M.R.O. 14—13,000—27-9-34

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1575 Press ~~Mis.~~

313-314

Dated 20 - 8. 1864.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 20th August 1864.

No. 313. Read the following Proceedings of the Board of Revenue, dated 9th August 1864, No. 5,096.

Read the following letter from W. M. CADELL, Esq., Collector of Tanjore, dated 4th August 1864, No. 262 :—

1. I have had the honor to receive a copy of the Proceedings of the Board of Revenue, under date the 28th ultimo, and containing their remarks on my letter of the 18th idem, relative to Mr. D'Monte's case.

2. I am most unwilling to enter on any protracted correspondence with the Board, or to appear even to question the decisions at which they have arrived, and under ordinary circumstances, I should have deemed it my duty to be silent, but when as in the present case, the Board have based their remarks on a virtual denial of facts brought forward by myself, it is impossible with due regard either to myself personally, or to the position I hold, that I should not attempt to rebut the charge brought against me, of deliberate falsehood.

3. In paragraph 3 of their Proceedings under acknowledgment, " the Board *presume* " that the whole (of the papers) including Mr. D'Monte's letter of the16th March and its enclo- " sures reached the Collector with the Government Order dated the 4th May 1864, returning " the case to the Collector for further inquiry ;" and again in paragraph 4, they " are (even now) " 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 Orders of the 4th May."

4. On what grounds this presumption and this impression of the Board are based, it is really very difficult to say, but I assert most distinctly and positively that the Order of Government of the 4th May last, was communicated to me by the Board themselves on the 6th idem, *without one single paper*, and that it was not till the receipt of the Board's Proceedings of the 2nd July, that I was even aware of what, as I now gather from the 11th paragraph of these Proceedings, the contents of the enclosure to Mr. D'Monte's letter of the 16th March really were. Even up to this time, I have not had an opportunity of seeing the latter, and as the Board must be well aware, the only paper I did receive was the note marked A, and for which I made a special application on the 27th May last, and which I returned with my final report of the 16th June.

5. Such being the case, I must submit, that I was fully warranted in stating that I was blamed by the Board for not making inquiry into, or testing statements, which were not before me, and with which I was altogether unacquainted.

6. The Board in paragraph 4 further state, that Mr. D'Monte's statements to the Board regarding the note were not inconsistent with what the Collector reported him to have said ; but I would beg particular attention to the fact that Mr. D'Monte's statement before me, and which is contained in his deposition submitted with my letter above referred to, amounted almost to nothing, for Mr. D'Monte positively declined to enter before me with any explanation regarding the note, except that it was given to his servant Muniandi to be taken to his Cashier Samu Pillai ; while, in the enclosure in his letter to the Board dated the 16th March, he stated that he had been telegraphing to Negapatam regarding the loss of the note ; had reported the matter officially to the Police both at Tanjore and Negapatam ; that he (Mr. D'Monte) himself had proceeded to Negapatam to inquire in person about it, and that he had had two interviews with Muniandi's father regarding it, and yet it was for not testing the truth of these particular statements with which, as I have shown, I could not have been acquainted that the Board find fault with me, and pronounce my inquiry as unsatisfactory.

7. The truth as it appears to me is clearly this, that throughout this investigation, Mr. D' Monte's real object has been to evade inquiry and to avoid making any statement before myself, the truth of which could be tested or sifted, and his endeavor has been simply to endeavor to create a vague impression on the mind of the Board that he was an innocent and much ill-used man, the victim of a conspiracy in the Collector's Office, and so on. As I have already said, Mr. D'Monte declined most firmly to enter before me into any definite explanation regarding the note

and if the statements contained in the enclosure, "containing a brief summary of his unfortunate circumstances," were true, there certainly was no good reason why they should not have been made before me, either in the first inqury, or in his written defence, as directed to be taken by Government. This however, it is clear, would not have suited Mr. D'Monte's purpose, and I would particularly call attention to the fact that the statements were themselves after all not made in a letter, but in an enclosure to a letter and thus placed amongst paper, which are usually not printed with the Board's Proceedings.

8. It is however very far from my wish or intention to enter into a discussion of the merits of the case now under re-investigation, but I have considered it necessary to state this much to show Mr. D'Monte's consummate trickery and craftiness in studiously withholding from me the real line of defence set up in his communication to the Board, and which communication, it is to be observed, was sent just in time to admit of its being considered along with my report, without at the same time my being allowed to have an insight into it. I do not presume to offer an opinion as to whether the Board were, or were not, warranted in not placing before me Mr. D'Monte's particular statements above alluded to, or in allowing Mr. D'Monte to carry on a running defence even after the proceedings were closed, and the Board had submitted their report to Government; but if I was entrusted with an inquiry by the Government, and called on to submit a report, I conceive it was but fair to myself that I should have had all the papers placed before me; under any circumstances, however, I cannot and will not submit to be charged with wilful and deliberate falsehood in stating (as has been assumed by the Board) that I was in possession of certain information, when, as the Board could have very easily satisfied themselves from their own records, that information was never placed before me.

9. As the Board have thought proper to submit my last letter to Government, I most respectfully request they will also forward a copy of this communication.

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1. The above letter will, as requested, be submitted for the information of Government, but the Board need scarcely say that they entirely disclaim the remotest intention to impute "wilful and deliberate falsehood" to Mr. Cadell.

2. The papers to which Mr. Cadell refers were not returned with the Government Order on the Board's original Proceedings, and when passing the Proceedings to which Mr. Cadell now replies, the Board were under the impression that as was recently done in the case of the reference to Mr. Clarke, the papers had been sent direct to Mr. Cadell from the Government Office, as the case had been referred back to him for further inquiry. They deemed it possible that Mr. Cadell might have failed to perceive that the bundle included other papers besides those sent up by him, but it never occurred to them for a moment to question the entire truthfulness of Mr. Cadell's statement, nor did they in any way do so. They expressly remarked that if they were wrong in their supposition, then Mr. Cadell had not been in a position to make the sifting inqury which they deemed necessary.

3. The Board do not at all see that they were precluded from receiving Mr. D'Monte's letter and its enclosures, because it reached them after, or at the same time with the Collector's report. So far from the proceedings being "closed" they were barely commenced, and Mr. D'Monte had not been put on his defence or even formally arraigned by the Collector.

No. 314. ORDER THEREON, 20th August 1864, No. 1,515.

Separate Revenue, No. 83.
Salt.

Ordered to be recorded.

(True Extract.)

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

Exd. S. T. Augustin.

Pro. 4 : May 64 + 52-55
9 August — 140-141

Rev. 1864. Department.
Pro. of Govt for Aug.

No. 2116.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 9th August 1864.

Rec'd 11 Aug
Rec'd 12 do

No. 5,096.

1515

Submitting with observations leter from the Collector of Tanjore making further remarks on Board's Proceedings dated 28th July 1864 regarding the case of Mr DMonte, Salt Deputy Collector.

No. 313 & 314.

8th. 1515.

RECORDED.

JP.

C 15 Aug 64 No 16

2108 1862