M.R.O. 14—18,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1427 Press Mis.

140- 141

Dated 9 - 8 - 1864.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 9th August 1864.

No: 140. Read the following Proceedings of the Board of Revenue, dated 28th July 1864, No. 4,767.

Read the following letter from the Collector of Tanjore, dated 20th July 1864, No. 248 :—

1. I have had the honor of receiving Extract from the Proceedings of the Board of Revenue, under date the 2nd, and in which the Board state that they do *not* consider my re-investigation of the charges brought by me against Mr. D'Monte satisfactory or complete, and after some remarks on the nature of the evidence the Board recommend that Mr. Clarke, the 3rd Member of the Board, should be called on to re-examine and report on the matter. Government have, in their Proceedings of the 8th instant, I observe, complied with this recommendation, and I may be permitted to state my satisfaction at this determination, and which is, I conceive, not only fair and equitable towards Mr. D'Monte himself, but, looking to the views expressed by the Board in their Proceedings under acknowledgment, absolutely necessary for the ends of public justice.

2. With reference to these Proceedings I beg now to be permitted to place on record the following explanations.

3. The Board remark at length on the re-examination having been restricted to two cases. I would beg respectfully to observe that in the previous cases reported on in the month of January, the evidence was as full and complete as evidence in such matters could possibly be ; further all of it, both parole and documentary, had been placed before Mr. D'Monte, and he had already given in his defence at the utmost possible length. The Board have before them the written applications of merchants, worded in the most explicit terms, asking for permission to retail, on the Government platforms, salt purchased by them wholesale, with the Deputy Collector's order written thereon granting such permission (I beg especially again to call the attention of the Board to my letter of the 19th January last on this subject). In reply to this charge, Mr. D'Monte stated that no such retail sales took place, nor were they authorized by him, and adds that at one time he did send an order expressing an apprehension on the point, and prohibiting such sales. The written endorsements however show, beyond all question, that these sales were taking place with Mr. D'Monte's full cognizance and permission, and the order can, therefore, be looked on as nothing more than a blind and as adding hypocrisy and duplicity to the most unblushing falsehood.

4. Again, the large excesses found in the heaps both by Mr. Hope and Deputy Collector Ramachendra Row, and which were stored during Mr. D'Monte's administration, as also the circumstance of particular heaps having been applied for and granted to particular merchants, are facts which cannot be gainsaid, and can lead to no other inference than that the storing of excess quantities over and above the stated quantity was systematically carried on for Mr. D'Monte's own aggrandisement, and for corrupt purposes. Further, the selling to particular individuals of new salt while old was in hand, and which is clearly and fully established by the accounts of sales, strengthens the inference abovementioned. All these circumstances, as alleged against Mr. D'Monte, have been communicated to him with all the written evidence connected therewith, and he has entered into an explanation regarding them at the fullest possible length.

5. I would also further take leave to observe that the opportunity of cross-examining the witnesses who had been already examined, and of adducing fresh evidence, which the Government directed should be given to Mr. D'Monte, was required and actually availed of by him only in the two cases in which a re-examination has been made. Mr. D'Monte, naturally did not need any re-examination in matters in which he had been put fully in possession of all the facts alleged against him and had given a lengthened and copious defence. Further, in the two cases which formed the subject of re-examination, Mr. D'Monte most distinctly stated that he wanted these two witnesses only to be cross-questioned, viz., Samu Pillai, and P. Vencatasa Chetty.

6. In this paragraph the Board remark that the circumstances under which the payers of the douceurs lost their appointments, &c., have not been made the subject of inquiry. In my first report it was distinctly stated that these changes, &c., were made with reference to the impending revision of the Salt Establishment. It was a matter of notoriety that a revision of these Establishments was shortly to take place, and in which the number of employés was to be reduced while the salaries of those retained were to be very considerably increased. At such a juncture it is certainly by no means improbable that every one would be anxious about his fate, and would naturally avail himself of the means which, under a corrupt and dishonest head, presented themselves for securing a footing with increased salary. I would also observe that, because the cases now inquired into have been brought to light, it by no means follows that these were the only cases in which the trafficing took place; and, on the contrary, I think the inference can very legitimately be drawn, that if Mr. D'Monte did avail himself of the opportunity of enriching himself in these cases, he would not scruple to follow the same course in the case of others. Indeed, the very numerous transfers and dismissals of the subordinates in the Salt Department, which did take place within a very short time before Mr. D'Monte left the District on leave, and without any apparent reason, as shown in the Statement E. submitted with my report of the 17th January last, can, I submit, lead to no other conclusion than that they were made with a view to promote the interests of some, and to disfavour others. In the same paragraph the Board further remark that no inquiries have been made as to what inducements were held out to the parties who paid these douceurs to come forward and give evidence against Mr. D'Monte. In reply I beg to state that no inducements whatever were held out, and that it was simply the fact that the abuses in the Salt Department were being gradually brought to light, and that it was not only unsafe, but useless to conceal facts which were capable of being otherwise substantiated. I had myself not the slightest doubt of the truth of the facts deposed to especially, and, as I have already remarked, as the witnesses were in several cases recording evidence against themselves, I submit therefore I had no reason to believe that they were actuated by improper motives, and that therefore there was no occasion for me to make inquiry into what these motives really were.

Paragraph 9.

7. In this paragraph the Board observe that at the time the note in question is alleged to have been given to Srinivassa Mudali, the Collector was making vigorous enquiries into the abuses said to be prevalent in the Salt Department, thus indicating or seeming to indicate that it was improbable Mr. D'Monte would have given the note at such a time; but I would take leave to observe that it was just because these vigorous inquiries were being made, Mr. D'Monte found himself compelled to make up matters with his mediator, or to attempt at least to make them up, and thus endeavour to deter that individual from turning against him.

Paragraph 10.

8. In paragraph 11, the Board further remark that the note, though dated the 25th January, was not produced before the Collector till the 5th February; in reply to this, I would simply observe that there was nothing to prevent Srinivassa Mudali, who was a friend of Mr. D'Monte up to the 25th January, remaining so up to the 5th February. The note was not given to him, it will be remembered, to be produced before me, and there is therefore nothing unaccountable in its having been retained by Srinivassa Mudali till the 5th February, and then produced before me when he (1st witness) found that he was not likely to get any of his money by retaining it, and that under existing circumstances his keeping by Mr. D'Monte would do him no good. I do not of course pretend for a moment to justify such conduct, but in the circumstances in which he was then placed it was by no means an unlikely or improbable line of conduct for him to adopt, and it must be remembered that at the last he came forwarded very unwillingly, and chiefly on the solicitations of Chedumbara Pillai.

Proceedings of the Madras Government, Revenue Department,
9th August 1864.

9. In the same paragraph the Board remark that in the Collector's investigation no endeavour would seem to have been made to ascertain the truth of Mr. D'Monte's statement regarding the note. The Board seem, however, to have lost sight of the fact that that statement was never before me, and that although I was deputed to hold an investigation, the party accused has been allowed, from the commencement, to hold correspondence direct with the Board, and to submit statements which I had not an opportunity of proving or disproving. Even after the second investigation held by me under the orders of Government after the proceedings were closed, and after Mr. D'Monte had again a second time submitted his final defence, he is permitted to go on corresponding with the Board. The story relating to the telegram to Negapatam, the notice to the Police, and Mr. D'Monte's own journey thither to find out what had become of this important note, has formed the subject of a direct correspondence between Mr. D'Monte and the Board, of which the Collector was perfectly unaware until the receipt of the Board's last Proceedings dated the 2nd July, and there was not the slightest mention of the story in the written defence furnished by Mr. D'Monte after the re-examination of the case by orders of Government, and after Mr. D'Monte had had a full opportunity of knowing what the charges relating to the note was, and of cross-examining the only witnesses whom he wanted to examine. Such being the case, the Board now find fault with me for not entering into an investigation of facts studiously and designedly withheld from me, and *(? condemn)* my inquiry as incomplete. With all deference to the Board of Revenue I must submit such a proceeding is most unjust and unfair to myself.

10. As the statements, however, of Mr. D'Monte, adverted to in this paragraph, will undergo full and sifting inquiry before Mr. Clarke, I will not add more here further than to remark that the person to whom it is alleged the note was given, was an office Massalchi dismissed by Mr. D'Monte, and who had appealed against Mr. D'Monte's decision to myself, that he is since deceased, and that if Mr. D'Monte did go to Negapatam, as he states he did, he could have had little difficulty if not in receiving *(? recovering)* the note of hand at least in stopping the payment thereof. This was however not only not done, but there is nothing on the records of the Police, either at Tanjore or Negapatam, to show that any report of such loss was made, nor up to the 12th of this month was there any telegram bearing on the matter on the records of the Telegraph Office.

11. I would only take permission to make one other remark, and that is, that in the 12th paragraph of their Proceedings, by a marginal note, the Board assume a clerical error, and then proceed to argue upon what they consider ought to have been the proper date. I deem it my duty, however, respectfully to state that the error thus assumed has no existence in fact, and the arguments and reasons therefore founded thereon in the remaining part of the paragraph, as to the discrepancies in the statements of the witnesses, must therefore necessarily fall to the ground. I admit that the statements of the witnesses are somewhat less explicit than they might have been, but this omission will be supplied before Mr. Clarke, and the story of these witnesses will, I trust, be shown to be clear and consistent.

12. I would further add that I have forwarded a copy of this letter to Mr. Clarke, with a request that he will submit the same with his report to Government.

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1. As the case is now under inquiry before Mr. Clarke, 3rd Member of the Board, to whom Mr. Cadell has forwarded copy of the above letter, the Board deem it not fitting to discuss the points raised by Mr. Cadell, and will only submit the letter for the information of Government.

2. There is, however, one point which needs further notice by the Board. Mr. Cadell speaks in an injured tone of a correspondence having passed between Mr. D'Monte and the Board, while the Collector was conducting the inquiry, of which correspondence he (the Collector) was not informed. Mr. Cadell is not warranted by facts in making this statement. The Board received from Mr. D'Monte from time to time copies of correspondence held by him with the Collector, but no correspondence was held by the Board with Mr. D'Monte as may naturally be

supposed, and the Board believe that except the explanation offered by Mr. D'Monte in the statement accompanying his letter of 16th March regarding the note transaction, there was nothing of the slightest importance in the papers received from Mr. D'Monte that was not already on the Collector's records.

3. Mr. D'Monte's letter of 16th March reached the Board about the same time as the Collector's letter of 17th idem, reporting on the matter in question; but as the whole of the original papers are with Mr. Clarke, the Board cannot fix the precise date. It was, however, so received as to preclude the Board from forwarding it to the Collector, whose inquiry had been closed, and Mr. D'Monte himself was in Madras, so that the Collector could not then have questioned him on his statement. The whole of the papers were sent to Government with the Board's Proceedings of 5th April, and the Board presume that the whole (including Mr. D'Monte's letter of 16th March and its enclosure) reached the Collector with the Government Order, dated 4th May 1864, returning the case to the Collector for further inquiry.

4. Mr. D'Monte's statements to the Board regarding the note were not inconsistent with what the Collector reported him to have said regarding it, in the letter dated 17th March abovementioned, and the Board are under the impression that the more detailed statement was in the Collector's possession as part of the papers submitted to Government, when the case was re-opened by him under the Government Order of 4th May. If this was not so, the Board admit that Mr. Cadell was not in a position to have tested Mr. D'Monte's statement; but in any case they consider that Mr. Cadell should have more closely sifted Mr. D'Monte's statement to him on the matter of the note, and in no case was the Collector warranted in imputing to the Board unfairness or injustice towards himself.

No. 141. ORDER THEREON, 9th August 1864, No. 1,427.

Separate Revenue, No. 75.
Salt.

Ordered to be recorded.

(True Extract.)

Deputy Secretary to Government.

Exd. S. T. Augustin.

9. In the same paragraph the Board remark that in the Collector's investigation no endeavor would seem to have been made to ascertain the truth of Mr. D'Monte's statement regarding the note. The Board seem however to have lost sight of the fact that that statement was never before me, and that although I was deputed to hold an investigation, the party accused has been allowed, from the commencement, to hold correspondence direct with the Board, and to submit statements which I had not an opportunity of proving or disproving. Even after the second investigation held by me under the orders of Government after the proceedings were closed, and after Mr. D'Monte had again a second time submitted his final defence, he is permitted to go on corresponding with the Board. The story relating to the telegram to Negapatam, the notice to the Police, and Mr. D'Monte's own journey thither to find out what had become of this important note, has formed the subject of a direct correspondence between Mr. D'Monte and the Board, of which the Collector was perfectly unaware until the receipt of the Board's last Proceedings dated the 2nd July, and there was not the slightest mention of the story in the written defence furnished by Mr. D'Monte after the re-examination of the case by orders of Government, and after Mr. D'Monte had had a full opportunity of knowing what the charges relating to the note was, and of cross-examining the only witnesses whom he wanted to examine. Such being the case, the Board now find fault with me for not entering into an investigation of facts studiously and designedly withheld from me and *(? condemn)* my inquiry as incomplete. With all deference to the Board of Revenue I must submit such a proceeding is most unjust and unfair to myself.

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(A true Copy and Extract.)

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.
" W. M. Cadell, Esq., Collector of Tanjore.
Copy to T. Clarke, Esq., 3rd Member of the Board of Revenue.

Exd. J. Wright.

Pro. 4 May 1864 54-55
& July — — 158-159

Pers — 1864. Department.
Dis. of Govt for Augt.

No. 1994.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 28th July 1864.

No. 4,767.

Further C.t 2116 of 1864

Submitting for information with remarks letter from the Collector of Tanjore explaining certain circumstances connected with the investigation of the charges preferred against Mr D'Monte, Deputy Collector of the Salt Department.

R. 1427.

RECORDED.

9 Augt 1864