prove that he inserted the sum as paid on 22nd of some month, and can only give Mr. Hayes' assertion as to the fact of this.

6. Upon the whole, my opinion is unfavorable to Mr. Hayes; and though I think that the tone and language of Mr. Levinge are singularly deficient in all that should characterize a man called upon to sit in judgment upon his subordinate, and as deserving severe reprehension, I cannot on that account acquit Mr. Hayes, whose defence though drawn up with singular ingenuity appears to me deficient in straightforwardness and honesty.

7. There is no doubt that Mr. Hayes acted illegally in confining the five men. There is no doubt that he acted contrary to positive instructions of the Government. There is strong suspicion, to give it the mildest name, that he did extort 100 Rupees from the prosecutor.

8. There is also strong suspicion that he did intend to appropriate this sum to his own use; giving him, however, the benefit of the doubt in this, he is clearly guilty of having acted most improperly in confining these men, and on this account I think that he is not the sort of person whom it would be desirable to retain in the service of the Government. Having come to this decision upon this case, I do not think it necessary to go into the other charges brought against Mr. Hayes.

(Signed) W. DENISON.

19*th December* 1861.

No. 194. ORDER THEREON, 20th December 1861, No. 2,337.

1. The Governor in Council has carefully considered the charges preferred against Mr. Hayes, his defence, and the evidence in support of the prosecution and defence, and has arrived

at the conclusion that he has been clearly proved guilty of such irregular and illegal acts as render his continued employment as a Deputy Collector and Magistrate impossible. His Excellency in Council resolves therefore to order his dismissal under Section VI, Act VII, of 1857.

2. The Governor in Council feels it incumbent on him to express his serious disapproval of the highly unbecoming and improper expressions and remarks which Mr. Levinge has placed on record regarding Mr. Hayes.

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

4

I have gone through the reports
&c. on the eight charges
brought against Mr Harper
some of the records to which
with these letter. I have never
met with so long delayed a proceeding
& one, and it has caused
a strong, which has
caused the apparent
delay in my disposal of
them.
The records submitted are
tedious by long & unsatisfactory.
It has been a hard task to
peruse

too much against the Days.
And the Evidence has more over
to conduct this Investigation in
a manner to ascertain, as to
a close mean to almost all
of the Question to which the
Days has urged against
them.
In regard of the charges drawn
up here to the Testimony
Honesty has been established
that is to say, that it has been
proved that the Days has
taken money for services
rendered and - But the Records
are near the last Book of Evidence

of the most part a mere matter
of form of Book keeping, which
are not denied by the Days, and
many of the Books are of the opinion
a Nature as clearly to show
that the Days is entitled to
Credit with the powers
he has had confided in
him
In regard to the charge of
Neglect - Here we
have yet to search - Here we
have to Examine the Truth
of the Explanations afforded
by the Days - Let us first see
what the Commissioners

of the Respondents of some thereof
to be set in Force, & for which
in any Specific or Sufficient
Grounds doth by the said
Statutes Rights, in fact they
are deduced to be more than
ever of Holy Force.

No 4 - This charge broke down

No 5, 6 & 7. These charges, Jesse being
to Split-up into Several
& allied & Subsections counts
& Jesse being dealt with in

No 243 - These charges depriving

to have pleased a Person who
treats it in quite a different
at least I pleased to - to receive
at the total destruction contended
for by the Lawyer, treat Mr Day,
in the His Lordship charged
with this Jurors charged
with this Jurors Lordship -
Jurors - Jurors - Jurors
Jurors - Jurors - Jurors
Jurors - Jurors - Jurors

with Equal force to the
charge of the Jurors here -
- This charge sets out
Jurors Monetary Jurors
ashers, treat both the Plaintiff
between Mr Day & the
Jurors Jurors - These
Jurors Jurors Mr Days
Jurors Jurors -
Jurors Jurors Jurors
Jurors - Mr Days Jurors
Jurors - Jurors Jurors
Jurors

that the Papers relating to
the Death of the late Colonel
Lyon, including Mrs Lyon's Letter
of Administration, were forwarded
to Mrs Lyon's Solicitors in Ireland
for the purpose of obtaining Payment
of the Balance of Colonel Lyon's
Pay, & the Solicitors have
since written to me, stating that
they had received the Papers
safely, & had duly, in
my presence, before the Justice
in the Matter to Issue.

3

ascertained, that Deputy
Collectors, were appointed by the
Governor, subject to periodical
Examinations. & that the
Duties prescribed for the
Guidance of the Clerk of the
Peace & Officers of the Dis-
trict - The Papers now before
Court - That the Papers
were in the Custody of Mr Lyon
& consequently
being in a decent Spirited
Manner

with the Deeds - It is
evident by the act to
Incorporate the Co -
to Insure when the Co -
to be done here in Scotch
Stabley & place here
the charge of a Deed
immediately under
the control of a Scotch
Jury would preclude the
possibility of his appeal
to the Public by the Judge
as he has now been
guilty

which the Deeds
in the Deeds to have obtained
on appeal of the Defendant
under the Decision of this
Court, has a tendency &
natural Influence to
which to the admission to
duty, must create feelings
of mistrust & distaste for
them in respect to the Deeds
conduct -

The Question to be decided
is what is to be done

of Gent Jones entitled to
Vote & that the Depty Sheriff
would be for the
Govt to cause Mr Jones
Days in Court &c by
Mr. Days has little or no
Chance for Govt he has
only Cause in Court
this for a short Session
This fact was for the
Inspection of the Court
he was placed in the
Govt had no means

of Summons and the
Sheriff whether he has had
certainly shows that his
Selection for a Deputy Sh
Office but it was a mis
take
The Objection as to
which I now decide Mr
Days &c
1 A total neglect of the duties
& Instructions laid down
for the Composition & Selec

the validity of the Treasurer's tax
2- the illegality (Code No 5).
3- Mr Mahoney's entertainment
persons, whose income
forms he deemed to be
incorrect -
3- That he highly unsuperior Mrs
Mrs in which he solicited
subscriptions for the entertain
ment of the town of Mason
had
4- That the forms sub-

decided by individuals
were so large as to render
it doubtful whether sufficient
that they were given vo-
luntarily - the more so
when such forms were
subscribed by persons in
the employ or indebted to the
persons of [illegible] Mason
had -
5- That Defendants that
the collection of the above
sums

was always connected
with the payment of port
dues enforced by Govt
officials & necessarily
leading in the minds
of the people to the con-
clusion that the whole
was an act of the Govt -

6- The Govt could be ignorant
of this money transactions
with Siva Samy Pasa -

4 Oct - 1878 -

Rev 1861 Dep B
Pro: of Govt for December
No 2680

Minute by the
Hon. W. A. Moredeth
Esq B

Dated 4 Dec
Recvd 12th Nov/61

On the charges
brought against by
Collector, Mr Hayes

No 191.

£233-20 Dgrs

I agree generally with Mr Morehead
in his remarks on these charges
against Mr Hayes, but my opinion
is stronger than that expressed by him
regarding Mr Hayes' re-
gularities & misconduct and I
consider him quite unfit to be em-
ployed in Govt employ.-
If the evidence is not sufficient to
establish personal corruption before a
Criminal Court- Mr Hayes' conduct
has given the gravest cause for sus-
picion by the grossly improper manner
in which he collected money from
persons who came before him officially
as payers of the Income tax or Examiners
for the Office of Village Assessors-
Mr Hayes explains that he received
the money to improve the town of Rose-

- had a charge the Protestant Church there - but no Public servant is allowed to levy money at his own discretion for such purposes, since to permit such conduct is to open immediately the widest door to oppression & corruption. Here there is ample proof of oppression that is to say of money having been extorted through official influence and as I have remarked above, Mr Hayes has given grave cause for his own character for honesty being distrusted - I entirely concur in the reasons given by Mr Morehead for removing Mr Hayes from Grant unplay, and I would add to them as follows - In the 7th count of ~~charge~~ case I it appears to me that Mr Hayes is convicted

of wilful falsehood.
- In ~~charges~~ cases II & III I consider that Mr Hayes is guilty of more than error of judgment. The unjustifiable detention in confinement of some of these persons argues an improper grasp & deliberate abuse of authority.
- Case V. would alone, I consider necessitate Mr Hayes dismissal. - Here Mr Hayes admits that he had kept five persons in confinement some days for giving in wrong returns of income though such confinement is entirely illegal & in defiance of the provisions of the Act which were expressly framed to protect ~~the people from~~ persons making such treatment. But this is not all - I endeavoured ~~to~~ clearly the person interested in the case ~~had~~ was made to pay Rs 100 to which Mr Hayes calls his Madura town fund

although he had no special interest in the town & such a subscription was out of all proportion to his means since it would have exceeded his payment for the Income tax even if Mr Hayes statement of his income was correct. All Mr Hayes can say in his defence is that Pandaroyan Chetty paid the Rs 100 before he was put in custody, a very doubtful point.

These exhibits a singularly reckless abuse of authority. Some Village Munsiffs who were summoned for examination as to their qualifications were made to subscribe Rs 70 & 40 to the "Madura town fund" & threatened to lose their offices if they refused. Mr Hayes cannot deny this & Mr Sewell pertinently asks where could they get such sums & what extortions were they not tempted to practise in their villages to reimburse themselves.

It is also to be remembered that these irregularities & these extortions (for such I must call them) were practised at a time when Mr Hayes was entrusted with the confidential task of carrying out the Income tax & was expected to show the greatest caution & circumspection.

Case XII I fully concur with Mr Knowles in thinking Mr Hayes' money transactions with Seshasamy Iyer highly objectionable & against rule. They are aggravated in my opinion by two facts.

1st He deducted Rs 4000 from the Rs 15000 due from him for the Rs 20000 in the 4% Loan note for Rs 20000 in the Pandara as a subscription to the Pandara Church which he was enlarging.

because his wife had been bodily turned there

2nd When Secretary Power died a balance was still due for the Pro. Note, and his widow had to file a suit against Mr. Hayes before it was paid.

- The records submitted with these cases are, as remarked by Mr. Morehead, "tediously long & unsatisfactory," and their observation appears in my opinion to the defence as well as to the prosecution. - It would have been better if the Magistrate had confined himself, in the first instance at least, to some of the more prominent

charges, and he is open to more serious blame for the highly unbecoming expressions & remarks which he has recorded regarding Mr. Hayes - I believe that they sprung from an honest indignation at Mr. Hayes' abuse of his authority & at the irritation which has thereby been excited against our administration, but such violent expressions are inexcusable in one holding Mr. Jennings' position, & whether instead of satisfying a court.

- Indeed the violence of these expressions point to the time when he has despaired since the acts charged against Mr. Hayes, help me to the conclusion that it is best to leave the parties

(include more especially the acts of wrongful imprisonment)
injured by the Sheriff to such Steer
son extent as the Court, and that
Court should limit itself to ordering
him from its service instead of
ordering a criminal prosecution
against him.

13 Nov/61

Rec 18th Sept
Pro: of Govt for Decr
No 2681.

Minute by the Hon:
E. Maltby Esq

Dated 13 Nov
Received 14th Nov/61

On the charges
brought against
by Cowlr, Mr Hayes.

No 92

No 2337 - 28 Decr

No 5

I have gone carefully over the Evidence given in this case - Mr Hayes' defence and Mr Lavenga comments. It is proved and admitted by Mr Hayes that he did confine Tandaravaya - & on Oath for, as Mr Hayes states having Lent him in consequence of his arrears - His Evidence upon these points is corroborated by the fact of his imprisonment - on the payment of 60 Rupees on Road Labr - 32 Rupees on Arabite - 20 Rupees on Income Tax - This look being as he says forced from him by threats of Confinement - this circumstance tallies with the fact that this case in question was not entered in the accounts of the Road Fund until 28 & 29 April although Mr Hayes says that it was received on 22nd of Feb - & his Prosecutor says that he paid it on 20th Feb - His statement of Prosecutor's account is corroborated as to the fact of his imprisonment

2 mus

and in several minor details and as Mr Hayes having gone into the Mr Hayes defence turns first on the evident animus of the Jury as against him — & then his to prove the payment of the sum of 100 £ on 22 Feb^y and not on 20th as stated by prosecution. what if sum of delivered, would relieve him from the charge of having imprisoned the man for the purpose of extorting this sum — but his principal ground seems only to be to prove that he ~~received~~ this sum as paid on 22^n of sum month. and can only refer the Mayor question as to the fact of this —

upon the whole my opinion is unfavourable to Mr Hayes. and though I think that his sum language of Jury was singularly deficient in all that should charge a man called upon to deliver judgment upon his subordinate & discovery seven Expectation I cannot on that account Mr Hayes whose defence though drawn up with singular ingenuity appears to me deficient in straightforwardness & honesty —

Then is no doubt that Mr Hayes acted illegally in confining the five men —

Then is no doubt that he acted contrary to position & instructions of the Gov^t —

Then is strong suspicion that he did not to the wildest name to permit the most that he did extort 100 £ from the Prosecutor —

Then is also strong suspicion that he did not to appropriate this sum to his own use. giving him however the benefit of the doubt in this — he is clearly guilty of having acted most improperly in confining the men, and on this account I think that he is not his subordinate whom it would

Memorandum.

It is requested that the enclosures Nos. 6465, 6526 and 6583 belonging to the accompanying letters and which are stated to have been forwarded to the Government-Office from the Revenue Board may be furnished to the Press as they are urgently required.

A Morgan

Deputy Superintendent.

Govt Gazette Press
25th Nov/63

To,
The Manager
Revenue Department.

3 Encls
Re Issues of my Opinions
to Panel Lawyers

20

Encls returned
26 Nov

4 Encls

2 Encls

Rec'd 1 Dec/63 Dept.
Pro: of Gov Dec
No 3022.
Minute of the Board
Re Precedents

Dated
Rec'd 20th Dec/63

Re Change Rep
brought Legislation
Dept. Calls for Papers.

No 2337-20-Dec

R. D

No. 2337

Proceedings of the Madras Government
Under date the 20th Dec/61
Read the following papers

Progs: Board of Revenue. Submitting letters from Coll[r] of Madura forwarding his reports on the results of the charges preferred against Mr. Dy Coll[r] Hayes, together with his defence.	(Here enter 31st Augt 1861 No 4721)
Progs: Board of Revenue. Submitting letter from the Coll[r] of Madura forwarding the record connected with the charges against Mr. Hayes, Dy Coll[r].	— " — 10th Sept[r] /61 No 4920
Progs: Board of Revenue Submitting letter from Coll[r] of Madura, 9th Sept[r]/61 No 253 in continuation of B[d] Progs: No 4721 of 31st Aug[t] on the case of Mr Dy Coll[r] Hayes.	— " — 23d Sept[r]/61 No 5143
Progs: Board of Revenue Submitting a letter from the Coll[r] of Madura of 18th Sept[r]/61 relating to the case of Mr. Dy Coll[r] Hayes.	— " — 25th do /61 No 5188
From Sec[y] Board of Rev[e] Forwarding in continuation of B[d] Proc[s] 1st Inst[t] No 5303, Reports from the Coll[r] of Madura on the 6th & 9th Sept[r] charges against Mr Dy Coll[r] Hayes.	— " — 16th Oct[r]/61 No 5693

Issue

From Secy Bd of Revenue
Submitting Mr. Levinge's Report on the last set of charges agt Mr Collr Hayes — (Here enter 18th Oct 1861 No 5744)

Minute by the Honorable
W. A. Morehead Esqre — " 4th " do

Minute by the Honorable
C. Matthey Esqre — " 13th Nov

Minute by the Honorable
The President. — " 19 Dec 1861

Letter of Magistrate of Madura.

Minutes of Mr

The first has carefully considered the charges preferred against Mr Hayes- his defence and the evidence and the arguments of the prosecution & defence and has arrived at the conclusion that he has been clearly proved guilty of such irregular & illegal acts as render his continued employment as a Dept Collr & Magistrate impossible

Ordered & recorded

Para 1 only to Mr Hayes.

All to Collr & Revd Bd.

122-23
8-4-61
cus 2096/61

le Solves therefore & order his discharge under Sect VI Act VII of 1857.

The Jail feels it incumbent on him & his sureties respectfully to call the attention of the Judge to the circumstances & remarks which Mr Lewis placed on his recognizance for his appearance before Mr Hayes.

~~Grand Jury Recognizance~~
~~Larceny Indictment~~

J. D. S

1 Copies. Board of Rev: Cal: 21
1 " Collector of Madera &
Parties. to Mr J. W. Hayes &

NB D